



Project Decision

Interior Accessory Dwelling Unit by Zander

Permit No. SFR-ADU-2020-001

10432 Marine View Drive
Mukilteo, WA 98275

William Zander submitted a land use application for an Accessory Dwelling Unit (ADU) permit (“Project Permit”) with the City of Mukilteo on March 4, 2020. The City of Mukilteo determined the application complete on April 22, 2020.

Project Name:	Interior Accessory Dwelling Unit by Zander
Applicant/ Proponent:	William Zander
Snohomish County Parcel ID:	00408600802300
Property Address:	10432 Marine View Drive, Mukilteo, WA 98275
Permit Number:	SFR-ADU-2020-001

DESCRIPTION OF PROPOSAL

The applicant proposes to construct an addition to the existing residence that will include an interior Accessory Dwelling Unit (ADU). The proposed ADU will occupy 697 square feet of living space and will include one bedroom. The proposal includes a separate dwelling entrance for the ADU, provides off-street parking for both the primary unit and accessory unit, and includes screening elements for privacy of adjacent land uses. The ADU requires approval in accordance with the requirements of Mukilteo Municipal Code (MMC) Chapter 17.13 Land Use and Development Review Procedures and Chapter 17.30 Accessory Dwelling Units.

LOCATION OF PROPOSAL

Property legally described as: LOT 23 IN BLOCK 8 OF CHENNAULT BEACH, AS PER PLAT RECORDED IN VOLUME 11 OF PLATS, PAGES 96 THROUGH 99, RECORDS OF SNOHOMISH COUNTY AUDITOR; SITUATE IN THE CITY OF MUKILTEO, COUNTY OF SNOHOMISH, STATE OF WASHINGTON.; commonly known as 10432 Marine View Drive, Mukilteo, Washington.

COMPREHENSIVE PLAN/ZONING/ADJACENT USES

The Comprehensive Plan designations, zoning and existing land uses of surrounding properties is as follows:

Table 1: Analysis of Adjacent Properties – Comprehensive Plan Designation, Zoning and Land Use

Property	Comprehensive Plan	Zoning	Land Use
Subject Property	Single Family Residential – Low Density	RD 12.5 (S) Single-Family Residential	Single-family residence with proposed interior ADU
North	Single Family Residential – Low Density	RD 12.5 (S) Single-Family Residential	Single-family residence
South	Single Family Residential – Low Density	RD 12.5 (S) Single-Family Residential	Single-family residence
West	None	None	BNSF Railroad and Possession Sound
East	Single Family Residential - Low Density	RD 12.5 (S) Single-Family Residential	Single-family residence

PROJECT DECISION

Staff administratively reviewed this project for consistency with the policies, standards, and regulations of the City of Mukilteo. After considering the application and comments by the public and other agencies, the land use application for an accessory dwelling unit is hereby APPROVED based on the following Findings of Fact and Conditions of Project Approval.

Project Decision:	Approved, SUBJECT TO CONDITIONS
Decision Date:	Friday, March 5, 2021
Appeal Period:	Friday, March 19, 2021, 4:30 pm
Permit Expiration Date:	March 5, 2023

FINDINGS OF FACT

1. The applicant submitted a land use permit application for construction of a single-family residence with an attached ADU on March 4, 2020. The City of Mukilteo determined the application complete on April 22, 2020.
2. In accordance with MMC Chapter 17.13, a Notice of Application was issued on May 4, 2020, and the project was reviewed in accordance with development review and permitting procedures.
3. The City received two questions regarding the application. One question from the Mukilteo Water & Wastewater District asking if the project required fire sprinklers and another question from Dan Post asking about the status/result of the application.
4. The subject property is located at 10432 Marine View Drive. Snohomish County Assessor's Office identifies the property as parcel number 00408600802300. The property is approximately 25,300 square feet in area. Access to the property is from Marine View Drive.

