



PLANNING COMMISSION AGENDA

Regular Meeting Date: 08.03.2016

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

A. **CALL TO ORDER: 7:00pm**
Pledge of Allegiance

B. **ROLL CALL**

C. **GUEST BUSINESS**

D. **ACTION ITEMS**

1. Approval of July 20, 2016 Meeting Minutes

E. **PUBLIC HEARING:**

1. Building Code Update-Sniffin

Public hearing presentation will follow the public hearing format listed below:

PUBLIC HEARING FORMAT

2. PC Chair Opens Public Hearing

3. Staff Presentation

4. Commission's questions for staff

5. Proponent's comments

6. Comments from the audience

7. Proponent rebuttal comments

8. Close public comments portion of hearing by motion

9. Re-open public comment portion of hearing for additional comments
(optional)

10. Close Hearing by motion

11. COMMISSION ACTION BY MOTION—Recommendation to Council

A. Approve

B. Deny

C. Continue

F. **DISCUSSION ITEMS**

1. Land Disturbance Code Amendment—Pratschner

G. **COMMISSIONER REPORTS**

H. **PLANNING DIRECTOR'S REPORT—Update on Long Range Work Program**

I. **ADJOURN**

*Items attached

**Items previously
distributed

Items to be
distributed

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service,

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, July 20, 2016

CALL TO ORDER: 7:00 pm by Commissioner Matlack

MEMBERS PRESENT: Jennifer Davis, Gary Petershagen, Vicki Oslund, Tracy Trout, Janice Huxford

MEMBERS ABSENT: Tom Matlack and Linda Houtl

STAFF PRESENT: Planning and Community Development Director Russ Wright and Jennie Fenrich

OTHERS PRESENT: None

Excused Absence: Commissioner Huxford made a motion to excuse Commissioners Matlack and Houtl, Commissioner Oslund 2nd. Motion carried 5-0-0-2.

Guest business: None

Action Items:

1. *Approve July 6 2016 Meeting Minutes.* Commissioner Davis made a motion to approve June 6, 2016 minutes, as corrected, Commissioner Oslund 2nd. Motion carried 5-0-0-2

Public Hearing Items:

Impact Fee Deferral-Director Wright presented the Senate passed Engrossed Senate Bill 5923. This gives the City the opportunity to defer impact fees for the construction of Single Family residence. The School District provided comments and they would like to be able to be listed on the Lien if fees do not get paid. Fees will be due at the time of Permit issuance. There were no other comments received. Discussion followed. Commissioner Davis closed the Public Hearing. Commissioner Petershagen moved to approve the Amendment as proposed and Commissioner Oslund seconded. Motion carried 5-0-0-2.

Administrative Authority- Director Wright presented an amendment that Council and Mayor have suggested that Directors have more authority to make decisions using their discretion. There will be a classification chart that will have three tiers that will guide in decision making. Commissioner Davis closed the Public Hearing. Commissioner Petershagen moved to accept the amendment as proposed. Commissioner Huxford seconded the motion. The vote passed 5-0-0-2

Commissioner Reports

Commissioner Trout inquired on what restaurants are coming and are there any pending and reminded us that there are spots available to work the City Booth during Aquafest. Commissioner Huxford shared a report on Aquafest and there's many options to volunteers.

Director's Report- The City of Lake Stevens is promoting a Bike Rodeo at National Night out on August 2nd. There is a Community Meeting regarding the Cavelero Park Skatepark on August 8, at Cavelero Mid-High, please spread the word. Director Wright gave an update on Downtown Subarea Plan, he is asking the Planning Commission to host a Public Kick-off meeting on Sept 7th.

Adjourn: Motion by Commissioner Huxford to adjourn, Commissioner Petershagen 2nd. Motion carried 5-0-0-2. Meeting adjourned at 7:49 p.m.

Jennifer Davis, Commissioner

Jennie Fenrich, Clerk, Planning &
Community Development

DRAFT



Staff Report City of Lake Stevens Planning Commission

Planning Commission Public Hearing
Date: **August 3, 2016**

Subject: **Public Hearing – Building & Construction and Fire Code Amendments (LUA2016-0111)**

Contact Person/Department: **Mark Sniffen**, Building Official and **Mike Messer**, Fire Marshal

SUMMARY:

Public Hearing concerning the adoption of the 2015 editions of the International Code Group and concurrent minor edits to Chapter 14.80 LSMC: Building and Construction and Chapter 14.84 LSMC: Fire Code.

