



CO00015514

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 06-075

RELATING TO SEISMIC HAZARD AREAS; REPEALING TEMPORARY CONSTRUCTION STANDARDS IN CHAPTER 30.51 SCC AND A DEFINITION IN SECTION 30.91S.120 SCC, AND ADOPTING PERMANENT CONSTRUCTION STANDARDS FOR SEISMIC HAZARD AREAS; AMENDING SECTIONS 30.23.030, 30.23.040 AND 30.91S.120 SCC; ADDING A NEW CHAPTER 30.51A SCC AND ADDING NEW DEFINITIONS TO SUBTITLE 30.9 OF THE SNOHOMISH COUNTY CODE

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 occurring throughout the Puget Sound region, including Snohomish County; and

WHEREAS, seismic events can result in extensive injury and damage to people, property and the environment where adequate provisions are not implemented 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 may occur at any time; and

WHEREAS, the county is presently experiencing an exceedingly high volume of construction applications; and

WHEREAS, the most common surface fault rupture risk-reduction measure is avoidance using setbacks to prohibit placing buildings across active faults; and

WHEREAS, other jurisdictions, including the states of California and Utah, require a setback, generally 50-feet, from an active fault to minimize or prevent structural collapse in addition to current building codes; and

WHEREAS, the State of California adopted the Alquist-Priolo Earthquake Fault Zoning Act in 1972 to mitigate surface fault rupture hazard by preventing the construction of buildings used for human occupancy on top of active faults; and

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WHEREAS, the U.S. Geological Survey cooperates with the California Division of Mines and Geology to create special Earthquake Fault Zones maps for specific areas of the state showing a regulatory zone around all faults known to be active; and

WHEREAS, before any structure can be built, the state of California requires completion of special geologic studies prepared by a licensed geologist to demonstrate proposed buildings will not be constructed across active faults. If an active fault is found, a structure for human occupancy cannot be placed over the fault trace and must be set back, generally 50 feet; and

WHEREAS, the California Code of Regulations (Section 3603) supports the 50-foot setback from an active fault by presuming this area to be underlain by active branches of that fault unless proven otherwise by an appropriate geologic investigation. Therefore, no structures are permitted in this setback area. Setback recommendations should consider the style and complexity of faulting at the site and the accuracy of fault location; and

WHEREAS, most local government ordinances in Utah address surface fault rupture hazards by prohibiting construction of habitable structures and critical facilities across active faults. The state of Utah identifies Category II and III structures defined in the International Building Code as critical facilities. The state identifies minimum setback requirements for IBC building occupancy classes E, H and I structures from 15 to 50 feet from an active fault; and

WHEREAS, on October 17, 2005, the Snohomish County Council adopted Emergency Ordinance No. 05-122 adopting interim development regulations relating to construction in seismic hazard areas for certain building structures and essential facilities; and

WHEREAS, pursuant to RCW 36.70A.390, the County Council held a public hearing on Emergency Ordinance No. 05-122 on December 7, 2005; and

WHEREAS, at the public hearing held on the interim regulations on December 7, 2005, there was testimony and written comment received related to the recently discovered fault at the site of the proposed Brightwater Wastewater Treatment Facility in the Maltby area, as well as other areas of the county; and

WHEREAS, at the time of the public hearing, the council directed staff to meet with the Alderwood Water and Wastewater District and the Lake Stevens Sewer District to discuss possible amendments to Emergency Ordinance No. 05-122 prior to bringing it forward as a permanent regulation; and

WHEREAS, Planning and Development Services Department staff held a sewer purveyor stakeholder informational meeting on February 8, 2006, to discuss the sewer

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purveyor's questions and concerns with complying with the development regulations set forth in Emergency Ordinance No. 05-122, which regulations were extended for another six months by the adoption of Ordinance No. 06-025. Twelve people from six jurisdictions (Alderwood Water and Wastewater District, King County, Mukilteo Water District, Olympus Terrace Sewer District, City of Everett, and Snohomish County) attended and collaboratively discussed a broad range of issues arising out of the proposed regulations; and

WHEREAS, on April 5, 2006, the Snohomish County Council adopted Emergency Ordinance No. 06-025 re-adopting the interim development regulations relating to construction in seismic hazard areas that had been adopted in Emergency Ordinance No. 05-122; and

WHEREAS, pursuant to RCW 36.70A.390, the County Council held a public hearing on Emergency Ordinance No. 06-025 on April 5, 2006; and