5. According to the City of Mukilteo Comprehensive Plan, the subject property is designated “Single-Family Residential – Low Density”. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan including the following policies:
 - a. LU2: Development regulations and standards that improve the quality of life of Mukilteo residents and promote the City’s single-family residential character should be adopted.
 - b. HO1: Retention of existing housing stock should be a City priority.
 - c. HO2: Housing policies, programs, and regulations designed to support and promote sustainability and which minimize the impact on environmentally sensitive areas should be developed.
 - d. HO5: A wide variety of housing options should be encouraged in the City’s residential and mixed-use zoning districts to meet demands for housing, including affordable housing.
6. The subject property is zoned RD 12.5(S) Single-Family Residential District and requires a 12,500 square foot minimum lot area.
7. The proposed development of an ADU is a permitted use in the RD 12.5(S) zoning district (MMC section 17.16.040(A) “Permitted use matrix”, Table 17.16.040).
8. The project is exempt from State Environmental Policy Act (SEPA) per Washington Administrative Code (WAC) 197-11-800(1)(b)(i). The ADU permit is exempt from SEPA review per WAC 197-11-800 (6)(b).
9. The single-family dwelling and ADU proposal complies with use, area, lot dimension and parking requirements of the RD 12.5(S) Single Family Residential zoning district in MMC Chapter 17.20 “Bulk Regulations”:

Table 2: Analysis of Development Requirements – MMC Chapter 17.20 “Bulk Regulations”

Municipal Code 17.XX.XXX	Requirement	Submitted	Criteria Satisfied
Building Height (Maximum) 17.20.020	35'	31.3'	Yes
Front Setback (Minimum) 17.20.020	20'	20'	Yes
Rear Setback (Minimum) 17.20.020	5'	237' (see critical area setback below)	Yes
Side Setback(s) (Minimum) 17.20.020	5'	7 ½', 11', total 18 ½'	Yes
Lot Coverage (Maximum) 17.20.020	35%	13%	Yes
Hard Surface Coverage (Maximum) 17.20.028	55%	25%	Yes
Parking (Minimum) 17.20.020	Two (2) stalls per dwelling unit Four (4) total stalls required	Two (2) garage spaces and at least two (2+) driveway tandem spaces are provided for the principal unit and ADU.	Yes

10. Critical areas are regulated by MMC Chapters 17.52 (A-E). The following is a review and analysis of standards set by MMC Chapter 17.52A:

Table 3: Analysis of Critical Area Regulations – MMC Chapters 17.52 A-E

Municipal Code 17.XX.XXX	Requirement	Submitted	Criteria Satisfied
Steep Slope Setback 17.52A.050	Applicants proposing development on undeveloped lots within a geologic sensitive area shall comply with the building setback and buffer recommendation presented in the geotechnical analysis. In no case shall the critical slope setback be less than twenty-five feet from a steep slope (forty percent or twenty-two-degree angle) unless allowed through the "reasonable use" provisions of the Mukilteo Municipal Code and supported by a geotechnical report and approved by the public works director.	Proposed addition and ADU located outside of the 25' setback.	Yes
Wetland Buffer 17.52B.100(K)	If an existing property has a previously delineated and/or approved wetland and associated buffer approved by the city, the approved wetland buffer will remain in effect. Redevelopment, previously disturbed areas (clearing limits), and/or additions outside of the existing footprint shall be subject to the previously approved buffer, however a buffer enhancement plan may be required in accordance with subsection D of this section if the wetland or buffer has become degraded or is currently not functioning or if the wetland and/or buffer may be negatively affected by proposed new development.	A wetland located on the property was delineated and classified as a Category II wetland with a 100-foot buffer. The Wetland is approximately 0.4 acres and is located on the slope and continues downslope. Proposed addition and ADU located outside of the 100' buffer.	Yes
Flood Damage Prevention 15.12.030	This chapter applies to all areas of special flood hazard within the jurisdictional limits of the city.	Proposed addition and ADU located outside of the floodplain	Yes

