



11930 Cyrus Way
 Mukilteo, WA 98275
 (425) 263-8000

Project Decision

for Mr. Phil Turner
 Accessory Dwelling Unit Permit
 at 1007 Washington Avenue

Mr. Phil Turner applied for an Accessory Dwelling Unit (ADU) permit with the City of Mukilteo on February 28, 2018. The City of Mukilteo determined the application complete on March 12, 2018.

Project Name: Turner Accessory Dwelling Unit
Applicant/ Proponent: Mr. Phil Turner
Snohomish County Parcel ID: 00527506100101
City Project Number: SFR-ADU-2018-001

DESCRIPTION OF PROPOSAL

The applicant proposes to construct one single-family residence with an attached Accessory Dwelling Unit (ADU). The proposed ADU will occupy 640 square feet (SF) of living space. The proposal includes off-street parking and a separate dwelling entrance for the ADU. The ADU requires a Project Permit approval in accordance with the requirements of Mukilteo Municipal Code (MMC) Chapters 17.13 “Land Use and Development Review Procedures” and 17.30 “Accessory Dwelling Units”.

LOCATION OF PROPOSAL

MUKILTEO PLAT OF BLK 061 D-01 - LOT 1 LESS ST LESS N 40FT -LOTS 2-3-4-5-6 LESS N 40FT ON EACH LOT TGW N 40FT OF LOTS 17-18-19-20-21-22; otherwise known as 1007 Washington Avenue, 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 – High Density	RD 7.5 Single-Family Residential	Single-family residence with attached ADU
North	Single Family Residential – High Density	RD 7.5 Single-Family Residential	Single-family residence
South	Single Family Residential – High Density	RD 7.5 Single-Family Residential	Single-family residence
West	Single Family Residential – High Density	RD 7.5 Single-Family Residential	Vacant/ Single-family residence
East (across Washington Ave)	Single Family Residential - High Density	RD 7.5 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 project permit is hereby **APPROVED** based on the following Findings of Fact and Conditions of Project Approval.

Approval Date:	Monday, February 25, 2019
Appeal Period:	Monday, March 11, 2019, 4:30 pm
Project Permit Expiration Date:	February 25, 2021
Project Decision:	APPROVED, SUBJECT TO CONDITIONS

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 12, 2018. The City of Mukilteo determined the application complete on March 12, 2018.
2. In accordance with MMC Chapter 17.13, a Notice of Application was issued on March 29, 2018, and the project was circulated for review in accordance with normal development review and permitting procedures.
3. Comments received for the project:

<ul style="list-style-type: none"> • Mukilteo School District:
No comments
<ul style="list-style-type: none"> • Mukilteo Water and Wastewater District (MWWD):
There are existing water and sanitary sewer services connected to the existing structure. This meets the District requirement for individual water and sanitary sewer services to each structure on a lot. If modifications are made to the sewer stub/connection externally, the owner will need to pay the District an inspection fee for the inspection of the modifications and update the side sewer record drawing. A Common Side Sewer Release and Hold Harmless Agreement may be required. All construction of sewer and water facilities will be in accordance with the Standards, Specifications and Regulations of the District. The owner would pay the current charges in effect that day applications or permits are purchased.

4. The subject property is located at 1007 Washington Avenue. Snohomish County Assessor’s Office identifies the property as parcel number 00527506100101. The property is 12,750 square feet in area, generally flat with steep slopes to the north west of the property. Access to the property is from Washington Avenue.
5. According to the City of Mukilteo Comprehensive Plan 2035 (adopted in 2015), the subject property is designated “Single-Family Residential – High Density”. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan Housing Policies apply to this project:
 - a. HO3: The City shall support fair and equal access to housing for all persons regardless of race, color, religion, gender, sexual orientation, age, national origin, familial status, source of income, or disability.
 - b. 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 existing single-family residence will be demolished except for the existing garage. The existing residence is not registered on the National Register of Historic Places, the Washington Heritage Register or the Mukilteo Register of Historic Places.

7. The northwest portion of the roof extends nine-feet (9') into the required fifteen-foot (15') setback from the top of the steep slope. Per the geotechnical addendum letter prepared by Robinson Noble dated February 1, 2019, the roof overhang may have a zero setback from the top of the slope.
8. The proposed deck extends five-feet (5') into the required fifteen-foot (15') setback from the top of the steep slope. Per MMC 1752A.050(A) *“Decks which add no substantial loading weight to the sensitive area and accessory buildings one hundred and twenty square feet or less may extend into the setback area to within ten feet of the top or toe of a steep slope.”*
9. The subject property is zoned RD 7.5 Single-Family Residential District and requires a 7,500 square foot minimum lot area (RD 7.5).
10. The proposed development of an ADU is a permitted use in the RD 7.5 zoning district (MMC section 17.16.040(A) “Permitted use matrix”, Table 17.16.040.).
11. The Single Family Residence 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)(a).
12. The single family dwelling and ADU proposal complies with use, area, lot dimension and parking requirements of the RD 7.5 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	Requirement	Submitted
Building Height (Maximum) 17.20.020	30'	26'
Front Setback (Minimum) 17.20.020	20'	43'
Rear Setback (Minimum) 17.20.020	20'	35'
Side Setback(s) (Minimum) 17.20.020	5' / Total 15'	7' /8' for a total of 15'
Lot Coverage (Maximum) 17.20.020	35%	25%
Hard Surface Coverage (Maximum) 17.20.028	55%	44%
Parking (Minimum) 17.20.020	Two (2) stalls per dwelling unit Proposal: two (2) units 2 x 2 = 4 stalls required	Three (3) garage spaces and at least two (2) driveway spaces are provided for the principal unit. One (1) garage space and one driveway space is provided for the ADU.