WHEREAS, Emergency Ordinance No. 06-025 will expire on October 16, 2006; and

WHEREAS, it is necessary for the County Council to take action to implement conditions within the International Building Code (IBC) adopted by Chapter 19.27 RCW, specifically to establish the setback requirements from earthquake faults for certain building structures and essential facilities identified in Section 1616 of the IBC; and

WHEREAS, it is necessary for the County Council to provide the building official with the authority to require additional information and investigation of a site where earthquake faults may be present, along with the clear authority to modify fault setback requirements where certain conditions specified in the IBC are met; and

WHEREAS, this ordinance is exempt from Planning Commission review because it adopts permanent construction codes pursuant to Subtitle 30.5 SCC; and

WHEREAS, the County Council held a public hearing on October 4, 2006, to consider the entire record and hear public testimony on the adoption of this proposed ordinance;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The foregoing recitals are incorporated herein as findings and conclusions by this reference as if set forth in full.

Section 2. The County Council makes the following additional findings of fact:

A. Emergency Ordinance No. 06-025 included amendments to the definition of "seismic hazard areas" (SCC 30.91S.120) and added two new sections (SCC 30.51.010

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Seismic hazard areas – setback requirements, and SCC 30.51.020 Seismic hazard areas – additional information or tests authorized) with special development standards to prevent and minimize impacts to wastewater treatment facilities from seismic events.

B. On February 8, 2006, the Planning and Development Services Department held an informational meeting for industry stakeholders for the purpose of discussing permanent seismic hazard regulations and odor regulations. All sewer purveyors and city staff from planning and public works departments within Snohomish County were invited. Twelve people from six jurisdictions (Alderwood Water and Wastewater District, King County, Mukilteo Water District, Olympus Terrace Sewer District, City of Everett, and Snohomish County) attended. The attendees had few comments on the language in the emergency ordinance, County staff clarified that compliance with the new seismic standards is required for the construction of a broad range of building structures and essential facilities located within seismic hazard areas

C. In an email dated March 9, 2006, to the County's Chief Planning Officer regarding Emergency Ordinance No. 05-122, the Alderwood Water and Wastewater District stated they have no comments related to this ordinance because it will have little impact on their daily operational functions.

D. In drafting this ordinance the County considered the comments received during public testimony at the Council public hearing on former Emergency Ordinance No. 05-122 and Ordinance No. 06-025, comments received at the industry stakeholder meeting and after additional review by affected facility operators, and the comments and concerns of the City of Woodinville, Sno-King Environmental Alliance and other groups and individuals.

E. A State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) was issued, on March 27, 2006, for the proposed adoption of permanent regulations to prevent and minimize impacts to structures from seismic events. Compliance with SEPA (Chapter 43.21C RCW) and Chapter 30.61 SCC is satisfied by the issuance of the DNS.

F. The County published legal notices in The (Everett) Herald providing notice of the County Council's public hearing to consider the adoption of this ordinance.

Section 3. The County Council makes the following conclusions:

A. Permanent development regulations related to development in seismic hazard areas are necessary to protect the public from potential injury or damage to people, property and the environment related to seismic events.

B. This proposed ordinance was broadly disseminated and opportunities were made available to the public to provide written comments and testimony at a public

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hearing after public notice was published according to the County Code requirements. A public hearing was held by the County Council on October 4, 2006. Therefore, the review and adoption of this amendment meets the procedural and the public participation requirements of Chapter 30.73 SCC.

C. The amendments to Chapters 30.23, 30.51 and Subtitle 30.9 SCC are consistent with the County's GMA comprehensive plan.

Section 4. The County Council bases its findings and conclusions on the entire record before it, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 5. Section 30.23.030(1) of the Snohomish County Code, last amended by Ordinance No. 06-004 on March 15, 2006, is amended to read:

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Table 30.23.030(1) BULK MATRIX

