

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



AMENDED ORDINANCE NO. 07- 089

RELATING TO THE REGULATION OF CONSTRUCTION IN SEISMIC HAZARD AREAS; UPDATING CONSTRUCTION STANDARDS TO CONFORM TO THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE; AMENDING CHAPTER 30.51A SCC; AND ADDING A NEW SECTION SCC 30.91A.075

WHEREAS, the Washington State Legislature adopted the most current construction codes as the State Building Code pursuant to chapter 19.27 RCW on November 17, 2006; and

WHEREAS, the State Building Code became effective July 1, 2007; and

WHEREAS, the State Building Code Act includes the adoption of the 2006 edition of the International Building Code (IBC); and

WHEREAS, the IBC includes updated construction and performance standards, terms, methods, and technologies related to development in seismic hazard areas; and

WHEREAS, chapter 19.27 RCW mandates that the State Building Code be administered and enforced by counties and cities, and grants counties and cities limited authority to amend the code as it applies within their jurisdictions; and

WHEREAS, the Snohomish County Council and the Snohomish County Executive identified regulation of development to ensure safe and quality construction as a high priority and have delegated the responsibility for administering the State Building Code to Snohomish County Planning and Development Services (PDS); and

WHEREAS, PDS endeavors to administer and enforce the State Building Code in accordance with chapter 19.27 RCW in order to provide statewide consistency for the construction industry and the citizens of Snohomish County; and

WHEREAS, it is necessary for the county council to take action to implement the 2006 edition of the IBC adopted by chapter 19.27 RCW and adoption of Amended Ordinance No. 07-085 complies with this requirement; and

WHEREAS, section 1616 of the 2003 edition of the IBC relating to earthquake load definitions was removed in the 2006 IBC edition; and

WHEREAS section 1613 of the 2006 edition of the IBC addresses earthquake loads; and

WHEREAS chapter 30.51A SCC relating to construction in seismic hazard areas must be updated to reflect changes to earthquake load requirements in the 2006 edition of the IBC; and

WHEREAS, the county council held a public hearing on September 5, 2007 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 by this reference as if set forth in full.

Section 2. The county council makes the following additional findings of fact:

- A. RCW 19.27.040 allows the governing body of each county and city to amend the State Building Code as it applies within the jurisdiction of the county or city. The minimum performance standards of the code and the objectives enumerated in RCW 19.27.020 shall not be diminished by any county amendments.
- B. Section 1613 of the IBC regulates the design and construction of every structure and non-structural supports to resist the effects of earthquakes in accordance with American Society of Civil Engineers (ASCE) 7, excluding chapter 14 and Appendix 11A.
- C. Chapter 30.51A SCC is amended consistent with the IBC including the following updates:
 - 1. The term "active fault traces" is replaced with "active faults" consistent with section 1613 of the IBC.
 - 2. In accordance with the IBC, SCC 30.51A.020 is amended to reference "occupancy categories I, II, III and IV" instead of "seismic use categories," the term used in existing code.
 - 3. SCC 30.51A.020 and 30.51A.030 are amended to seismic design category "D" in addition to categories E and F used in the existing code. Category D will be used when the soils are unknown or there is insufficient detail to determine the site class.
 - 4. The definition of "active fault trace" in SCC 30.91A.075 is replaced with a definition for "active fault" based on the new definition found in the IBC.
- D. SCC 30.62.220 relating to seismic hazard areas is repealed. The repealed provision is not needed to indicate that development activity in a seismic

hazard area shall meet all applicable provisions of the building code. This requirement is already specified in chapter 30.51A SCC. Chapter 30.51A SCC will include updated references to the IBC.

- E. 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. This ordinance is consistent with the 2006 edition of the IBC and the State Building Code.
- B. Construction standards specific to seismic hazard areas are necessary to protect the public from potential injury or damage to people, property and the environment related to seismic events.
- C. The ordinance promotes the health, safety and welfare of the occupants or users of buildings and structures and the general public by providing building codes which require minimum performance standards and requirements for construction and construction materials, consistent with nationally accepted engineering and life safety standards.
- D. Adoption of the proposed amendments do not result in less restrictive performance standards or objectives than those in the State Building Code.
- E. This ordinance is required to implement the State Building Code Act, not the Growth Management Act, and therefore, this ordinance does not adopt development regulations under SCC 30.10.080. Pursuant to SCC 30.73.040(2)(c), planning commission review is not required.
- F. Environmental review under the State Environmental Policy Act is not required pursuant to WAC 197-11-800(20).
- G. The ordinance is in the best interest of Snohomish County and will promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the adopting standards set forth in the IBC as amended to meet the needs of Snohomish County.
- H. This proposed ordinance was broadly disseminated and opportunities were made available to the public to provide written comments and testimony at a public hearing after public notice was published according to SCC requirements.

Section 4. The Snohomish 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. Snohomish County Code Section 30.51A.020, adopted by Ordinance 06-075 on October 4, 2006, is amended to read:

30.51A.020 Applicability.

(1) 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))~~ occupancy category I, II, III or IV, and buildings or structures assigned to seismic design categories D, E or F. ~~((as defined in Chapter 1616 (Earthquake Loads Criteria Selection) of the International Building Code (IBC) adopted by Chapter 19.27 RCW.))~~ The occupancy category and seismic design category for a building or structure is determined in accordance with section 1613 of the International Building Code (IBC) and the American Society of Civil Engineers 7 (ASCE 7-05) standards.

~~((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))~~ (2) 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 pursuant to section 1613 of the of the IBC relating to earthquake loads or chapter 11 of ASCE 7-05 ~~((See, Section 1616.1 of the IBC structural design criteria.))~~.

Section 6. Snohomish County Code Section 30.51A.030, adopted by Ordinance 06-075 on October 4, 2006, is amended to read:

30.51A.030 Fault setback requirements.

A building or structure assigned to seismic design category D, E or F as defined in ~~((Section 1616))~~ section 1613 of the IBC or ASCE 7-05 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 section 1802 of the IBC and SCC 30.62B.140. 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.

(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 ((#raee)) 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.

Section 7. Snohomish County Code Section 30.51A.040, adopted by Ordinance 06-075 on October 4, 2006, is amended to read:

30.51A.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 or section 11.8.3 of ASCE 7-05.

Section 8. Snohomish County Code Section 30.62.220, adopted by Ordinance 02-064 on December 9, 2002, is repealed.

Section 9. Snohomish County Code Section 30.91A.075, adopted by Ordinance No. 06-075 on October 4, 2006, is repealed.

Section 10. A new section 30.91A.075 is added to Chapter 30.91A of the Snohomish County Code to read:

30.91A.075 "Active fault"

"Active fault" means a fault determined to be active by the building official upon review of properly substantiated data from federal or state agencies such as the most recent mapping of active faults by the United States Geological Survey and/or geotechnical reports or other properly substantiated documentation provided by a registered design professional.

Section 11. Severability. If any section, sentence, clause or phrase of this ordinance shall 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. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid 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 5th day of September, 2007

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Sheila McCausin
Asst. Clerk of the Council

Paul Garrett
Council Chairman

- APPROVED
- EMERGENCY
- VETOED

DATE: 9/11/07

Mark Soine
for County Executive
MARK SOINE
Deputy Executive

ATTEST:

Cara E. Palmer

Approved as to form only:

Deputy Prosecuting Attorney

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