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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 04-017

RELATING TO CONSTRUCTION OF MODEL HOMES  
IN APPROVED PRELIMINARY PLATS, AMENDING CHAPTER 30.41A  
SNOHOMISH COUNTY CODE

WHEREAS, pursuant to the Snohomish County Charter and the Growth Management Act (GMA), chapter 36.70A RCW, the County Council has adopted the Snohomish County GMA Comprehensive Plan – General Policy Plan for the unincorporated area of Snohomish County; and

WHEREAS, pursuant to the Snohomish County Charter and GMA, the County Council has adopted development regulations, including zoning regulations, that are consistent with its GMA Comprehensive Plan; and

WHEREAS, a need exists to amend the zoning code to provide more flexibility in the number of model homes allowed to be constructed in approved preliminary subdivisions; and

WHEREAS, variation in housing styles is desirable on platted sites; and

WHEREAS, the display of an increased number of model homes allows developers to display a variety of housing styles; and

WHEREAS, the public health, safety or welfare will not be impacted if model home construction is allowed prior to the installation of certain infrastructure improvements; and

WHEREAS, the Snohomish County Planning Commission held a public hearing on November 18, 2003, and voted to recommend the proposed code amendments including one additional change to delete SCC 30.41A.520(5); and

WHEREAS, the Snohomish County Council held public hearing on Mar 31, 2004; and

WHEREAS, the County Council considered the entire hearing record, including the Planning Commission's recommendation, and written and oral testimony submitted during the council hearings;

NOW THEREFORE, BE IT ORDAINED:

**Section 1.** The County Council makes the following findings and conclusions:

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1. As regulated, the increase from four to nine model home lots will not have any detrimental impacts to the public health, safety, or general welfare.
2. The allowance for an increased number of model homes will allow developers to market a greater variety of housing styles in Snohomish County neighborhoods.
3. The proposed amendments clarify existing code provisions regarding model homes and provide greater simplicity and understanding during administration.
4. The proposed provisions clarify the site plan requirements to ensure that easements and setbacks are identified on the site plans prior to development permit issuance.
5. The proposed amendments identify the level of infrastructure installation required prior to the approval of the model home permits.
6. The County has conducted continuous public participation in the process of adopting this ordinance. Public participation includes public hearings before the Snohomish County Planning Commission and Snohomish County Council and opportunity for written comments.
7. The provisions of this ordinance are consistent with the Growth Management Act, chapter 36.70A RCW, Countywide Planning Policies, Snohomish County Comprehensive Plan, and the Snohomish County Code.
8. A Determination of Nonsignificance was issued for the proposed action on September 10, 2003, pursuant to the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW and chapter 197-11 WAC, and Chapter 30.61 SCC, and satisfies the requirements of SEPA.
9. The proposed amendments are in the best interest of Snohomish County and promote the general public health, safety and welfare.

**Section 2.** Snohomish County Code Section 30.41A.510, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.41A.510 Number of model home permits authorized.**

Building permit applications for model homes may be accepted for a maximum of ~~((four))~~ nine lots ~~((, or when the approved preliminary subdivision is for 20 or fewer lots, an amount not to exceed 20 percent of the total number of approved lots. In the event that calculation of the number of lots equal to 20 percent of the total number of platted lots creates a fractional lot, a building permit may be issued for one additional lot)).~~

**Section 3.** Snohomish County Code Section 30.41A.520, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.41A.520 Eligibility for a model home permit.**

Any applicant who has received preliminary subdivision approval may apply for a building permit or building permits for model homes, up to the number authorized under SCC 30.41A.510. Prior to the issuance of model home permit(s), ~~((7))~~ the applicant must demonstrate that the following criteria are met:

(1) The applicant for the model home building permit, if different than the owner and applicant for the approved preliminary subdivision, shall provide a document signed by the owner demonstrating that the applicant has real or possessory interest in the property on which the model home will be constructed;

(2) The applicant has submitted and received approval of construction plans for the model home to be built;

(3) Retention/detention facilities that service the model home lots shall be in place or approved for recording;

(4) Any road improvement required as a condition of preliminary subdivision approval which is designed to provide access to the model home lots from an existing public road or public highway shall be ~~((approved for))~~ constructed to final alignment and subgrade from such public street to the model lots((-)) (but not including the required curb, gutter, sidewalk or paving). The access road shall meet the requirements of 30.53A.150(902.2.2.2). The driveway(s) for the model home(s) shall be approved in accordance with the EDDS. Lot corners and driveway locations for the model home lots shall be staked by a registered professional land surveyor; ((and the driveway(s) for the model home(s) shall be approved in accordance with EDDS;))

~~((5))~~ The applicant shall have received all approvals required under SCC 30.41A.620(1) through (6);)

~~((6))~~ (5) All mitigation fees required as a condition of preliminary subdivision approval, which are required to be fulfilled prior to building permit issuance, shall have been paid for the model home lot(s) prior to the issuance of a building permit for the model home;

~~((7))~~ (6) The application for the model home must be submitted at least 60 days prior to the date of preliminary subdivision expiration; and

~~((8))~~ (7) Fire protection must be available to any lot proposed for construction of a model home.

**Section 4.** Snohomish County Code Section 30.41A.530, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.41A.530 Model home application requirements.**

Each residential building permit application for a model home shall include the following additional submittals:

(1) Title certificate demonstrating ownership interest in the property on which

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the model home will be constructed;

(2) Building plot plan(s) showing the location(s) of the proposed model home(s); ((with)) distances ((indicated)) from the proposed final subdivision lot lines; all existing, required or proposed easements including but not limited to easements required by 30.63A.330 SCC and 30.63A.340 SCC; and the setbacks required in 30.63A.200(4) SCC, and 30.63B.330 SCC;

(3) One dark line print of the proposed final subdivision;

(4) A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction or occupancy of the model home(s) prior to recording of the final subdivision; and

(5) In addition to the residential building permit fees for plan check, site review, and access permit, a model home fee for each model home and subdivision base fee shall be required. See chapter 30.86 SCC for applicable fees.

**Section 5.** Snohomish County Code Section 30.41A.540, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.41A.540 Model homes - occupancy.**

The applicant may request final inspection and occupancy for only one model home prior to final subdivision approval and recording. Additional model homes constructed in the same preliminary subdivision in compliance with chapter 30.41A SCC shall be used for display and marketing purposes only and shall not be occupied prior to final subdivision approval and recording. Occupancy as a model house/sales office prior to final plat recording is subject to meeting the life/safety requirements of subtitle 30.5 SCC.

**Section 6.** Snohomish County Code Section 30.41A.550, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.41A.550 Model homes - as-built submittal.**

Prior to final subdivision approval, the applicant shall submit two copies of a plot plan delineating the as-built location of the model home on the lot. The corners of the lot shall be set by a registered professional land surveyor prior to commencement of construction. The plot plan shall be included in both the building permit record and the subdivision file record.

**Section 7.** Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board) or by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase is held to be invalid or unconstitutional by the Board or by a court of competent jurisdiction, then the

section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 31<sup>st</sup> day of March, 2004

ATTEST:

Sheila McCallister  
Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

ATTEST:

Cynthia A. Ringstad

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

John M. Kriston  
Chairperson

DATE: 4/13/04

Paul B. ...  
County Executive

Approved as to form only:

Jed Harrison 12/9/03  
Deputy Prosecuting Attorney