ACTION REQUESTED OF PLANNING COMMISSION:

Public Hearing and recommendation to City Council.

BUDGET IMPACT:

None.

BACKGROUND/DISCUSSION:

The International Code Council publishes new and/or updated construction codes every three years. The State Building Code Council subsequently adopts these codes, often with amendments, and also requires jurisdictions to adopt these codes. The State Building Code Council adopted the 2015 Editions of the International Code Group effective July 1, 2016. Each jurisdiction may adopt the codes as adopted by the state or make other amendments to the Building and Fire Codes.

The Lake Stevens Municipal Code has two chapters related to the model codes: Chapter 14.80: Building and Construction and Chapter 14.84: Fire Code. Only the state adopted amendments are proposed to both chapters. Pursuant to the WAC 197-11-800 (19) this code amendment is exempt from SEPA (**Exhibit 1**) but is subject to review from the Department of Commerce per RCW 36.70A.106(3)(b).

The last adoption of model codes was in 2013 with adoption of the 2012 Editions of the International Code Group. The adoption in 2016 is of the 2015 Editions of the International Code Group, which were adopted by the State Building Code Council earlier this year and became effective on July 1, 2016. The regulations are instrumental in protecting personal property, health and safety of the general public.

The City is adopting the following 2015 editions consistent with the State adoption:

- International Building Code
- International Residential Code
- Uniform Plumbing Code
- International Mechanical Code
- Washington State Energy Code
- International Fire Code

- International Property Maintenance Code (new)

A few minor edits as adopted by the State are proposed in both the Building and Construction Codes and the Fire Codes. No changes to the fire sprinkler codes are proposed. The draft code is attached for Planning Commission's review (**Exhibit 2**).

RECOMMENDATION: Forward a recommendation to the City Council to **APPROVE** the edits to Chapters 14.80 and 14.84 LSMC, which will adopt the 2015 Editions of the International Code Group.

ATTACHMENTS:

1. SEPA Exemption
2. Draft Code

Attachment 1



Planning & Community Development

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235
Fax (425) 212-3327

SEPA CATEGORICAL EXEMPTION DETERMINATION

File Number: LUA2016-0111
Project Title: Building and Construction and Fire Code Amendments
Applicant: City of Lake Stevens
Address/Project Location: City of Lake Stevens

SUMMARY OF PROPOSAL

The International Code Council publishes new and/or updated construction codes every three years. The City of Lake Stevens will be adopting the 2015 editions of the International Code Group and drafting concurrent edits to Chapter's 14.80 and 14.84 LSMC.

EXISTING SITE CONDITIONS

This is a code amendment / non-project action to adopt the 2015 editions of the ICG.

WAC 197-11-800 CATEGORICAL EXEMPTIONS

The proposal is categorically exempt pursuant to WAC 197-118-800(19): Procedural Actions. The actions shall be exempt:

(19) Procedural actions: The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

- (a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.*
- (b) Text amendments resulting in no substantive changes respecting use or modification of the environment.*

FINDINGS AND CONCLUSIONS

Per WAC 197-11-800 – Proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitation on categorical exemptions contained in WAC 197-11-305

SEPA DETERMINATION

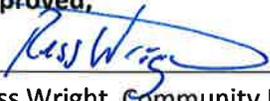
The project, as proposed, falls under the categorical exemption for Procedural Actions.

Prepared by,


Stacie Pratschner, Senior Planner

7.29.16
Date

Approved,



7/29/16

Russ Wright, Community Development Director

Date

Responsible official: Russ Wright, Community Development Director

Address: City of Lake Stevens, P.O. Box 257, Lake Stevens, WA 98258

Phone: 425-212-3315

Part I. Washington State Building Codes Adopted**14.80.010 Washington State Building Codes Adopted.**

The below-listed model codes, as approved, adopted and amended by the State Building Code Council (SBCC) are hereby adopted by this reference. These codes shall apply to all new construction, remodeling, or repairs. Copies of the codes are on file in the office of the Building Official.

(a) ~~2012-2015~~ Edition of the International Building Code (IBC) as published by the International Code Council, including Appendix E, International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2009 (Accessible and Usable Buildings and Facilities), and the ~~2009~~15 International Existing Building Code with the exceptions noted in Chapter [51-50](#) WAC (WAC [51-50-003](#)); excluding Section 903 (Automatic Sprinkler Systems), which is replaced in its entirety by Section [14.84.150](#).

