BACKGROUND:

SCC 30.41A.500 through 30.41A.550 allow the construction of model homes prior to final plat (subdivisions of 10 or more lots in urban growth areas or 5 or more lots in outside of urban growth areas) approval and recording. All site infrastructure and life safety improvements must be completed prior to issuance of a model home permit. Allowing model homes prior to final plat approval results in delivering housing to the market in a timely manner.

Under state law and county code, short subdivisions are considered subdivisions (the only significant difference being the number of lots and approval process). Title 30 SCC is silent on allowing model homes to be constructed in short subdivisions, leaving a gap in the regulatory purpose of expeditiously bringing housing to market. In addition, this gap results in an unequal application of the code to subdivisions and short subdivisions. Snohomish County GMA Comprehensive Plan Objective ED 2.A requires the county: “Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.” The gap in code related to model
homes prevents the department from fully effectuating this general statutory scheme.

PURPOSE:
The intent of this rule is to fill gaps in code related to model home provisions in SCC 30.41A.500 through 30.41A.550. Applying such provisions to short subdivisions (9 lots or less in urban growth areas or 4 lots or less outside of urban growth areas) is necessary to effectuate a general statutory scheme designed to meet market demand for housing and applied equally to subdivisions and short subdivisions.

RULE:
SCC 30.41A.500 through 30.41A.550 shall apply to short subdivision applications submitted under chapters 30.41B SCC, 30.42B SCC, and 30.41C SCC. All references to “subdivision” shall also mean “short subdivision.”

FINDINGS:
The following findings support the purpose of this rule:

1. There is a regionwide housing shortage; and
2. There are gaps in the regulation of model homes; and
3. This rule is necessary to effectuate a general statutory scheme and to ensure equal treatment of subdivisions and short subdivisions with regards to model homes; and
4. The model home provisions in SCC 30.41A.500 through 30.41A.550 require site infrastructure and life safety requirements be fulfilled prior to issuance of a building permit for model homes; and
5. The model home provisions in SCC 30.41A.500 through 30.41A.550 do not allow occupancy of the structure prior to final subdivision approval; and
6. The model home provisions of SCC 30.41A.500 through 30.41A.550 protects the health, safety, and welfare of the public.
7. Pursuant to Chapter 30.82 SCC, the public participation process and notification requirements for this rule have been satisfied.

RULEMAKING PROCESS:
The following provides the procedural process for adoption of this rule:

<table>
<thead>
<tr>
<th>Rulemaking Process</th>
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<tbody>
<tr>
<td>Notice of Proposed Rule</td>
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<tr>
<td>Filed with Council Clerk</td>
<td>December 8, 2020</td>
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<tr>
<td>Posted at Counter</td>
<td>December 8, 2020</td>
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<tr>
<td>Published</td>
<td>December 8, 2020</td>
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<tr>
<td><strong>Comment Period (21 days)</strong></td>
<td><strong>December 29, 2020</strong></td>
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**Notice of Rule Adoption**

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<th><strong>January 13, 2021</strong></th>
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<th><strong>January 19, 2021</strong></th>
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Rule 20-01_Model Homes

Final Audit Report  2021-01-13

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By: Tiffany Kelly (Tiffany.Kelly@co.snohomish.wa.us)
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