11. Approximately half of the site on the western side is encumbered by a critical slope . Proposed addition and interior ADU are located outside of the critical slope setback.
12. The City recognizes a previously delineated wetland by Barghausen Consulting Engineers, Inc. dated. May 24, 2007. The wetland is approximately 0.4 acres and is located on the slope and continues downslope. The wetland is classified as a Category II wetland with a 100-foot buffer. Proposed addition and interior ADU are located outside of the wetland buffer.
13. Proposed addition and interior ADU are located outside of the floodplain area.
14. Shoreline areas are regulated MMC Title 17B Shoreline Management Regulations. The following is a review and analysis of standards set by MMC Title 17B:

Table 4: Analysis of Shoreline Management Regulations – MMC Title 17B

Municipal Code 17.XX.XXX	Requirement	Submitted	Criteria Satisfied
Shoreland Area	"... lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this title; the same to be designated as to location by the Department of Ecology."	Project located outside of the two hundred foot area from the ordinary high water mark; floodways and contiguous floodplain areas and is exempt from Shor	Not applicable

15. Proposed addition and interior ADU are located outside of the shoreland area and floodplain area.

16. ADUs are regulated by MMC Chapter 17.30 including design, configuration, eligibility, and uses. The following is a review and analysis of standards set by MMC Chapter 17.30:

Table 5: Analysis of Development Requirements – MMC Chapter 17.30 "Accessory Dwelling Units"

Municipal Code 17.XX.XXX	Requirement	Analysis	Criteria Satisfied
Type 17.30.020	Interior, Attached, or Detached	Interior. Proposed ADU is located entirely within the footprint of the principal dwelling unit.	Yes
Lot Size 17.30.030(B)(1)	Five thousand square feet (5,000 sf) for interior and attached units	Lot Area: 25,300 sf per record of survey	Yes
Residency 17.30.030(C)	The property owner resides in either the principal unit or the accessory dwelling unit as the permanent residence for at least six months of each calendar year	Condition of permit approval. See Condition #10.	Condition of permit approval
Parking 17.30.030(D) 17.30.060(I)(1)	There are at least two (2) off-street parking spaces serving the principal dwelling unit and at least one space is within a garage or carport. Access to the accessory dwelling unit's parking spaces shall not require crossing over any part of a parking space serving the principal unit nor may the accessory unit's parking spaces be located in tandem to the principal unit's spaces.	Two (2) garage spaces and at least two (2+) driveway tandem spaces are provided for the principal unit and ADU. The dedicated spaces for the ADU are independent of the principal unit's parking spaces and do not require crossing over any of the principal parking spaces. Therefore, parking criteria area satisfied.	Yes

Municipal Code 17.XX.XXX	Requirement	Analysis	Criteria Satisfied
Existing Onsite Uses 17.30.030(E)	If any of the following uses are located on the lot, then an accessory dwelling unit shall not be allowed: <ol style="list-style-type: none"> 1. Existing accessory dwelling unit. 2. Extended family dwelling unit. 3. Family day care home. 4. Housing for people with functional disabilities. 5. Rooming and boarding. 	Existing onsite use: Single-family residence on the property. Application proposes an addition to the existing single-family residence with an interior ADU. None of the listed uses are proposed to be located on this site and shall not be allowed in the future.	Yes
MMC Section 17.30.060 Development and Design Standards (As Applicable to Interior ADUs)			
Municipal Code	Requirement	Analysis	Criteria Satisfied
Structure Exterior Standards 17.30.060(B)	1. New exterior construction shall be similar to exterior appearance of principal dwelling unit	The proposed attached ADU will be conditioned that the materials and paint color are to match the primary dwelling unit. See Condition #7.	Condition of permit approval
	2. The roof pitch shall be similar to the predominant roof pitch of the principal dwelling unit	The proposed ADU is interior to the primary unit.	Not applicable
	3. Trim must be the same in type, style, design, size, and location as the trim used on the principal dwelling	The interior detached ADU will be conditioned that the trim matches the principal dwelling unit. See Condition #8.	Condition of permit approval
	4. Windows shall be similar to those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard shall not apply when in conflict with building code regulations.	Sheet A6.2 provides a description of the proposed window. All windows in both units are similar in shape and size. The two windows in the ADU facing the immediate adjacent property to the north are smaller in size to promote privacy. Structure exterior standards are satisfied.	Yes
Location 17.30.060(C)	1. Attached accessory units shall: <ol style="list-style-type: none"> a. Comply with the standard unmodified setback requirements of the underlying zoning district. b. Not be closer to the front property line than the front of the principal unit. 	See Table 2: Analysis of Development Requirements – MMC Chapter 17.20 "Bulk Regulations" for setback analysis. Proposed ADU is interior to the primary structure and meets setback requirements. Proposed ADU will not be closer to the front property line than the front of the principal unit. Location criteria are satisfied.	Yes