Category	Zone	Max. Bldg. Height (ft) ²⁷	Lot Dimension (ft)			Setback Requirements From: (ft) ⁽¹⁾⁽¹²⁾⁽¹³⁾⁽¹⁴⁾⁽¹⁵⁾							Max. Lot Coverage ⁸			
			Min. Lot Area ²⁹	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' ^{34,42}	Public and Private Right of Way ^{9,11,34,42}	Commercial and Industrial Zones ¹¹	Residential, Multifamily, and Rural Zones ¹¹	Ag ²⁰	Resource Lands Forest ²¹	Water Bodies ¹²				
Resource	MC ³¹		10 ac ³²			50	50		100 ³³							
	F ³⁸	45 ⁶	20 ac ³	300	300	130 ^{10,13}	100 ¹³		100 ^{13,33}	50	100 ³⁰	25 ¹³			35%	
	F&R ^{38,39}	25 ⁷	200,000 sf ^{2,23}	100	100	50 ¹⁰	20		5 ³³	50	100 ³⁰	25			35%	
	A-10 ^{37,40,52}	45	10 ac	none	none	50 ¹⁰	20		5 ³³	50	100 ³⁰	25			none	
Rural	RRT-10	45	10 ac	225	225	50	20		5 ³³	50	100 ³⁰	25			35%	
	R-5 ^{37,38,39,40,46}	45 ²⁵	200,000 sf ^{2,24}	165 ²⁴	165 ²⁴	50 ¹⁰	20		5 ³³	50	100 ³⁰	25			35%	
	RC ^{37,38,39,40}	35	100,000 sf ²⁴	165 ²⁴	165 ²⁴	50 ¹⁰	20		5 ³³	50	100 ³⁰	25			35%	
	RD ³⁸	45	200,000	165	165	50 ¹⁰	20		5 ³³	50	100 ³⁰	25			35%	
	RB	35	none	none	none	55	25	none	50 ³³	50	100	none			35%	
	CRC	35 ⁽⁴³⁾	none	none	none	25 ²⁶	25 ²⁶	none	25	50	100	none			50% ⁴⁴ 30% ⁴⁵	
	RFS	35	none	none	none	55	25	none	50	50	100	none			35%	
	RI	50	none	none	none	55	25	none	100	100	100	none			35%	
Other	SA-1 ^{37,39}	35	1 ac/ 43,560 sf ⁴¹	150	150	50 ¹⁰	20		5 ³³	50	100	25			35%	
	RU ^{37,39}	35	60	65	65	50 ¹⁰	20		5 ³³	50	100	25			35%	
	R20,000 ^{37,39}	25	20,000 sf	85	90	50 ¹⁰	20		5	50	100	25			35%	
	R12,500 ⁴⁰	25	12,500 sf	75	80	50 ¹⁰	20		5	50	100	25			35%	

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Category	Zone	Lot Dimension (ft)			Setback Requirements From: (ft) ^{(b)(28), X(b)}							
		Max. Bldg. Height (ft) ²⁷	Min. Lot Area ²⁹	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under ^{34, 42} 60', 34', 42'	Public and Private Right of Way ^{9, 11, 34, 42}	Commercial and Industrial Zones ¹¹	Residential, Multifamily, and Rural Zones ¹¹	Resource Lands Ag ²⁰ Forest ²¹	Water Bodies ¹²	Max. Lot Coverage ⁸
	WFB	25	7,200 sf ²³	60	65	50 ¹⁰	20	5	5	100	25	35%

Table 30.23.030(1) (continued on next page)

Category	Zone	Max. Bldg. Height (ft) ²⁷	Lot Dimension (ft)			Setback Requirements From: (ft) ^{28, X}						Max. Lot Coverage ^{8, 51}	
			Min. Lot Area ²⁹	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under ^{34, 42} 60', 34', 42'	Public and Private Right of Way ^{9, 11, 34, 42}	Commercial and Industrial Zones ¹¹	Residential, Multiple Family, and Rural Zones ¹¹	Resource Lands Ag ²⁰ Forest ²¹	Water Bodies ¹²		
Urban	R9,600	25	9,600 sf ²³	70	75	50 ¹⁰	20	5	5	100	25	35%	
	R8,400	25	8,400 sf ²³	65	70	50 ¹⁰	20	5	5	100	25	35%	
	R7,200	25	7,200 sf ²³	60	65	50 ¹⁰	20	5	5	100	25	35%	
	T	35	35	35	35	50 ^{14, 10}	20 ¹⁴	5 ¹⁴	5 ¹⁴	5 ¹⁴	100	25 ¹⁴	35
	LDMR	35	7,200 sf ⁴	60	70	55 ^{15, 10}	25 ¹⁵	15	15	50	100	25 ¹⁵	30%
	MR	35	7,200 sf ⁵	60	70	55 ^{15, 10}	25 ¹⁵	15	15	50	100	25 ¹⁵	40%
	FS	35	none	none	none	25 ²⁵	25 ²⁶	5/15 ¹⁶	25	none	100	none	none
	NB ¹	25 ⁴⁷	None ⁴⁸	none	none	25 ^{25, 49}	25 ^{26, 49}	none	10 ⁵⁰	none	100	none	35% ⁵¹
	PCB ¹	40 ⁴⁷	none ^{19, 48}	none	none	55 ^{25, 49}	25 ^{18, 26, 48}	none	25 ⁵⁰	none	100	none	None ⁵¹
	CB ¹	35	none	none	none	25 ²⁵	25 ²⁶	none	10	none	100	none	50%
	GC ¹	45	none	none	none	25 ²⁵	25 ²⁶	none	10	none	100	none	50%
	IP	65	none	none	none	30 ^{17, 25}	25 ^{17, 26}	none ¹⁷	25 ¹⁷	none	100	none	50%
BP ¹	50	none ¹⁹	none	none	30 ²⁵	25 ²⁶	none	25	none	100	none	35%	
LI	50	none	none	none	25 ²⁵	25 ²⁶	none	50	none	100	none	none	

