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Skagit County Planning and Permit Center



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**SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE REQUEST
PL03-0324

APPLICANT: JESUS MEZA

ADDRESS: 15280 WALL STREET
MOUNT VERNON, WA. 98273

PROJECT LOCATION: Located at 15280 Wall Street, Mount Vernon, within a portion of Section 19, Township 34N, Range 4 East W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Administrative Special Use Permit application PL03-0324 to allow for the change of use of an existing accessory structure to an Accessory Dwelling Unit (ADU) on parcel of property with an existing residence. The applicant is proposing to upgrade an existing accessory structure and have it reclassified for the use of an accessory dwelling unit (ADU).

ASSESSOR'S ACCOUNT NUMBER: 3950-003-004-0202,, P67367

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Residential (R-1-13.5 & 9.6) zoning/Comprehensive Plan designated area within the Urban Growth Area for the City of Mount Vernon as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000.

CORRESPONDANCE:

1. Letter received May 15, 2003, in opposition of the proposal from Leland and Avalon Kaiser, 18469 Cascade Street, Mount Vernon, WA. 98273.

STAFF FINDINGS:

1. The subject property is located within a Residential (R-1-13.5 & 9.6) zoning/Comprehensive Plan designated area within the Urban Growth Area for the City of Mount Vernon as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000. The application was determined to be complete on April 29, 2003 and is vested under the Comprehensive Plan and City zoning regulations in effect at that time.
2. Per Section 14.06.100 of the Skagit County Code, a Letter of Completeness was issued. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on May 1, 2003 as required by Section 14.06.150(2) of Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines WAC 197-11-800 and has been found to be exempt.
4. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Critical Areas staff reviewed the proposal and recommended approval without conditions.
5. The subject property is located within a AO designated flood hazard area as identified by FEMA on Flood Insurance Rate Map (FIRM) number 530151 0250 C, with the effective date of January 3, 1985.
6. The subject parcel is approximately 0.27 acres in size located on the northwest corner of the intersection of North Wall Street and Cascade Street. There are currently three structures located on site. There are two pre-existing residential structures, and one approximately 416 square foot storage structure which is proposed to be converted into an accessory dwelling unit.

The existing 416 square foot storage structure is located approximately 30 feet off of the north property line (fence line) approximately 15 feet off of the west property line (fence line) and approximately 15 feet away from the existing residence located to the south. The parcel is currently serviced water from Public Utility District (PUD) #1 and the parcel is connected to the Mount Vernon City Sewer.



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7. The applicant is requesting a Special Use Permit for the purpose of remodeling an existing detached outbuilding currently on site, and converting it into an accessory dwelling unit. In the past this building has been used as a residence and is currently connected to separate utilities. The accessory dwelling unit would be no greater than 650 square feet. The subject property is located at 15280 Wall Street in a SF-HI (Single-Family, High Density) Comprehensive Plan designation in a future 7.6 or 6.0 zone.
8. The majority of the surrounding area is currently higher density residential in character with existing common uses.
9. The application was routed to the Health Unit for review. In reviewing the application as submitted the Health Unit indicated the following: "Septic disposal will need to be addressed. There are no records for this property, neither past nor proposed."
10. The application was routed to The Public Works Department for comments. Public Works had no comments or concerns with the proposal.
11. The application was routed to the Water Resources Division of the Skagit County Planning and Permit Center for review. Water Resources comments are as follows: "The current source of water for the property is indicated as PUD by the enclosed bill copy. Please provide a letter from PUD stating any requirements for PUD service that the landowner shall meet for his/her building permit approval." The applicant shall confirm with Public Utility District #1 that they are aware of the fact that this is a request for a third residence on site.
12. The proposed project is located within the Urban Growth Area for the City of Mount Vernon and Skagit County has adopted the City's development regulations for proposals within the Urban Growth Areas. The application was routed to the City of Mount Vernon for review. The City of Mount Vernon's comments and review of special use permit criteria are as follows:

Request for a Special Use Permit for the purpose of remodeling a detached outbuilding at this location into an accessory dwelling unit. In the past this building has been used as a residence and has separate utilities located to it. The accessory dwelling unit would be no greater than 650 square feet. The subject property is located at 15280 Wall Street in a SF-HI (Single-Family, High Density) Comprehensive Plan designation in a future 7.6 or 6.0 zone.
13. Section 17.108.060 of the Mount Vernon Municipal Code outlines standards which applications for a special use permit must be measured against.

Accessory Dwelling Unit



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Approval/Denial Standards

17.81.110 Accessory dwelling units.

A. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:

1. Alteration of interior space of the dwelling; or
 - Applicant's Response: See Attachment 1. (**Note attachment #1 is the application submitted on April 21, 2003**).
 - Staff's Response: NA
2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
 - Applicant's Response: See Attachment 1.
 - Staff's Response: NA
3. Addition of attached living area onto an existing dwelling; or
 - Applicant's Response: See Attachment 1.
 - Staff's Response: NA
4. Construction of a detached living area.
 - Applicant's Response: See Attachment 1.
 - Staff's Response: The applicant's family will be remodeling an existing 416 square foot structure on site into the accessory dwelling unit.

B. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit.

- Applicant's Response: See Attachment 1.
- Staff's Response: To insure that this standard is complied with, it has been made a condition of approval. There are three legal lots of record on site with two main residences.

C. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include titleholders and contract purchasers. The owner shall file a certification or owner-occupancy with the planning department prior to the issuance of the permit to establish an accessory dwelling unit.

- Applicant's Response: See Attachment 1.
- Staff's Response: As a condition of approval, an owner of one of the dwelling units will be required to file certification of owner-occupancy with the planning department prior to establishing the accessory dwelling unit.

D. The floor area of the accessory dwelling unit shall not exceed 650 square feet.



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- Applicant's Response: See Attachment 1.
- Staff's Response: As indicated by the applicant, the proposed floor area is 416 square feet. A condition has been further added to restrict the accessory dwelling unit to not exceed the Code required minimum of 650 square feet in area.

E. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family."

- Applicant's Response: See Attachment 1.
- Staff's Response: This standard has been added as a condition of approval. For purpose of this approval, "family" is defined in the zoning code as including not more than eight unrelated persons.

F. Three off-street parking spaces shall be provided for the principal and accessory dwelling units.

- Applicant's Response: See Attachment 1.
- Staff's Response: With two house on site, there will need to be provided five off-street parking spaces for the quarter acre site with three lots.

G. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

- Applicant's Response: See Attachment 1.
- Staff's Response: The establishment of an accessory dwelling unit within the detached structure will not alter the single-family appearance and/or character of the dwelling. The outside entrance to the accessory dwelling unit will be to the south facing Cascade Street while the entrances to the two existing houses on the three lots are to the east facing Wall Street.

H. Only one electric, one gas, and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.

- Applicant's Response: See Attachment 1.
- Staff's Response: In the past, the shed has had separate meters since at one time it was used as a residence. Rather than require connection to the same meter as a primary residence, the utilities will be considered "grandfathered" to the remodeled shed.

J. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. 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 Chapter 17.114 MVMC.

- Applicant's Response: See Attachment 1.
- Staff's Response: As stated above, the owner will be required to file an owner's certificate of occupancy in a form acceptable to the city attorney. Such measures will be added as a condition of approval.



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K. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

- Applicant's Response: See Attachment 1.
- Staff's Response: The request only applies to the subject property located at 15280 Wall Street.

L. In addition to the conditions which may be imposed by the CED Director through the special use permit process, all accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:

1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the hearing examiner and building official; or
 2. The subject lot (property) ceases to maintain at least three off-street parking spaces; or
 3. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.
- Applicant's Response: See Attachment 1.
 - Staff's Response: These conditions shall be added as a condition of approval. With two primary residences on site, the applicant will need to provide five off-street parking spaces.

M. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long term lessors of the subject lot 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 person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. (Ord. 2966 § 11, 1999; Ord. 2593 § 1, 1994).

- Applicant's Response: See Attachment 1.
- Staff's Response: The applicant is aware of this requirement, and will be required to file a covenant as described above prior to establishing the accessory dwelling unit.



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RECOMMENDATIONS:

It is recommended that the special use permit be approved subject to the following conditions:

1. The existing single-family dwellings shall not have more than one (1) accessory dwelling unit at any one time
2. The floor area of the dwelling unit shall be restricted to 650 square foot area as allowed by Chapter 17.81.110.
3. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner shall file a certification of owner-occupancy with the planning department prior to the issuance of the permit to establish an accessory dwelling unit.
4. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long term lessors of the subject lot 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 person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. The covenant can be picked up at the City Attorney's office located at 910 Cleveland Street, Mount Vernon.
5. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family" (not more than eight unrelated individuals)
6. The owner shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. 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 Chapter 17.114 MVMC.
7. The special use permit shall automatically expire whenever:
 1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the hearing examiner and building official; or
 2. The subject lot ceases to maintain at least five off-street parking spaces for the accessory dwelling unit and two primary residences; or
 3. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.
8. Please provide a letter from PUD stating any requirements for PUD service that the landowner shall meet for his/her building permit approval (#BP02-1484). The applicant shall confirm with Public Utility District #1 that they are aware of the fact that this is a request for a third residence on site and that PUD #1 will supply the accessory dwelling unit with potable water.
9. Prior to the approval of the building permit (#BP02-1484) the applicant shall submit a letter from the Sewer District confirming that the city provide service to



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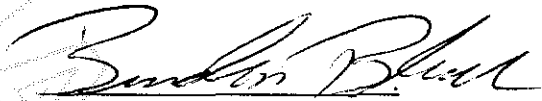
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this structure and will allow the accessory dwelling unit to hook into the sewer system.

DECISION

The Director hereby **approves** the application for a Special Use Permit, subject to the conditions, modifications and Recommendation of the City of Mount Vernon as listed in the staff findings.

The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fourteen (14) calendar days after the date of the decision.



Brandon Black, Associate Planner
FOR David Blane, Director

Date of Preliminary Approval: 6-13-03

Date of Final Approval: 6-30-03

Prepared By: BB

Approved By:



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