(b) ~~2012~~2015 Edition of the International Residential Code (IRC) published by the International Code Council with additions, deletions and exceptions noted in Chapter [51-51](#) WAC; provided, inclusion of Appendices F (Radon Control Methods), G (Swimming Pools, Spas and Hot Tubs), and R (Dwelling Unit Fire Sprinkler Systems); and that Chapters 11 and 25 through 42 of this code are not adopted (WAC [51-51-003](#)).

(c) ~~2012~~15 Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials, with additions, deletions and exceptions noted in Chapter [51-56](#) WAC; provided, that Chapters 12 and 15 of this code are not adopted; provided further, that those requirements relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and portions of the code addressing building sewers are not adopted (WAC [51-56-003](#)).

(d) 2015 Edition of the International Mechanical Code published by the International Code Council, including 2015 International Fuel Gas Code, 2008 National Fire Protection Association (NFPA) 58 (Liquefied Petroleum Gas Code) and 2009 NFPA 54 (National Fuel Gas Code) with exceptions noted in WAC [51-52-003](#).

(e) ~~2012~~15 International Energy Conservation Code of the State of Washington regulated by Chapter [51-11](#) WAC. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 7, 2007)

(f) [2015 Edition of the International Property Maintenance code](#)

Part II. Building Official**14.80.020 Building Official.**

It shall be the duty of the Building Official to administer and enforce the code. If the Building Official shall find that any of the provisions of this code are being violated, the person responsible for such violations shall be

notified in writing indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of illegal use of buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this code to ensure compliance with or to prevent violations of its provisions. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

Part III. Building Code

14.80.030 Building Permits.

- (a) No building or other structure shall be constructed, enlarged, altered, erected, moved, moved, demolished added to or structurally altered or change occupancy without a permit issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this code.
- (b) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of units, or rental units, the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this code. One copy of the plans shall be returned to the applicant by the Building Official after marking such copy approved or disapproved and attesting to same by having signed such copy. The second copy of the plans shall be retained by the Building Official for 180 days.
- (c) If work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire. It may be cancelled by the Building Official, and written notice shall be given to the applicant.
- (d) The applicant may request in writing an extension of the building permit from the Building Official. The Building Official may approve one or more 180-day extensions if justifiable cause is demonstrated pursuant to IBC Chapter 1, Section 105.
- (e) In place of the Board of Appeals per the IBC, appeals of orders, decisions or determinations made by the Building Official have an administrative appeal to the Hearing Examiner as set forth in the following procedures:
- (1) Appellant. The project applicant may appeal the decision.
 - (2) Form of Appeal. The applicant appealing a building permit decision must submit a completed appeal form which sets forth:

- (i) A claim that the true intent of the building and construction code or the rules legally adopted thereunder have been incorrectly interpreted;
 - (ii) The provisions of the building and construction code does not fully apply; or
 - (iii) An equally good or better form of construction is proposed.
- (3) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Department of Planning and Community Development no later than 4:00 p.m. on the fourteenth day following the date of the notice of decision.
- (4) Notice of Appeal. If a building permit decision is appealed, a hearing before the Hearing Examiner shall be set and notice of the hearing shall be mailed or emailed to the appellant/applicant by the Building Official. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing.
- (i) Public Hearing. The Hearing Examiner shall conduct an open record hearing on a building permit decision appeal. The appellant/applicant and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony.
 - (ii) Decision on Appeal.
 - a. Within 14 days after the close of the record for the appeal of orders, decisions or determinations made by the Building Official, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:
 - 1. The appellant/applicant has carried the burden of proof for meeting subsection (e)(2) of this section; and
 - 2. The Examiner finds that the building permit decision is not supported by a preponderance of the evidence.
 - b. The Hearing Examiner shall accord substantial weight to the decision of the Building Official.
- (5) Time Period to Complete Appeal Process. In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The

administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision.

(6) Appeal of Hearing Examiner Decision. An appeal from the Hearing Examiner's decision shall be brought before the superior court of Snohomish County in accordance with the Land Use Petition Act, Chapter [36.70C](#) RCW, as amended. (Ord. 903, Sec. 50, 2013; Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 8, 2007)

14.80.040 Fees.

The City shall collect fees for all services rendered and activities performed in reviewing and issuing building permits. Said fees shall be set by resolution. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.050 Building Sewer Permits.