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		Lot Dimension (ft)				Setback Requirements From: (ft) ^{28, X}						
Category	Zone	Max. Bldg. Height (ft) ²⁷	Min. Lot Area ²⁸	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under ^{34, 42} 60'	Public and Private Right of Way ^{9, 11, 34, 42}	Commercial and Industrial Zones ¹¹	Residential, Multiple Family, and Rural Zones ¹¹	Resource Lands	Water Bodies ¹²	Max. Lot Coverage ^{8, 51}
	HI	65	none	none	none	25 ²⁵	25 ²⁶	none	50	Ag ²⁰ Forest ²¹	none	none

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Section 6. Section 30.23.040 of the Snohomish County Code, last amended by Ordinance No. 06-004 on March 15, 2006, is amended to read:

30.23.040 Reference notes for bulk matrix:

- (1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.
- (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
- (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
- (4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.
- (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.
- (6) Commercial forestry structures shall not exceed 65 feet in height.
- (7) Non-residential structures shall not exceed 45 feet in height.
- (8) Lot coverage includes all buildings on the given lot.
- (9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.
- (10) Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.
- (11) These setbacks shall be measured from the property line.
- (12) These setbacks shall be measured from the ordinary high-water mark and shall apply only to the rear setback. In the LDMR and MR zones this setback applies to single family dwellings only. Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction. Some uses have special setbacks. See SCC 30.23.110 for specifics.
- (13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8,400 zone.
- (14) The listed setbacks apply to single family detached structures. For a townhouse, see chapter 30.31E SCC.
- (15) MR and LDMR setbacks.
 - (a) Single family detached structures and duplexes shall have the minimum setbacks required in the R-8,400 zone. Building separation between single family detached structures or duplexes shall be a minimum of 10 feet.
 - (b) Other structures shall have minimum side and rear setbacks of five feet (10 feet where abutting residential, rural, or resource zones). Building separation between primary MR and LDMR structures shall be a minimum of 15 feet. Building separation between primary structures and secondary/accessory structures, including but not limited to carports and garages, and separation between secondary structures themselves, shall be determined by the applicable sections of the Uniform Building

Code (UBC).

(c) Multi-story structures shall increase all setbacks by three feet and building separations by five feet for each additional story over two stories.

(16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.

(17) In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.

(18) In the PCB zone the setback from private roads and easements is 25 feet.

(19) See SCC 30.31A.020(1) and (2) which specifies the minimum area of a tract of land necessary for PCB or BP zoning.

(20) See additional setback provisions for dwellings located along the boundaries of designated farmland contained in SCC 30.32B.130.

(21) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC 30.32A.110.

(22) The minimum lot size for properties designated Rural Residential (RR) - 10 (Resource Transition) on the comprehensive plan shall be 10 acres. For properties designated Rural Residential - 10 (Resource Transition) and located outside the Tulalip Reservation the lot/unit yield for rural cluster subdivisions or housing demonstration program projects using PRD provisions shall be based on a minimum lot size of 200,000 square feet.

(23) Minimum lot area requirements may be modified within UGAs in accordance with SCC 30.23.020.

(24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall be 20,000 square feet or less when located in rural/urban transition areas.

(25) These setbacks shall be measured from the edge of the right-of-way as determined by the director of the department of public works.

