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ORDINANCE NO. 848

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, ADOPTING INTERIM REGULATIONS PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; AMENDING CHAPTER 15.08 CMC BASIC DEFINITIONS AND INTERPRETATIONS AND CHAPTER 15.16 CMC SUBDIVISION; ESTABLISHING NEW PROVISIONS AUTHORIZING AND GOVERNING MODEL HOMES AND ASSOCIATED FACILITIES WITHIN AN APPROVED PRELIMINARY PLAT; DIRECTING THE CITY CLERK TO SET A PUBLIC HEARING DATE; ENTERING PRELIMINARY LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carnation has adopted and codified local regulations governing the subdivision of land at Chapter 15.16 CMC; and

WHEREAS, the City desires to amend Chapter 15.16 CMC by adding new regulations authorizing the installation of model homes, together with related temporary sales office and parking facilities, within approved preliminary plats; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The City Council hereby adopts the above recitals, together with the content of the staff report/agenda bill dated August 28, 2014, as preliminary findings in support of this ordinance. The City Council further enters the following findings:

A. The City is authorized by State law, including but not limited to RCW 35A.63.220, RCW 36.70A.390 and Chapter 58.17 RCW, to enact interim regulations governing the subdivision of land and the use and development of real property within the City's jurisdiction.

B. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

C. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review criteria codified at CMC 15.100.030(E).

D. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan, and will further advance the public health, safety and welfare.

Section 2. Amendment of CMC 15.08.010. Section 15.08.010 of the Carnation Municipal Code is hereby amended by the addition of a new definition for "model home" to provide in its entirety as follows:

....

"Model home" means a single-family residence open to the public for sales promotion to demonstrate the types and finishes of homes available in the subdivision. A model home is constructed in an approved preliminary plat which has not yet received final plat approval.

....

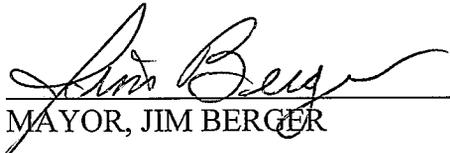
Section 3. Amendment of Chapter 15.16 CMC. Chapter 15.16 of the Carnation Municipal Code is hereby amended by the addition of a new Part VII Model Homes to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Public Hearing. The City Clerk is hereby authorized and directed to schedule a public hearing on the interim regulations set forth in this ordinance and to provide notice of said hearing in accordance with applicable standards and procedures. Said hearing shall be held no later than 60 days after the date of adoption hereof. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt additional legislative findings in support of this ordinance at the conclusion of said hearing.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional 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.

Section 6. Effective Date; Sunset. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication. This ordinance shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew the interim regulations set forth herein for one or more six month periods in accordance with state law.

APPROVED by the Carnation City Council this 2nd day of September, 2014.


MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

CITY CLERK, MARY MADOLE

FILED WITH THE CITY CLERK: 08/28/2014
PASSED BY THE CITY COUNCIL: 09/02/2014
PUBLISHED: 09/10/2014
EFFECTIVE DATE: 09/15/2014
ORDINANCE NO. 848

Exhibit A

Part VII. MODEL HOMES

15.16.840 Purpose.

The purpose of this Part is to permit the construction of a limited number of model homes within an approved preliminary plat, prior to final plat approval. Allowing model homes provides the opportunity for builders and developers to showcase their product prior to final plat approval. Nothing in this Part shall be construed as permitting model homes within short subdivisions. This Part shall not be construed to supersede or amend the purpose and intent of this title.

15.16.850 Approval authority.

The city manager is authorized to approve, approve conditionally, or deny model home applications, under the criteria set forth in this Part.

