

1 ADOPTED: 07/14/21
2 EFFECTIVE: 07/25/21

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4
5 SNOHOMISH COUNTY COUNCIL
6 SNOHOMISH COUNTY, WASHINGTON

7
8 ORDINANCE NO. 21-029
9

10 RELATING TO THE REGULATION OF CONSTRUCTION; ADOPTING THE 2018 EDITION OF
11 THE INTERNATIONAL MECHANICAL CODE AS REVISED, THE 2018 EDITION OF THE
12 WASHINGTON STATE ENERGY CODE AS REVISED, THE 2018 EDITION OF THE UNIFORM
13 PLUMBING CODE AS REVISED; AND AMENDING SECTIONS IN CHAPTERS 30.51A, 30.52B,
14 30.52D AND 30.52E SCC
15

16 WHEREAS, the merger of the International Conference of Building Officials with other code
17 writing organizations led to the formation of the International Code Council, which led to the
18 creation of a group of international codes that replaced the Uniform Building Codes in 2003; and
19

20 WHEREAS, the Washington State Legislature adopted the most current construction codes as
21 the State Building Code pursuant to the State Building Code Act, chapter 19.27 RCW; and
22

23 WHEREAS, the State Building Code Act adopts the International Building, Residential, and
24 Mechanical Codes, as well as the Uniform Plumbing Code and other construction codes; and
25

26 WHEREAS, the new codes and standards contain updated construction and performance
27 standards, methods, technologies, and products; and
28

29 WHEREAS, the 2018 State Building Code became effective February 1, 2021; and
30

31 WHEREAS, chapter 19.27 RCW mandates that the State Building Code be administered and
32 enforced by counties and cities, and grants counties and cities limited authority to amend the code
33 as it applies within their jurisdictions; and
34

35 WHEREAS, the Snohomish County Council ("County Council") and the Snohomish County
36 Executive have identified regulation of development to ensure safe and quality construction as a
37 high priority and have delegated the responsibility for administering the State Building Code to
38 Snohomish County Planning and Development Services ("PDS"); and
39

40 WHEREAS, PDS endeavors to administer and enforce the State Building Code in accordance
41 with chapter 19.27 RCW in order to provide for statewide consistency for the construction industry
42 and the citizens within Snohomish County; and
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1 WHEREAS, on July 14, 2021, the County Council held a public hearing after proper notice,
2 heard public testimony related to the proposed code amendments, and considered the entire
3 record; and
4

5 WHEREAS, following the public hearings, the County Council deliberated on the proposed
6 code amendments;
7

8 NOW, THEREFORE, BE IT ORDAINED:
9

10 Section 1. The County Council adopts the following findings in support of this ordinance:
11

- 12 A. The foregoing recitals are adopted as findings as if set forth herein.
13
14 B. The proposal would adopt the 2018 edition of the International Mechanical Code (IMC), the
15 2018 edition of the Washington State Energy Code, and the 2018 edition of the Uniform
16 Plumbing Code (UPC) as amended by the Washington State Building Code Council (“SBCC”)
17 and adopted by the Washington State Legislature, and as revised by this ordinance.
18
19 C. This ordinance will amend Title 30 Snohomish County Code (SCC) as follows:
20
21 1. Amend chapter 30.51A SCC to correct cross-references.
22
23 2. Amend SCC 30.52B.010 to update for the current version of the IMC.
24
25 3. Amend SCC 30.52D.010 SCC to update for the current version of the Washington State
26 Energy Code.
27
28 4. Amend SCC 30.52E.010 to update for the current version of the UPC.
29
30 D. The proposal implements the State Building Code and the State Energy Code and further
31 streamlines and provides greater internal consistency of the SCC. Therefore, the proposal
32 complies with and implements the following goal, objective, and policy contained in the
33 Snohomish County GMA Comprehensive Plan – General Policy Plan (“GMAP – GPP”):
34
35 1. Goal ED 2 “Provide a planning and regulatory environment that facilitates growth of the
36 local economy.”
37
38 2. Objective ED 2.A “Develop and maintain a regulatory system that is fair,
39 understandable, coordinated and timely.”
40
41 3. ED Policy 2.A.1 “Snohomish County shall work to ensure that the Snohomish County
42 Code is an understandable, accessible, and user friendly document.”
43

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1 E. Procedural requirements.