(26) Except where specifically prohibited by the hearing examiner, the director of the department may waive or modify building setback requirements abutting private roads and/or private access easements serving lots within commercial and industrial zones only if such waiver or modification will not have a likely impact upon future right-of-way needs and/or right-of-way improvements.

(27) See SCC 30.23.050 for height limit exceptions.

(28) See SCC 30.23.100 et seq. for additional setback requirements and exceptions.

(29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

(30) SCC 30.32A.120 (Siting of new structures: commercial forest land) requires an application for a new structure on parcels designated commercial forest, but not within a designated commercial forest-forest transition area, to provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the

new structure shall maintain the maximum setback possible, as determined by the department.

(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.

(32) The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30.31D.020(1)(a).

(33) See SCC Table 30.28.050(3)(i) for setback requirements for structures containing a home occupation.

(34) See SCC 30.23.120 for other setback exceptions.

(35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height, setback, and lot coverage requirements.

(36) RESERVED for future use (MR and LDMR setbacks - DELETED by Ord. 05-094 effective September 29, 2005.

(37) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines, as provided in SCC 32.23.110(1).

(38) There shall be no subdivision of land designated commercial forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

- (a) The facility cannot suitably be located on undesignated land;
- (b) The installation cannot be accomplished without subdivision;
- (c) The facility is to be located on the lowest feasible grade of forest land; and
- (d) The facility removes as little land as possible from timber production.

(39) On parcels designated commercial forest, but not within a designated commercial forest - forest transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) Figure 30.23.040(42) EASEMENT SETBACKS PER BULK MATRIX.

(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.

(44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at

180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.

(45) The 30% maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.

(46) Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources. Residential subdivision is restricted pursuant to 30.32C.150. Residential setbacks are 100 feet, pursuant to Table 30.41C.210(1).

(47) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum building height of 45 feet if using surface parking or 90 feet if using structured parking.

(48) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a minimum lot size of 5 acres unless within 120 feet of a park-and-ride facility where minimum lot area is 3 acres per SCC 30.31A.020 (2) and (3).

(49) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback of 5 feet minimum and 10 feet maximum.

(50) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback from residential, multiple family and rural zones of 10 feet minimum and 25 feet maximum.

(51) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum lot coverage of 90 percent of net acreage.

(52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(X) This provision is not applicable to single-family and duplex dwellings and their accessory structures. Subject to chapter 30.51A SCC, all development activities and actions requiring project permits for buildings or structures located within a seismic hazard area and listed in SCC 30.51A.020 require a fifty (50) foot setback from the closest edge of an identified active fault trace.

Section 7. Chapter 30.51 of the Snohomish County Code adopted by Emergency Ordinance No. 06-025 on April 5, 2006, is hereby repealed.

Section 8. A new Chapter 30.51A is hereby added to the Snohomish County Code to read:

**Chapter 30.51A
DEVELOPMENT IN SEISMIC HAZARD AREAS**

30.51.010 Purpose

30.51.020 Applicability

30.51.030 Fault setback requirements

30.51.040 Additional information or tests authorized

ORDINANCE NO. 06-015

RELATING TO SEISMIC HAZARD AREAS; REPEALING TEMPORARY CONSTRUCTION STANDARDS IN CHAPTER 30.51 SCC AND A DEFINITION IN SECTION 30.91S.120 SCC, AND ADOPTING PERMANENT CONSTRUCTION STANDARDS FOR SEISMIC HAZARD AREAS; AMENDING SECTIONS 30.23.030, 30.23.040 AND 30.91S.120 SCC; ADDING A NEW CHAPTER 30.51A SCC AND ADDING NEW DEFINITIONS TO SUBTITLE 30.9 OF THE SNOHOMISH COUNTY CODE

30.51.010 Purpose. The purpose of this section is to protect the public health, safety and welfare by preventing the placement of certain buildings and structures located within seismic hazard areas over known active faults, and to protect certain essential facilities from seismic events.

30.51.020 Applicability. This chapter shall apply to all development applications and actions requiring project permits for any building or structure, excluding single-family and duplex dwellings and their accessory structures, located within a seismic hazard area and assigned to seismic use group II, seismic use group III, and buildings or structures assigned to seismic design categories E or F, as defined in Chapter 1616 (Earthquake Loads – Criteria Selection) of the International Building Code (IBC) adopted by Chapter 19.27 RCW.