15.16.860 Eligibility; Conditions.

A subdivision having received preliminary plat approval is eligible for model homes, provided the following criteria are met:

- A. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval.
- B. All required stormwater and drainage facilities necessary for the areas of the subdivision serving the model homes are in place and functional, to the satisfaction of the city engineer.
- C. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected or mitigated, in accordance with the City's critical areas regulations and any conditions of preliminary plat approval.
- D. The model home(s) and any associated temporary sales office meet all applicable access and fire protection requirements as determined by the fire department.
- E. All areas of the subdivision serving the model home(s) are served by an all-weather surface roadway as approved by the city engineer and fire department.
- F. All areas of the subdivision serving the model home(s) have installed frontage improvements including curb, gutter and sidewalk, as required by any conditions of the preliminary plat approval

and/or this code.

G. Water and sewer utilities are installed to serve each lot proposed for model homes, as directed by the city manager.

H. All proposed streets serving the model homes are adequately marked with street signs, to the satisfaction of the city manager and fire department.

I. Lot property corners of all lots proposed to be used for the model home have been set by a licensed, professional land surveyor in accordance with the approved preliminary plat lot configuration.

J. Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per the preliminary plat approval.

K. The number of model homes within a preliminary plat shall not exceed that allowed by CMC 15.16.870.

L. No two model homes in a subdivision shall have identical floor plans.

M. An instrument, in a form approved by the city attorney, has been recorded against the parcel(s) containing the model home(s) prohibiting occupation of the model home for residential use and stating, "Model home(s) are subject to removal at the owner's expense should the preliminary plat not receive final plat approval or the approval period has expired, consistent with CMC 15.16.330." This instrument shall remain in effect until the final plat is recorded or the home(s) are removed.

As a condition of approval, the city manager may impose any reasonable conditions deemed necessary to protect the public health, safety and welfare.

15.16.870 Number permitted.

The number of model homes permitted for each subdivision shall be no greater than ten percent of the approved lots within the preliminary plat. In addition to those lots permitted for the model home(s) within the preliminary plat, one lot may be used to support one temporary sales office and one lot may be used as an off-street parking area to service the model home and/or temporary sales office. In the event that calculation of the number of lots equal to ten percent of the total number

of preliminary lots creates a fractional lot, the number of permitted lots for model homes shall be rounded down.

15.16.880 Application requirements.

The following information shall be required in addition to the standard submittal requirements for a single-family residential building permit:

- A. The applicant shall have written authorization from the property owner permitting the model home(s) if the applicant is other than the owner of the approved preliminary plat.
- B. Title report current within the last thirty days.
- C. Name of approved preliminary plat as well as the proposed name of the final plat (if different).
- D. Parent tax parcel number(s) involved in the complete development.
- E. Date of preliminary plat approval.
- F. Date of preliminary plat approval expiration.
- G. Overall site plan showing the preliminary plat, including phases (if applicable) and the location of all proposed model homes.
- H. Overall site plan shall include the location of proposed temporary improvements specific to the model home(s) use such as the location of signage, flags, banners, fencing, landscaping, sales trailer and impervious surfaces such as parking areas and sidewalks.
- I. A parking plan compliant with Chapter 15.72 CMC.
- J. Individual site plans showing the location of the model home(s) in relation to the property lines and setbacks consistent with the preliminary plat approval.
- K. Submittal of financial security in a form approved by the city manager at one hundred fifty percent of the city engineer's cost estimate, approved by the city, necessary to restore the site to conditions existing prior to the construction of the model home(s) and all associated structures and improvements.
- L. Payment of model home review fee as set forth in the adopted fees resolution. The model

home review fee shall be applicable only to the review of the overall model home complex site plan. All other applicable fees shall be paid for the proposed plat improvements and building permit fees prior to individual model home building permit issuance.

15.16.890 Occupancy requirements.

A. Written approval from the city of Carnation shall be posted at the main entry to each model home, allowing public access to the model home.

B. No model home shall be occupied for residential use prior to recording of the final plat. No model home site shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.