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

Table 3: Analysis of Development Requirements – MMC Chapter 17.30 “Accessory Dwelling Units”

Municipal Code	Requirement	Analysis	Criteria Satisfied
Type 17.30.020	Interior, Attached, or Detached	Attached	Yes
Lot Size 17.30.030 (B)(1)	Five thousand square feet (5,000 sf) for interior and attached units	Lot Area: 12,750 SF per the record of survey certified on October 5, 2018	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	The permit for the proposed attached ADU will be conditioned that the property owner shall reside in either the principal unit or the ADU for at least six months each calendar year. See Condition #11.	Yes
Parking 17.30.030(D) 17.30.060(I) (1)(d)	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.	Three (3) garage spaces and at least two (2) driveway 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.	Yes
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: Existing single-family residence. Proposal includes a new single-family residence with an attached 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 Attached 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 #8.	Yes

Municipal Code	Requirement	Analysis	Criteria Satisfied
	2. The roof pitch shall be similar to the predominant roof pitch of the principal dwelling unit	Primary Structure: "1:12" ADU: "1:12" The roof pitch for the primary structure and the attached ADU are the same.	Yes
	3. Trim must be the same in type, style, design, size, and location as the trim used on the principal dwelling	The proposed detached ADU will be conditioned that the trim matches the principal dwelling unit. See Condition #9.	Yes
	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.	All windows in both units are similar in shape and size. The window types are either fixed, swing, awning or other similar styles and are generally vertical in orientation. Structure exterior standards are satisfied.	Yes
Location 17.30.060(C)	2. Attached accessory units shall: 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 attached 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
Height 17.30.060(D)	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	Maximum Height: 30.00' Primary Structure: 26' ADU: 26' The proposed ADU is attached to the primary structure and does not exceed the height of either maximum building height or the primary structure.	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

Municipal Code	Requirement	Analysis	Criteria Satisfied
<p>Pedestrian Entrances 17.30.060(F)</p>	<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 shows exterior access to the attached ADU is independent and subordinate to the principal unit. Plans included an unobstructed hard surface pedestrian walkway from the driveway to the ADU. The access does not face a public street, and there are no alleys.</p> <p>Pedestrian entrance standards are satisfied.</p>	<p>Yes</p>
<p>Privacy 17.30.060(G)</p>	<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"> 1. Orienting the accessory dwelling unit to not directly face dwelling units on adjacent lots. 2. Using landscape screening, fencing, and window and door placement to maintain the privacy of residents in dwellings on adjacent lots as determined by the physical characteristics surrounding the accessory dwelling unit. 3. Windows, doors and balconies shall be designed and located to maintain the privacy of both the new unit and dwellings on adjacent lots. 	<p>The proposed ADU is attached to the north side of the primary structure. Proposed screening include the following: South: Existing garage West: None. Existing lot is vacant. North: The applicant will be required to provide screening on the north/east side of the property. There are steep slopes on the north west side of the property which provide adequate screening from that direction. East: Existing landscaping exists at the front of the property to provide privacy.</p> <p>Although the pedestrian access and access to the ADU face the property to the south/east, in order to meet code section 17.30.060(F) the proposed windows, doors and patio are located to maximize privacy to adjacent properties. Screening of the bedroom windows on the north side of the property will be conditioned. See Condition #2.</p> <p>Privacy criteria area satisfied.</p>	<p>Yes</p>

Municipal Code	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. 	Principal Unit: 2,564 sf ADU: 570 sf ADU (%): 22% ADU bedrooms: One (1) Floor area criteria area satisfied.	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>Three (3) garage spaces and at least two (2) driveway 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

14. Utilities are available to serve the subject property. Water and sewer is available from the Mukilteo Water & Wastewater District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
15. Development of the site will be subject to the requirements of the 2015 International Building Code, and 2015 International Fire Code.
16. The property lies outside the 55 DNL noise contour of Paine Field Airport.
17. 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.