Municipal Code 17.XX.XXX	Requirement	Analysis	Criteria Satisfied
Height 17.30.060(D)	<ol style="list-style-type: none"> 1. Comply with the maximum building heights allowed for the underlying zoning district; 2. Not exceed the height of the principal dwelling unit if a detached unit; 3. Be a maximum of two floors/stories; or 4. A maximum of one floor/story if a detached unit located above a garage or storage area or habitable area 	<p>Maximum Height: 35' Proposed Structure: 31.3'</p> <p>The proposed ADU is interior to the primary structure and does not exceed the height of either maximum building height or the primary structure.</p>	Yes
Setbacks 17.30.060(E)	All accessory dwelling units shall conform to the front, rear and side yard setbacks for the underlying zoning district.	See Table 2: Analysis of Development Requirements – MMC Chapter 17.20 “Bulk Regulations” for setback analysis. Proposed ADU is attached to the primary structure and meets setback requirements.	Yes
Pedestrian Entrances 17.30.060(F)	<ol style="list-style-type: none"> 1. Direct access to exterior independent of principal unit 2. Subordinate to principal dwelling unit entrance 3. Shall not face public street from which the principal unit takes primary access from 4. Stairway shall be internal or external if not on front façade 5. ADU shall access off alley 6. Shall be connected to the street by an unobstructed hard surface pedestrian walkway with vertical clearance of seven feet 	<p>The proposed plans show access to the detached ADU independent and subordinate to the principal unit. Plans included an unobstructed hard surface pedestrian walkway from the driveway to the ADU. The access faces internally to the lot and does not face a public street or alley,</p> <p>Pedestrian entrance standards are satisfied.</p>	Yes
Privacy 17.30.060(G)	<p>The privacy of dwelling units on adjacent lots and accessory dwelling units shall be protected to the maximum extent practical by:</p> <ol style="list-style-type: none"> 4. Interior ADUs are exempted from the privacy design standard requirements. 	Not applicable	Not applicable

Municipal Code 17.XX.XXX	Requirement	Analysis	Criteria Satisfied
Floor Area 17.30.060(H)	<ol style="list-style-type: none"> 1. The accessory dwelling unit shall have a gross floor area of no more than seven hundred square feet or sixty percent of the floor area of the principal dwelling unit, whichever is less. 2. The accessory dwelling unit shall have no more than one bedroom. 	<p>Principal Unit: 4,224 sf ADU: 697 sf ADU (%): 17% ADU bedrooms: One (1)</p> <p>Floor area criteria area satisfied.</p>	Yes
Parking 17.30.060(I)	<p>At least two off-street parking spaces shall be provided for the accessory dwelling unit, in addition to the parking required for the principal dwelling unit. The parking space(s):</p> <ol style="list-style-type: none"> a. Shall be dedicated solely for use by the accessory dwelling unit residents. b. Shall have a defined hardened surface such as, but not limited to, pavement, concrete (pervious or impervious) or gravel. c. May be located in a garage, carport, or in an off-street area reserved for vehicle parking. d. Shall be independent of the principal unit's parking spaces, which means access to the accessory dwelling unit's parking spaces shall not require crossing over any part of a parking space serving the principal unit nor may the accessory unit's parking spaces be located in tandem to the principal unit's spaces. e. May encroach into a side yard setback area only if no structures are within thirteen feet of the property line. 	<p>Two (2) garage spaces and at least two (2+) driveway tandem spaces are provided for the principal unit. One (1) garage space and one driveway space is provided for the ADU. The dedicated spaces for the ADU are independent of the principal unit's parking spaces and do not require crossing over any of the principal parking spaces. Therefore, parking criteria area satisfied.</p>	Yes