No building permits for primary use structures shall be issued without the applicant having first secured a sewage disposal permit per Chapter [14.60](#) (Utilities). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.060 Construction and Use.

Building permits issued on the basis of plans and applications approved by the Building Official authorize only the construction set forth in such approved plans and applications and no other construction. Nor does the issuance of building plans authorize use or arrangement of structures or property. Authorization of use of property or arrangement of structures is authorized by the issuance of required land use approvals pursuant to Section [14.16A.215](#) (Land Use Permits Required). Construction different than that authorized shall be deemed a violation of this code and punishable as provided by Chapter [14.28](#) (Enforcement and Review). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 811, Sec. 70, 2010; Ord. 778, Sec. 2, 2008)

14.80.070 Accessory Buildings.

Accessory buildings shall not be constructed prior to the commencement of construction of the main building and shall comply with Chapter [14.48](#) (Density and Dimensional Regulations). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.080 Docks and Over-Water Structures.

Building permits shall be required for all docks, bridges or other over-water structures and shall comply with the regulations of this title. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.090 Fences.

(a) Building permits shall be required for all fence construction for fences over six feet in height from median grade.

(b) Height and setbacks shall comply with Section [14.48.050\(e\)](#).

(c) Fence permits shall be approved as set forth in Section [14.44.420](#). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 811, Sec. 71, 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 11, 2007)

14.80.100 Retaining Walls.

Building permits shall be required for all retaining walls four feet and higher in height, measured from the bottom of the footing. Building permits shall be required for all retaining walls with a surcharge. All retaining walls over four feet in height from the bottom of the footing shall be engineered by a professional engineer registered in the State of Washington. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 811, Sec. 72, 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 12, 2007)

14.80.110 Signs.

Building permits shall be required for sign installations and shall comply with the regulations of Chapter [14.68](#) (Signs). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.120 Repairs and Maintenance.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official, nor to prevent the improvement of a single-family house without expanding its exterior dimensions. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.130 Certificate of Occupancy.

No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy except for accessory structures. Prior to the issuance of a certificate of occupancy all completed projects shall be accepted by the Planning and Public Works Departments. No certificate of occupancy may be issued for any dwelling units in a subdivision until all improvements required by a permit or this title have been completed, even where a completion security has been posted. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 13, 2007)

14.80.140 Inspection of Improvements.

Prior to signing off the final inspection, the Building Official shall inspect all improvements on or adjacent to the site installed as a requirement of this title or as a condition of a permit. Any improvements found to be damaged by the builder shall be repaired prior to receiving final inspection sign-off. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.150 Fire-Extinguishing Systems.

Repealed by Ord. 778.

14.80.160 Automatic Fire-Extinguishing Systems Required.

Repealed by Ord. 778.

14.80.170 Installation.

Repealed by Ord. 778.

14.80.180 Sprinkler System Monitoring and Alarms.

Repealed by Ord. 778. (Ord. 694, Sec. 1, 2004; Ord. 657, Sec. 2, 2001; Ord. 501, 1995; Ord. 468, 1995)



Chapter 14.84 FIRE CODE

Sections:

- [14.84.010](#) Definitions
- [14.84.020](#) International Fire Code 2015² Edition Adopted
- [14.84.030](#) Applicability
- [14.84.040](#) Fire Marshal Approval
- [14.84.050](#) Hydrants to Be Served by Recognized Water Purveyor
- [14.84.060](#) Hydrant Standards
- [14.84.070](#) Piping and Flow Standards
- [14.84.080](#) Plan Approval Required
- [14.84.090](#) Plan Submittal Review
- [14.84.100](#) Waiver and Modification
- [14.84.110](#) Obstruction Prohibited - Declared Nuisance - Abatement
- [14.84.120](#) Authority of Water Purveyor
- [14.84.130](#) Subsection 903 IFC 2015² Edition Superseded
- [14.84.140](#) Fire Extinguishing Systems
- [14.84.150](#) Automatic Fire Extinguishing Systems Required
- [14.84.160](#) Installation Requirements
- [14.84.170](#) Sprinkler System Monitoring and Alarms
- [14.84.180](#) Fire Lane Signage and Marking

14.84.010 Definitions.

Chapter [14.08](#) contains definitions of terms and abbreviations used in this chapter if more specific than those in the International Fire Code. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.020 International Fire Code 2012-2015 Edition Adopted.