18. 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 this chapter.
 - 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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 and accessory dwelling unit must be applied for and issued.
2. The applicant shall install the planted sight-obscuring screen as shown on the site plan. The planted sight-obscuring screen must be capable of achieving a minimum height of six feet (6') and spaced to form a sight-obscuring screen of the ADU bedroom windows after three years from planting.
3. Vesting of this application is limited to the materials provided within the application that was determined complete on March 12, 2018. This includes the site plan date stamped January 16, 2019, and approved on February 7, 2019, 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.
4. All improvements shall be constructed in accordance with the approved site plan date stamped January 16, 2019, and approved on February 7, 2019. 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.
5. Conditions subject to City of Mukilteo 2017 Development Standards are specified in Permit No. ENG-2018-003 and shall be met.

6. 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.
7. The approved driveway access point for the ADU shall be in accordance with the approved civil set date stamped January 14, 2019, and approved on February 8, 2019. 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.
8. The attached ADU shall be constructed of similar materials and painted to maintain consistency with the primary structure to ensure that the ADU is similar in exterior appearance of the principal dwelling unit.
9. The attached ADU shall be constructed with trim (type, style, design, size, and location) similar to the primary dwelling.
10. The final inspection for the ADU shall not be approved prior to an approved final inspection for the single family dwelling.
11. 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 this code requirement shall be subject to the violation and penalty provisions of MMC Title 18.
12. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the Mukilteo Water and Wastewater District.
13. 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.
14. The applicant shall comply with all other applicable city codes, requirements and ordinances.

The project permit shall be valid for two (2) years from the date of this Project Decision. If a building permit or grading permit, is not obtained within this period, the project permit shall become null and void, and a new project permit 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 project permit.

Any violation of the Conditions of Approval shall be considered a violation of the project permit 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 **Monday, March 11, 2019, 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: Linda Ritter
Senior Planner, Community Development Department
lritter@mukilteowa.gov | 425.263.8043

SIGNATURE

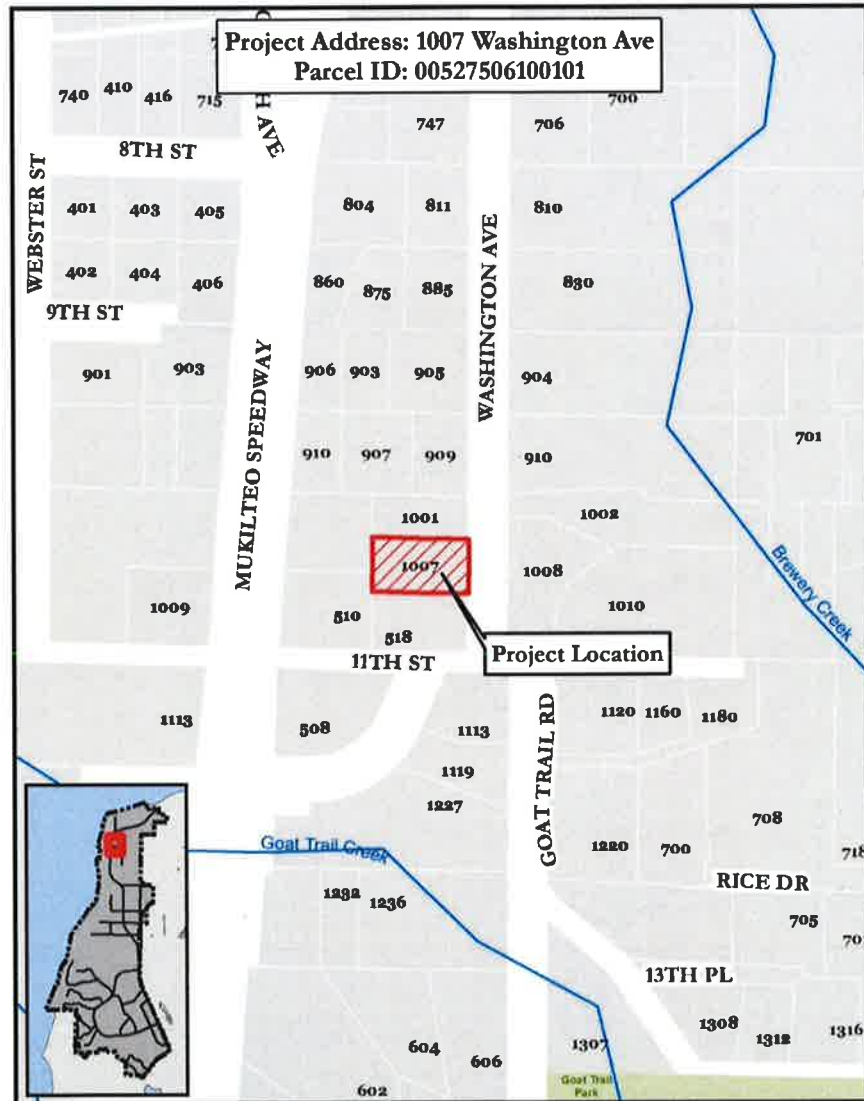


2.21.19

David Osaki, Community Development Director

Date

LOCATION MAP



Pc:	Applicant	Community Development Director	File Copy (2)
	Parties of Record (if any)	Permit Services Supervisor	
	Review Agencies	Permit Services Assistants (2)	