3. Utilities are available to serve the subject property. Water and sewer available from the Mukilteo Water & Wastewater District. Electricity is available from Snohomish County PUD.
4. The property lies outside the 55 DNL noise contour of Paine Field Airport.
5. Staff administratively reviewed this project for consistency with all applicable requirements of the MMC that apply to the subject property. Based on this review, it has been determined that

development of the ADU will conform to all applicable zoning and development standards and that, as conditioned, the project will have no adverse impacts to the public health, safety or general welfare.

6. The accessory dwelling unit permit shall expire automatically if:
 - a. An approved owner's certificate of occupancy is not submitted each year by April 1st as required in of Mukilteo Municipal Code section 17.30.090(C).
 - b. The accessory dwelling unit is altered such that it no longer conforms with the intent of the plans approved by the director.
 - c. The required off-street parking spaces for both the accessory and principal dwelling units are no longer provided in conformance with the requirements of the MMC or this decision.
 - d. The applicant ceases to own the property and reside in either the principal or the accessory dwelling unit.
 - e. City access to inspect the property is not provided within fourteen days of a request for inspection being mailed to the property owner.
7. Effect of Property Sale.
 - a. If the original applicant for an existing accessory dwelling unit permit sells the property where the unit is located, a permit application shall be submitted by the new contract purchaser or new property owner. The application shall be reviewed pursuant to MMC Chapter 17.13, as currently exists or as amended, except submittal of construction drawings and/or site plans is not required if no physical modifications to the existing accessory dwelling unit are proposed.
 - b. If property with an occupied accessory dwelling unit is sold, tenants may continue to reside at the property for the remainder of any lease, or up to ninety (90) calendar days, whichever is shorter. A single additional continuation of up to ninety (90) calendar days may be granted by the director, upon written request by both the tenant and the (new) property owner, if it is determined termination of residency by the tenants would impose a substantial and unusual hardship on the tenants. For continued occupancy by the tenants, the new property owner must obtain an accessory dwelling unit permit.
8. Cancellation. An accessory dwelling unit permit may be cancelled by the property owner by filing with the city an affidavit that the owner is relinquishing an approved accessory dwelling unit permit and recording the certificate at the county.
9. Revocation. A permit for an accessory dwelling unit may be revoked by the city for violation of the City's accessory dwelling unit requirements, including conditions of this approval, or if the city discovers fraudulent activity in obtaining the permit.
10. Recording Requirements. The permit for the accessory dwelling unit shall not become effective until evidence is provided to the director that a land use permit binder and other documents as required by the director have been recorded with the Snohomish County auditor's office. The recorded document(s), in a format approved by the director, shall contain, but not be limited to, the following information:
 - a. Identify the parcel where the accessory dwelling unit is located;
 - b. State the accessory dwelling unit permit is only valid for the identified parcel;

- c. State any changes to the recorded documents must be approved by the city of Mukilteo;
 - d. State the owner of the property lives in one of the dwelling units;
 - e. Notify future owners or long-term lessors of the subject property that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the property owner;
 - f. Notify prospective buyers of the limitations of this approval and code requirements and to provide for the removal of improvements that created the accessory dwelling unit and restoration of the site to a single-family dwelling with no additional dwelling units in the event that any condition of approval is violated.
11. The proposed project shall comply with the following MMC requirements. The following list is not intended to be comprehensive, as all other applicable requirements must be met, but is provided to inform the applicant of certain requirements commonly applied to this type of development proposal.
- a. Pollutant, siltation and erosion control measures shall be employed per the approved Stormwater Pollutant Prevention Plan (SWPPP) and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the current Department of Ecology Stormwater Management Manual for Western Washington and the City of Mukilteo Development Standards.
 - b. No grading or site work can be completed during wet weather (October 1 through April 30) without the City's approval of a Wet Weather SWPPP.
 - c. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Mukilteo.
 - d. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
 - e. Noise from construction activity that is audible beyond the property lines of the project site shall not be allowed between the hours of nine (9) p.m. to seven (7) a.m. on weekdays, seven (7) p.m. to nine (9) a.m. on Saturdays, Sundays and holidays (MMC Section 9.46.080).