(a) Except for those portions specified in subsection (b) of this section and Section [14.84.130](#), the International Fire Code 2012-2015 Edition is hereby adopted in its entirety for the purpose of describing regulations governing conditions hazardous to life and property, fire or explosion.

(b) The International Fire Code 2012-2015 Edition is changed in the following respects:

~~(1) Add to the list of recognized standards and publications adopted by reference as a part of Section 102.7 of the IFC the 101 Life Safety Code, as published by the National Fire Protection Association, 2012 Edition.~~

(12) All adoptable appendices to the International Fire Code 2012-2015 Edition, except Appendices A, C and DJ and L, are hereby adopted, incorporated by reference and made a part hereof as if fully set

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Commented [MM1]: The NFPA 101: Life Safety Code is meant for adoption with NFPA 1: Fire Code as its complement. NFPA 101 conflicts with the IFC and should be deleted. The NFPA standards are referenced in IFC.

forth in this section. Where conflicts occur between the adopted appendices and Lake Stevens Municipal Code, Lake Stevens Municipal Code shall apply. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [MM2]: Clarified appendices to be referenced and conflicts that exist between appendices and LSMC.

Commented [PD3R2]: I like!

14.84.030 Applicability.

The provisions of this chapter shall supersede Sections 506.1 (Key Box), 507.5 (Hydrants) and 903 (Sprinklers), IFC 2012-2015 Edition or current edition as adopted by the City of Lake Stevens pursuant to Section 14.84.020, and shall apply to all commercial occupancy buildings constructed or developed within the City limits, wherein the same shall be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this chapter unless specifically exempted thereby, or unless waived or modified by the Fire Marshal pursuant to Section 14.84.100 (Waiver and Modification). Decisions of the Fire Marshal are deemed to be made in the best interest, and with the concurrence, of an affected Fire District in the absence of any credible evidence to the contrary. A final determination of any dispute relating to an aforementioned Fire Marshal decision shall be made by an Appeals Board established by the City Council. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.040 Fire Marshal Approval.

No project subject to this chapter, other than a building of R-3 and U-1 occupancy under the IBC, shall have final approval until the Fire Marshal has verified that the provisions of this chapter are satisfied. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [PD4]: Will we have a written mutual agreement before adoption?

14.84.050 Hydrants to Be Served by Recognized Water Purveyor.

All water mains and fire hydrants required here under shall be served by a recognized water purveyor or, in the absence of such, by alternate method(s) as approved by the Fire Marshal, except residential accessory buildings classified under the International Building Code as U with a lot size of 20,000 square feet or greater, whether platted or un-platted, provided there is no conflict with the requirements of the recognized water purveyor serving the building site. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.060 Hydrant Standards.

(a) Every development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

(b) The presumption established by this chapter is that to satisfy the standards set forth in subsection (c) of this section.

Commented [PD5]: Not sure needed

(c) The following hydrant standards shall apply as set forth herein unless waived or modified pursuant to Section 14.84.100 (Waiver and Modification).

(1) Type. Any new hydrant installations under this chapter shall have not less than a five-inch main valve opening, two hose outlets having nominal diameters of two and one-half inches National Standard Thread (NST), and one engine port outlet having a nominal diameter of four and one-half inches NST fitted with a four-inch Storz coupling. All hydrant threads shall be National Standard Threads with seven and one-half threads per inch for two-and-one-half-inch hose outlets and four threads per inch for four-and-one-half-inch engine port outlets. Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines. If the hydrant is connected to a dead-end main line, the dead-end lines shall be a minimum of eight inches to the hydrant tee, or larger if necessary to provide required fire flows and be approved by the local water purveyor and the Fire Marshal.

(2) Spacing.

(i) Within areas exclusively developed or being exclusively developed for R-3 or U occupancy, maximum distance from a fire hydrant to a dwelling unit shall be 300 feet along a roadway. The maximum distance between hydrants in residential areas shall be no greater than 600 feet.

(ii) For all other occupancy types, the maximum distance from a fire hydrant to a dwelling unit shall be 150 feet along a roadway.

(iii) When any portion of a commercial structure to be protected is in excess of 150 feet from the water supply on a public street, and when required by the Fire Marshal, there shall be provided on-site fire hydrants and mains capable of supplying the required fire flow. Water supply may consist of reservoirs, pressure tanks, elevator tanks, water mains or other fixed systems capable of supplying the required fire flow as approved by the Fire Marshal and the recognized water purveyor having jurisdiction over said project.

