

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



CO00013924

EMERGENCY ORDINANCE NO. 05-030

RELATING TO SEISMIC HAZARD AREAS; AMENDING SECTIONS 30.50.020, 30.50.060, 30.71.030, 30.72.025, AND 30.91S.120 OF THE SNOHOMISH COUNTY CODE (SCC); ADDING A NEW SECTION 30.51.010 SCC; DECLARING AN EMERGENCY; AND SETTING A PUBLIC HEARING DATE

WHEREAS, Snohomish County is located in a region known for seismic activity; and

WHEREAS, scientists are continually learning more about earthquake faults, areas with a high potential for ground rupture and liquefaction during earthquakes, and slopes that may be subject to instability or collapse during seismic events that are located throughout the entire Puget Sound region, including in the vicinity of Snohomish County; and

WHEREAS, seismic events can result in extensive injury and damage to people, property and the environment where adequate provisions are not taken to minimize or eliminate the negative effects of such seismic events in the design and construction of certain new facilities; and

WHEREAS, the Snohomish County Council finds that seismic activity is ongoing in the county and that the county is presently experiencing a high volume of construction applications and,

WHEREAS, it is necessary for the county council to take immediate action to provide the authority to impose conditions in addition to those standards set forth in state building codes adopted pursuant to chapter 19.27 RCW, for certain facilities vulnerable to rupture, collapse, failure or release as a result of a seismic event, that may cause significant harm to the public health, safety, or the environment.

THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council adopts the following findings and conclusions:

- A. The foregoing recitals are incorporated herein by this reference.
- B. Pursuant to section 2.120 of the Snohomish County Charter the council finds and concludes that that this ordinance is necessary for the immediate preservation of public health and safety and that an emergency exists.
- C. Pursuant to WAC 197-11-880 and SCC 30.61.020, the immediate adoption of new regulations for certain uses in seismic hazard areas is necessary to avoid an imminent danger to public and private property and the serious degradation of the environment. This ordinance is therefore categorically exempt from environmental review under the State Environmental Policy Act (SEPA).

Section 2. Snohomish County Code (SCC) section 30.50.020, last amended by Ordinance No. 02-064 on December 9, 2002, is hereby amended to read:

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30.50.020 Board of appeals.

A board of appeals is hereby created for the efficient administration of Snohomish county construction related codes. The board may be consulted in determining the suitability of alternate materials and methods of construction. The board shall also hear and decide appeals of orders, decisions, or determinations by the building official, or as applicable, the fire marshal, relative to the application and interpretation of the following uniform codes and other noted regulations as adopted and amended by the county, provided that appeals of conditions imposed pursuant to chapter 30.51 SCC shall not be subject to review by the board.

- (1) Grading Code, chapter ((30.54)) 30.63B SCC.
- (2) Uniform Building Code, chapter 30.52A SCC.
- (3) Uniform Mechanical Code, chapter 30.52B SCC.
- (4) Ventilation and Indoor Air Quality Code, chapter 30.52C SCC.
- (5) Energy Code, chapter 30.52D SCC.
- (6) Uniform Plumbing Code, chapter 30.52E SCC.
- (7) Fire Code, including minimum standards for water mains and fire hydrants, chapter 30.53A SCC, but excluding fireworks permit regulations.
- (8) Uniform Code for the Abatement of Dangerous Buildings, chapter 30.53B SCC.
- (9) Uniform Housing Code, chapter 30.53C SCC.
- (10) Mobile Home and Commercial Coaches Permit, chapter 30.54A SCC.
- (11) Uniform Sign Code, chapter 30.54B SCC.

Section 3. SCC Section 30.50.060, last amended by Ordinance No. 02-064 on December 9, 2002, is hereby amended to read:

30.50.060 Building official and fire marshal.

The building official is that person designated by the director and charged with the application and interpretation of the construction codes as set forth in subtitle 30.5 SCC, subject to chapter 30.51 SCC, except that the fire marshal is charged with the application and interpretation of the fire code, chapter 30.53A SCC, and related standards for water mains and fire hydrants.

Section 4. SCC Section 30.71.030, last amended by Ordinance No. 02-064 on December 9, 2002, is hereby amended to read:

30.71.030 Type 1 process overview.

A Type 1 permit or decision is administratively made by the department. When a complete application is filed, the department provides notice of application, accepts written comments, and then issues a decision approving, approving with modifications or conditions, or denying the application. The department's decision is appealable to the hearing examiner, except conditions imposed under SCC 30.51, or, for a shoreline substantial development permit, shoreline conditional use permit, and shoreline variance to the state shorelines hearings board. Except as otherwise provided in this section, the ((The)) hearing examiner's decision on appeal of a Type 1 application is the final county decision. Further appeal may be taken pursuant to a land use petition filed in superior court. For shoreline appeals, the state shorelines hearings board acts in place of the county hearing examiner.