C. One approved lot within a preliminary plat may be used to locate a temporary sales office for the purpose of marketing the model home(s). This provision is not intended to increase the number of model homes permitted under CMC 15.16.870.

D. One approved lot within a preliminary plat may be used to furnish off-street parking. This provision is not intended to increase the number of model homes permitted under CMC 15.16.870.

E. The hours of operation of the model home shall be limited to eight a.m. to seven p.m. except as provided in subsection (F).

F. If street lighting is installed to the satisfaction of the city manager and fire department, the hours of operation may be extended to eight a.m. to nine p.m.

G. The model home(s) and temporary sales office shall be used for the exclusive purpose of marketing the homes and lots within the plat, not as a branch real estate office for conducting business unrelated to the marketing of home and lots within the plat.

15.16.900 Duration permitted.

The model home(s) and/or temporary sales office may be used for no more than twenty-four months from the date of the model home permit approval, or no longer than the expiration of the preliminary plat approval, whichever is greater.

15.16.910 Removal.

The model home(s) and all associated improvements, including but not limited to any temporary sales office and parking lot, shall be removed within six months of the following occurrences:

- A. Preliminary plat approval has expired and no extension has been granted.
- B. Final plat approval has been denied.
- C. The approval period has expired pursuant to CMC 15.16.330.

Without prejudice to the above, the city manager may revoke the approval of a model home and/or any associated improvements if the applicant fails to comply with this chapter and/or violates any conditions of approval. In the event of such revocation, the model home and/or improvements shall be removed at the owner's expense within the timeframe specified by the city manager.

15.16.920 Appeals.

Administrative interpretations and approvals under this Part may be appealed in accordance with Chapter 15.11 CMC.



CARNATION CITY COUNCIL AGENDA BILL

TITLE: An Ordinance adopting interim regulations pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Chapter 15.08 CMC <u>Basic Definitions and Interpretations</u> and Chapter 15.16 CMC <u>Subdivision</u> ; establishing new provisions authorizing and governing model homes and associated facilities within an approved preliminary plat; directing the city clerk to set a public hearing date; entering preliminary legislative findings; and establishing an effective date.	Agenda Bill No.:	AB14-37	
	Type of Action:	MOTION	
	Origin: (Council/Manager)	City Manager	
	Agenda Bill Author:	City Planner	
EXHIBITS: <ul style="list-style-type: none"> • Preliminary Findings • Proposed Ordinance <<__>> 	Date Submitted:	08/28/2014	
	For Agenda of:	09/02/2014	
	Expenditure Required:	\$0	
	Amount Budgeted:	\$0	
	Appropriation Required:	\$0	
SUMMARY STATEMENT AND DISCUSSION: Housing developers use model homes as a marketing tool to pre-sell new homes in a new subdivision that will become available in the near future. However, subdivision regulations do not allow construction of homes to prior to final plat, when lots are created for the new homes. An amendment is recommended to the City's subdivision regulations codified in Chapter 15.16 CMC Subdivision to allow the construction of a limited number of model homes prior to final plat of the subdivision. Infrastructure to serve the new homes must be completed to the satisfaction of the City Manager and Fire Marshall prior to construction of the model homes.			
RECOMMENDED ACTION: I move to approve an ordinance adopting interim regulations pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Chapter 15.08 CMC <u>Basic Definitions and Interpretations</u> and Chapter 15.16 CMC <u>Subdivision</u> ; establishing new provisions authorizing and governing model homes and associated facilities within an approved preliminary plat; directing the city clerk to set a public hearing date; entering preliminary legislative findings; and establishing an effective date.			
AMENDED MOTION:			
ACTION TAKEN			
MOTION AS PROPOSED		MOTION AS AMENDED	
Motion made by:		Motion made by:	
Second by:		Second by:	
	YES Vote	NO Vote	
Bereswill			Bereswill
Berger			Berger
Grumman			Grumman
Lisk			Lisk
Chamberlain			Chamberlain
Passed/Failed		Passed/Failed	
Ordinance/Resolution No.:		Ordinance/Resolution No.:	

CITY OF CARNATION

PRELIMINARY FINDINGS

SUBJECT: Amending Chapter 15.16 CMC Subdivisions to allow model homes

PUBLIC HEARING:

A Public Hearing shall be held before the City Council within 60 days of the adoption of the proposed Interim Ordinance.