CONDITIONS OF PROJECT APPROVAL

1. Prior to construction of the ADU, all required building and engineering permits for the single family dwelling addition and accessory dwelling unit must be applied for and issued.
2. Vesting of this application is limited to the materials provided within the application that was determined complete on April 22, 2020. This includes the site plan dated October 22, 2019, revised on August 6, 2020, and approved on February 9, 2021, for building footprints size and locations, land uses, and building elevations. Drainage requirements, building and fire codes are not included within the vesting of this application. Minor modifications of the approved plans may be approved by the Community Development Director or Public

Works Director if the modifications do not substantially change the Findings of Fact or change the Conditions of Approval.

3. All improvements shall be constructed in accordance with the approved site plan dated October 22, 2019, revised on August 6, 2020, and approved on February 9, 2021. Minor modifications of the approved plans may be approved by the Community Development Director or Public Works Director if the modifications do not substantially change the Findings of Fact or change the Conditions of Approval.
4. Conditions subject to City of Mukilteo 2019 Development Standards are specified in Permit No. ENG-2020-003 and shall be met.
5. If at any time during clearing, grading and construction, the right-of-way is not kept clean and clear, all work will stop until the right-of-way is cleaned and maintained in a manner acceptable to the Public Works Director.
6. The approved driveway access point for the ADU shall be in accordance with the approved Civil set dated November 6, 2017, revised on October 5, 2020, and approved on December 17, 2020. The approved access point shall not be relocated or a second access to the property shall not be permitted unless approved by the Public Works Director.
7. The interior ADU shall be constructed of similar materials and painted to maintain consistency with the primary unit to ensure that the ADU is similar in exterior appearance of the principal dwelling unit.
8. The interior ADU shall be constructed with trim (type, style, design, size, and location) similar to the principal dwelling unit.
9. The final inspection for the ADU shall not be approved prior to an approved final inspection for the single-family addition permit.
10. Prior to the issuance of an ADU permit, and annually by April 1st each year thereafter, the owner of the property shall file an owner's certificate of occupancy in a form acceptable to the director. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of MMC Title 18.
11. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the Mukilteo Water & Wastewater District.
12. The cost of any work, new or upgrade, to the existing electric system and facilities that is required to connect the project to the Snohomish County PUD electric system shall be in accordance with applicable Snohomish County PUD policies.
13. The applicant shall comply with all other applicable city codes, requirements and ordinances.

This land use approval shall be valid for two (2) years from the date of this Project Decision. If a building permit, grading permit, or occupancy permit is not obtained within this period, the land use approval shall become null and void, and a new application would need to be submitted. The Community Development Director may grant an extension to the approval date for a period of one (1) year if such is requested prior to the expiration of the land use approval.

Any violation of the Conditions of Approval shall be considered a violation of the land use approval and shall be subject to the City's code enforcement procedures.

APPEAL

Decisions by the director may be appealed by the applicant pursuant to the provisions in MMC Chapter 17.13. Appeals of Administrative Decisions must therefore be filed within 14 days from the date of the final decision. The deadline for filing of an appeal shall be **Friday, March 19, 2021, 4:30pm.**

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.