Section 5. SCC Section 30.72.025 added by Ordinance No. 02-064 on December 9, 2002, which became effective on February 1, 2003 is amended to read as follows:

30.72.025 Type 2 process overview.

Type 2 decisions are made by the hearing examiner based on a report from the department and information received at the open record hearing((-)), except for conditions imposed pursuant to chapter 30.51 SCC, which shall be included in the hearing examiner's decision. The hearing examiner's decision on a Type 2 application is a final decision subject to appeal to the county council, except for shoreline permits issued under chapter 30.44 SCC, and conditions imposed under chapter 30.51 SCC. Appeals of shoreline substantial development permits, shoreline conditional use permits, shoreline variances are made directly to the state shorelines hearings board.

Section 6. SCC Section 30.91S.120, added by Ordinance No. 02-064 on December 9, 2002, which became effective on February 1, 2003 is amended to read as follows:

30.91S.120 Seismic hazard areas.

"Seismic hazard areas" means areas mapped as seismic zones 3 and 4 in the Uniform Building Code. "Seismic hazard areas" include areas that have been determined by the building official to have known or inferred faults, ground rupture potential, liquefaction potential, or seismically induced slope instability, where such information is provided to Snohomish County through geotechnical studies or reports prepared by federal, state or local governments, through the requirements of SCC 30.62.240, or through the requirements of the State Environmental Policy Act (SEPA).

Section 7. A new section 30.51.010 is added to chapter 30.51 of the Snohomish County Code to read:

30.51.010 Seismic hazard areas.

(1) When a development application is made within a seismic hazard area for any use that may spill, release, or discharge hazardous materials, waste materials, hazardous liquids, waste liquids, or gases that may present a serious risk of harm to public health, safety or the environment in the event of seismic activity such as an earthquake, ground rupture, liquefaction of the soils, collapse or settling of slopes or structures, the county council may impose reasonable conditions in addition to those standards set forth in the state building codes adopted pursuant to chapter 19.27 RCW to protect the public health, safety, or the environment. This provision shall not apply to residential or multi-family developments, service stations and fuel yards as defined in this title.

(2) For all development applications subject to SCC 30.51.010(1), prior to permit approval the building official shall present to the county council an engineering report consistent with the requirements of SCC 30.62.240 and the state building code requirements, along with any other available information to assist the county council in making its decision on whether to impose additional conditions on the proposal to minimize or eliminate seismic risks.

(3) The county council shall consider the available information submitted by the building official at a public hearing and may impose additional reasonable conditions for inclusion in a Type 1 or Type 2 permit to protect public health and safety, and the environment.

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(4) The county council's decision on any condition imposed under this chapter shall be final and not subject to further administrative appeal. Appeal of a condition imposed under this chapter shall be appealed together with the final decision of the county on a Type 1 or Type 2 permit.

(5) The director of the department of planning and development services may adopt procedures or administrative rules as necessary to carry out the provisions of this chapter.

Section 8. Finding and effective date. The council finds as a fact that earthquakes and seismic activity are ongoing within the county and new facilities are being constructed in seismic hazard areas that require immediate attention, and that this ordinance is necessary for the immediate preservation of public health and safety. Based on the foregoing, the county council declares that an emergency exists and this ordinance shall take effect immediately.

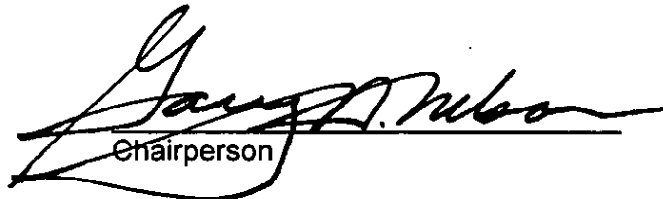
Section 9. Pursuant to SCC 30.73.090, this emergency ordinance adopts development regulations that shall remain in effect for six (6) months from the effective date, unless affirmed or amended prior to that time as permanent regulations following a public hearing for which notice has been provided under SCC 30.73.090.

Section 10. Public hearing. A public hearing is scheduled on June 8, 2005 at the hour of 10:30 a.m. in the Jackson Board Room, 8th Floor, Snohomish County East Administration Building, in Everett, Washington for council to consider public testimony as to whether it should amend, repeal or affirm this ordinance.

Section 11. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 18th day of April, 2005.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *asst.*

APPROVED AS TO FORM ONLY:


Deputy Prosecuting Attorney

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