- 2
- 3 1. The proposed amendments are consistent with state law, including chapters 19.27 and
- 4 19.27A RCW.
- 5
- 6 2. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
- 7 respect to this non-project action have been satisfied through the completion of an
- 8 environmental checklist and the issuance of a determination of non-significance on April
- 9 9, 2021.
- 10
- 11 3. This ordinance is exempt from review by the Snohomish County Planning Commission
- 12 (“Planning Commission”) pursuant to SCC 30.73.040(2)(c) because it implements
- 13 chapters 19.27 and 19.27A RCW, not the Growth Management Act.
- 14
- 15 4. This ordinance does not adopt development regulations under SCC 30.10.080.
- 16 Therefore, notice to the Washington State Department of Commerce (“Commerce”) of
- 17 intent to adopt pursuant to RCW 36.70A.106 is not required.
- 18
- 19 5. The public participation process used in the adoption of this ordinance has complied
- 20 with all applicable requirements of the SCC.
- 21
- 22 6. The Washington State Attorney General last issued an advisory memorandum, as
- 23 required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum:
- 24 Avoiding Unconstitutional Takings of Private Property” to help local governments avoid
- 25 the unconstitutional taking of private property. The process outlined in the State
- 26 Attorney General’s 2018 advisory memorandum was used by the County in objectively
- 27 evaluating the regulatory changes proposed by this ordinance.
- 28

29 F. The proposed amendments are consistent with the record.

- 30
- 31 1. RCW 19.27.040 allows the governing body of each county and city to amend the State
- 32 Building Code as it applies within the jurisdiction of the county or city. The minimum
- 33 performance standards of the codes and the objectives enumerated in RCW 19.27.020
- 34 are not diminished by any county amendments.
- 35
- 36 2. Amendments to chapters 30.51A, 30.52B, 30.52D, and 30.52E SCC are necessary to
- 37 provide greater internal code consistency and consistency with the State Building Code.
- 38

39 Section 2. The County Council makes the following conclusions:

- 40
- 41 A. The County Council concludes that this ordinance adopting amendments to subtitle 30.5 SCC
- 42 and the 2018 edition of the International Mechanical Code, 2018 edition of the Washington
- 43 State Energy Code, the 2018 edition of the Uniform Plumbing Code as amended by the State

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1 of Washington, together with local amendments permitted under RCW 19.27.040, is in the best
2 interest of Snohomish County.

- 3
- 4 B. The County Council concludes that the ordinance is consistent with the recent updates to the
5 State Building Code contained in chapter 19.27 RCW and the State Energy Code contained in
6 chapter 19.27A RCW that became effective February 1, 2021.
 - 7
 - 8 C. The County Council concludes that the ordinance promotes the health, safety and welfare of
9 the occupants or users of buildings and structures and the general public by providing building
10 codes that require minimum performance standards and requirements for construction and
11 construction materials, consistent with nationally accepted standards of engineering, fire and
12 life safety.
 - 13
 - 14 D. The County Council concludes that adoption of the proposed amendments to the State
15 Building Code will not result in less restrictive performance standards or objectives than those
16 in the State Building Code.
 - 17
 - 18 E. The County Council concludes that this ordinance does not adopt development regulations
19 under SCC 30.10.080. Therefore, Planning Commission review is not required pursuant to
20 SCC 30.73.040(2)(c).
 - 21
 - 22 F. The County Council concludes that this ordinance does not adopt development regulations
23 under SCC 30.10.080. Therefore, notice to Commerce of intent to adopt is not required
24 pursuant to RCW 36.70A.106.
 - 25
 - 26 G. The County Council concludes that the SEPA requirements for this non-project action have
27 been met.
 - 28
 - 29 H. The regulations proposed by this ordinance do not result in an unconstitutional taking of private
30 property for public purpose.
 - 31

32 Section 3. The County Council bases its findings and conclusions on the entire record of
33 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
34 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

35

36 Section 4. Snohomish County Code Section 30.51A.020, last amended by Ordinance No.
37 17-059 on October 18, 2017, is amended to read:

38

39 **30.51A.020 Applicability.**

40

41 (1) This chapter shall apply to all development applications and actions requiring project permits
42 for any building or structure, excluding single-family and duplex dwellings and their accessory
43 structures, located within a seismic hazard area and assigned to occupancy category I, II, III or IV,

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1 and buildings or structures assigned to seismic design categories D, E or F. The occupancy
2 category and seismic design category for a building or structure is determined in accordance with
3 ~~((section 1613 of))~~ the International Building Code (IBC) and the American Society of Civil
4 Engineers 7 standards.