Contact Person: Garrett Jensen, Associate Planner
Community Development Department
gjensen@mukilteowa.gov | 425.263.8046

SIGNATURE

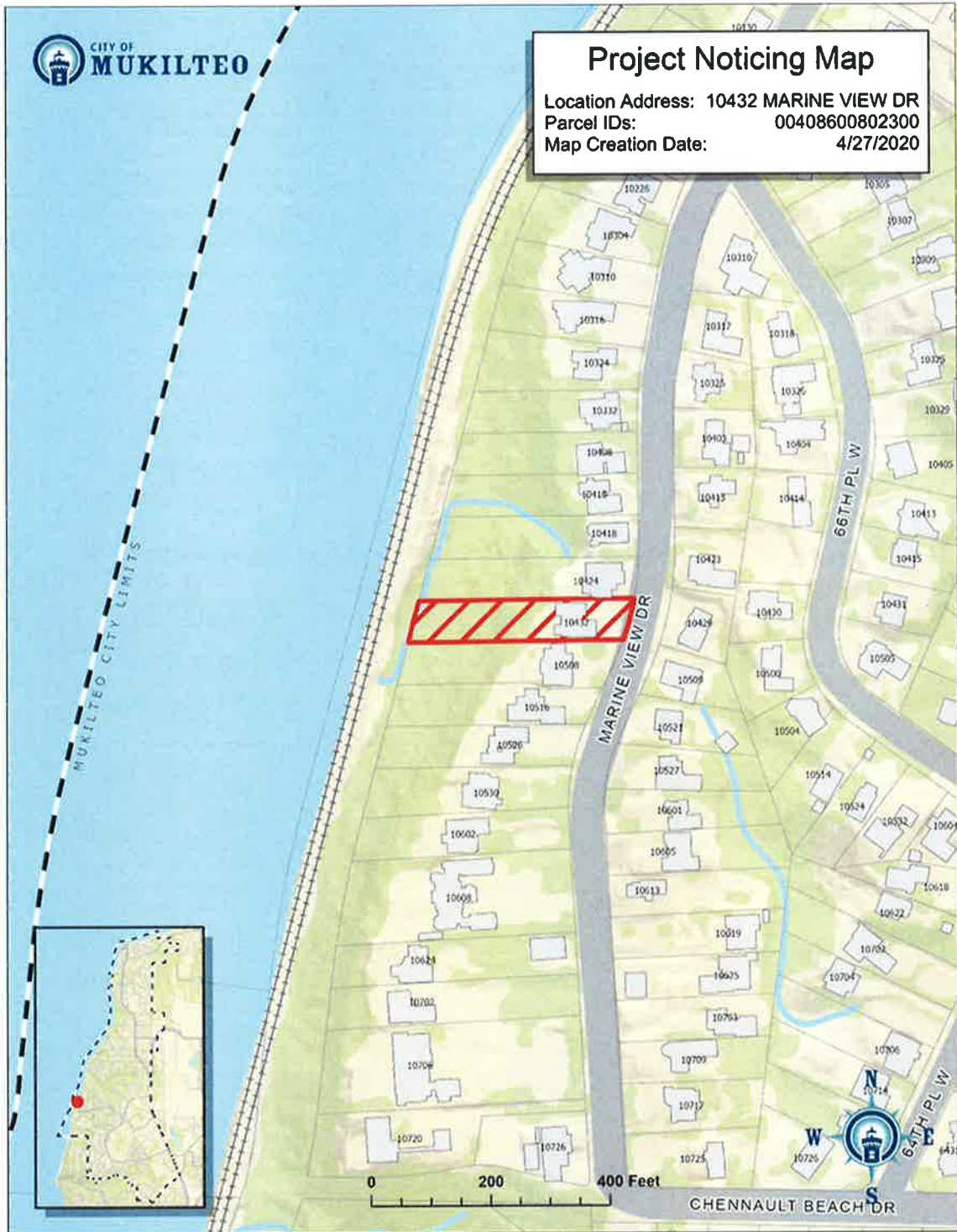


Dave Osaki, Community Development Director

03.01.2021

Date

LOCATION MAP



Pc: Applicant
Parties of Record (if any)
Review Agencies

Community Development Director
Management Services Director
Permit Services Supervisor

Permit Services Assistants (2)
File Copy (2)