PRELIMINARY FINDINGS

Amending Chapter 15.16 CMC Subdivision.

1. Chapter 15.16 CMC Subdivisions was last amended in 2014 by Ordinance 845. Proposed amendments to Chapter 15.16 would add a new Part VII to enact regulations allowing model homes in formal subdivisions (5 or more lots) with preliminary plat approval prior to final subdivision.
2. This proposed amendments meet the criteria set forth in CMC 15.100.030(E)(2), as follows:

a. Consistency with the Growth Management Act (Chapter 36A.70 RCW):

The amendments to Titles 15 are consistent with the following Planning Goals of the Growth Management Act (RCW 36.70A.020):

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The proposed amendment would allow for efficient and fair permitting by ensuring that model homes used to market new housing development are consistent with the relevant conditions of plat, such as infrastructure necessary to serve the model homes.

b. Consistency with existing goals and policies of the comprehensive plan.

The proposed amendments to Chapter 15.16 are consistent with the Goals and Policies identified in the Comprehensive Plan:

Goal LU4 – To enhance and maintain the character of the City by guiding land uses, development, services and facilities consistent with this plan and to promote orderly and efficient land use.

The proposed amendments would provide for efficient and orderly land use consistent with the City’s development regulations. The relevant conditions of plat must be met

to the satisfaction of the city engineer, fire marshal and city manager prior to construction of the model homes.

Policy LU4.2: The City shall evaluate proposed development plans to determine whether existing public facilities have capacity to serve the development, or whether the developer will need to provide for additional public facilities.

Model homes are only allowed where preliminary plat has been approved. The adequacy of infrastructure to serve the subdivision is a criteria of preliminary plat approval. The portion of the subdivision that serves the model homes must have infrastructure completed to the satisfaction of the city engineer, fire marshal and city manager prior to construction of the model homes.

Goal EE1 – Protect, preserve and enhance those features of the natural environment which are most sensitive to human activities ... and provide adequate mitigation of adverse environmental impacts.

The proposed criteria for approval of model homes includes the requirement for protection and mitigation of adverse impacts to any critical areas upon or adjacent to the areas where the model homes are to be allowed.

Policy ED5.3 Streamline permit processes and reduce costs for housing development, without compromising levels of service for infrastructure.

The proposed ordinance would promote housing development without compromising levels of service for infrastructure.

c. Whether the proposal adequately implements the goals and policies of the comprehensive plan.

The amendments to Chapter 15.16 implements the comprehensive plan goals of promoting safe and attractive residential neighborhoods.

d) The cumulative impact of the proposed amendment upon the health, safety, and welfare of the city;

The proposed amendment will not have a cumulative adverse impacts on the health, safety or welfare of the city as adequate regulations are provided to prevent such harm from construction of model homes prior to final plat approval.

e) The probable significant adverse environmental impacts of the proposal, if any.

The proposed amendments should not create adverse environmental impacts.

FINDINGS AND CONCLUSIONS FOR THE AMENDEMNT TO DEVELOPMENT REGULATIONS:

Having considered the entire record in this matter, the Carnation City Council now makes and enters the following:

A. FINDINGS AND CONCLUSIONS

1. The proposed amendments are consistent with the Growth Management Act (Chapter 36.70A RCW);
2. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan;
3. The proposal adequately implements the goals and policies of the comprehensive plan :
4. There are no cumulative impact of the proposed amendment upon the health, safety, and welfare of the city;
5. There are no probable significant adverse environmental impacts of the proposal if any.