5
6 (2) Seismic design categories are used to determine permissible structural systems, limitations on
7 height and irregularity, those components of the structure that must be designed for seismic
8 resistance, and the types of lateral force analysis that must be performed pursuant to ~~((section~~
9 ~~1613 of))~~ the IBC relating to earthquake loads or ~~((chapter 11 of))~~ the ASCE 7.

10
11 Section 5. Snohomish County Code Section 30.51A.030, last amended by Ordinance No.
12 17-059 on October 18, 2017, is amended to read:

13
14 **30.51A.030 Fault setback requirements.**

15
16 A building or structure assigned to seismic design category D, E or F as defined in ~~((Section 1613~~
17 ~~of))~~ the IBC or ASCE 7 shall not be sited over an identified active fault.

18
19 (1) Where a development application or action requiring a project permit for any building or
20 structure is located within a seismic hazard area, the applicant shall provide a geotechnical report
21 consistent with the requirements of ~~((section 1803 of))~~ the IBC and SCC 30.62B.140. In addition to
22 any other requirements, the geotechnical report shall include adequate horizontal control
23 necessary to identify the closest edge of an identified active fault trace.

24
25 (2) Buildings and structures subject to this chapter shall be required to set back 50 feet from the
26 closest edge of an identified active fault as defined in SCC 30.91A.075.

27
28 (3) The building official may modify the fault setback requirements of this chapter only when done
29 in accordance with SCC 30.50.126.

30
31 Section 6. Snohomish County Code Section 30.51A.040, last amended by Ordinance No.
32 17-059 on October 18, 2017, is amended to read:

33
34 **30.51A.040 Additional information or tests authorized.**

35
36 The building official may require an applicant to perform additional studies, tests, or site
37 investigation to determine or confirm the specific location of an active fault trace and allow for
38 optimal understanding of on-site and nearby seismic hazards, where needed to implement the
39 requirements of SCC 30.51A.030 or ~~((section 11.8.3))~~ of ASCE 7.

40
41 Section 7. Snohomish County Code Section 30.52B.010, last amended by Ordinance No.
42 17-059 on October 18, 2017, is amended to read:

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1 **30.52B.010 International Mechanical Code (IMC) - adopted.**

2
3 The ((2015))2018 edition of the International Mechanical Code (IMC), published by the
4 International Code Council, and amended by the Washington State Building Code Council and
5 included in chapter 19.27 RCW except chapter 1, and as otherwise expressly amended by this
6 chapter is adopted and is incorporated and made a part of this chapter by reference. These
7 regulations shall be known as the Mechanical Code of Snohomish County and shall be referred to
8 as the "mechanical code."
9

10 Where a conflict exists between the administrative provisions of the International Fuel Gas Code
11 and the mechanical code, the provisions of the mechanical code shall apply.
12

13 Section 8. Snohomish County Code Section 30.52D.010, last amended by Ordinance No.
14 17-059 on October 18, 2017, is amended to read:
15

16 **30.52D.010 Washington State Energy Code - adopted.**

17
18 The ((2015))2018 edition of the Washington State Energy Code, except chapter 1 of chapters 51-
19 11C and 51-11R WAC, is incorporated and made a part of this chapter by reference and is
20 adopted as the Energy Code of Snohomish County, herein referenced to as the "energy code."
21

22 Section 9. Snohomish County Code Section 30.52E.010, last amended by Ordinance No.
23 17-059 on October 18, 2017, is amended to read:
24

25 **30.52E.010 Uniform Plumbing Code (UPC) – adopted.**

26
27 The ((2015))2018 edition of the Uniform Plumbing Code (UPC) published by the International
28 Association of Plumbing and Mechanical Officials, as amended by the Washington State Building
29 Code Council, which includes Appendices A, B, and I, and included in chapter 19.27 RCW, except
30 chapter 1, and as otherwise expressly amended, is incorporated herein and made a part of this
31 chapter by reference and is adopted as the Plumbing Code of Snohomish County, herein referred
32 to as the "plumbing code."
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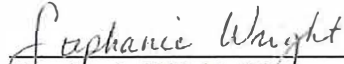
34 Section 10. Severability. If any provision of this ordinance or its application to any person
35 or circumstance is held to be invalid, the remainder of the ordinance or the application of the
36 provision to other persons or circumstances is not affected.
37
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PASSED this 14th day of July, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Stephanie Wright, Chairperson

ATTEST:


Clerk of the Council

APPROVED
 EMERGENCY
 VETOED

Date: 7, 15, 2021


Dave Somers, County Executive

ATTEST:



Approved as to form only:

 5/5/21
Deputy Prosecuting Attorney

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