(1) Seismic use group II includes structures whose failure would result in substantial public hazard due to occupancy or use. See Section 1616.2.2 of the IBC and Table 1604.5 IBC at Occupancy Category III.

(2) Seismic use group III includes structures for essential facilities necessary for post earthquake recovery or those containing substantial quantities of hazardous substances. See Section 1616.2.3 of the IBC and Table 1604.5 IBC at Occupancy Category IV.

(3) Seismic design categories are used to determine permissible structural systems, limitations on height and irregularity, those components of the structure that must be designed for seismic resistance, and the types of lateral force analysis that must be performed. See, Section 1616.1 of the IBC -- structural design criteria.

30.51.030 Fault setback requirements. A building or structure assigned to seismic design category E or F as defined in Section 1616 of the IBC shall not be sited over an identified active fault trace.

(1) Where a development application or action requiring a project permit for any building or structure is located within a seismic hazard area, the applicant shall provide a geotechnical report consistent with the requirements of SCC 30.62.240. In addition to any other requirements, the geotechnical report shall include adequate horizontal control necessary to identify the closest edge of an identified active fault trace.

(2) Buildings and structures subject to this chapter shall be required to set back fifty (50) feet from the closest edge of an identified active fault trace as defined in SCC 30.91A.075.

(3) The building official may modify the fault setback requirements of this chapter only when done in accordance with Section 104.10 of the IBC.

30.51.040 Additional information or tests authorized.

The building official may require an applicant to perform additional studies, tests, or site investigation to determine or confirm the specific location of an active fault trace and allow for optimal understanding of on-site and nearby seismic hazards, where needed to implement the requirements of SCC 30.51.030.

Section 9. A new Section 30.91A.075 is hereby added to the Snohomish County Code to read:

30.91A.075 "Active fault/active fault trace" means a fault for which there is an average historic slip rate of 1 millimeter (0.039 inches) per year or more and geologic evidence of seismic activity within Holocene (past 11,000 years) times. Active fault traces are designated by the appropriate regulatory agency and/or registered design professional subject to identification by a geotechnical report. (See, Section 1613.1 of the IBC).

Section 10. Section 30.91S.120 of the Snohomish County Code adopted by Emergency Ordinance No. 06-025 on April 5, 2006, is hereby repealed.

Section 11. A new Section 30.91S.121 is hereby added to the Snohomish County Code to read:

30.91S.121 "Seismic hazard areas" means 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 any of the following means: geotechnical studies and reports prepared by licensed professionals pursuant to chapter 19.27 RCW or SCC 30.62.240; geotechnical studies and reports prepared by federal, state or local agencies; and geotechnical studies, reports or environmental impact statements prepared through the requirements of the State Environmental Policy Act (SEPA) chapter 43.21C RCW.

Section 12. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or illegal by a board or court of competent jurisdiction, the remainder of this ordinance or its application to any person or circumstance shall not be affected.

PASSED this 4th day of October, 2006

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:


Sheila McAllister
Clerk of the Council, *asst.*

Kirke Sievers
Kirke Sievers, Council Chair

ORDINANCE NO. 06-075
RELATING TO SEISMIC HAZARD AREAS; REPEALING TEMPORARY CONSTRUCTION STANDARDS IN CHAPTER 30.51 SCC AND A DEFINITION IN SECTION 30.91S.120 SCC, AND ADOPTING PERMANENT CONSTRUCTION STANDARDS FOR SEISMIC HAZARD AREAS; AMENDING SECTIONS 30.23.030, 30.23.040 AND 30.91S.120 SCC; ADDING A NEW CHAPTER 30.51A SCC AND ADDING NEW DEFINITIONS TO SUBTITLE 30.9 OF THE SNOHOMISH COUNTY CODE

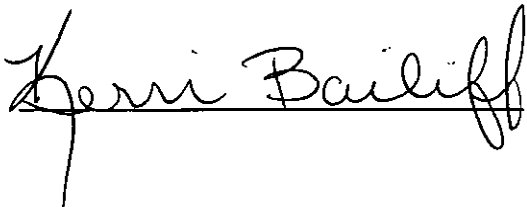
- APPROVED
- EMERGENCY
- VETOED

DATE: October 5, 2006




Aaron G. Reardon PETER B. CAMP
County Executive Executive Director

ATTEST:



Kerri Bailiff

Approved as to form only:



Assistant Chief Civil Deputy
Prosecuting Attorney

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