(3) Location.

(i) Whenever possible, hydrants shall be located at street intersections; provided, that when such location results in spacing distances greater than allowed by this section, additional hydrants may be required between intersections; provided further, that when the required fire flow is greater than 2,000 gallons per minute (GPM), the number and location of hydrants shall be approved by the Fire Marshal.

(ii) For commercial buildings:

a. The minimum number of public and private hydrants required shall be determined by dividing the required fire flow for the building by 1,000, Table C102.1 of the International Fire Code 2015 Edition.

Commented [PD6]: What about Private neighbor hoods greater than 300 feet with a private road?

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Commented [MM7]: More exact determination of #

b. Hydrants shall be located no closer than ~~250~~ feet to any served building and at no greater distance than 300 feet from any portion thereof.

Commented [MM8]: More realistic with the change in proximity to FDCs.

c. A hydrant shall be located not more than ~~100~~ feet from a ~~sprinkler or standpipe connection~~ fire department connection (FDC).

Commented [MM9]: FDC and hydrants need to be closer to accommodate a quick connection by the apparatus driver. Changed terminology to FDC.

(iii) All hydrants shall be accessible to Fire Department apparatus by roadways meeting the requirements of Section 503 and Appendix D of the IFC ~~2012-2015~~ Edition.

Commented [PD10R9]: great

(iv) When fire protection facilities are to be installed by the developer or permittee, such facilities shall be installed prior to any combustible construction being installed on site. Water mains and fire hydrants shall be capable of delivering the required fire flow to the site and shall remain the responsibility of the developer until accepted by the recognized water purveyors. When alternate provisions for protection are provided pursuant to Section [14.84.100](#) (Waiver and Modification) the above requirements may be waived or modified.

(v) When locating hydrants, consideration shall be given to:

- a. Hazardous operations and the practicality of sound fire service practices (fences, roadways, barriers to operation, etc.);
- b. The recommended location preferred by the purveyor;
- c. The required five-foot vehicle clear zone on each side of each hydrant.

(4) Installation. Hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than 18 inches or more than 36 inches above the grade. There shall be a 36-inch radius of clear area about the hydrant for the operation of hydrant wrench on the outlets and the control valve. The engine port shall face the street or, where the street cannot be clearly identified, shall face the most likely location of a fire truck while pumping, as determined by the Fire Marshal.

(d) Fire hydrants shall be protected from damage. Internal maintenance of public fire hydrants shall be the responsibility of the recognized water purveyor. Private hydrants shall be protected and maintained in accordance with NFPA ~~2425~~. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [MM11]: NFPA 24 is installation, NFPA 25 is maintenance.

14.84.070 Piping and Flow Standards.

The following standards relating to water mains, hydrant branches, and fire flow shall apply, unless waived or modified pursuant to Section [14.84.100](#) by the Fire Marshal:

- (a) Hydrant Branches. Hydrant branches shall not have a domestic supply outlet and shall meet the design standards of the Snohomish County Public Utilities District No. 1.
- (b) Service Main. New or replaced water mains serving fire hydrants shall meet the design standards of the Snohomish County Public Utilities District No. 1.
- (c) Flow Requirements. Service mains supplying hydrants shall be designed to provide not less than 500 GPM at 20 pounds per square inch residual pressure over and above the computed maximum daily domestic consumption for the period of time specified in the Washington Survey and Rating Bureau's Grading Schedule, Table 4. In addition, service mains supplying hydrants shall provide the fire flow required to each building covered thereby at the number of GPM specified in IFC [2012-2015](#) Edition, Appendix B, except as to single-family dwellings. The Fire Marshal may require data or design standards from a registered professional engineer, and construction in accordance therewith, in order to assure that the fire flow required will be achieved. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.080 Plan Approval Required.

- (a) Prior to the installation of any new hydrants or mains serving hydrants, the developer shall provide plans for review to the recognized water purveyor and Fire Marshal.
- (b) Upon completed installation, and acceptance by the recognized water purveyor and the Fire Marshal, the Fire Marshal shall be provided with two copies of the accurate and identifiable as-built drawings or plans showing the location of all mains, hydrant branches, valves and fire hydrants installed. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [PD12]: Marshal(s) just in case my stamp appears?

14.84.090 Plan Submittal Review.

The Fire Marshal, prior to the issuance of a development permit for any new or altered commercial building, plat development or residential complex, shall certify that the plans have been reviewed. If the plans are found to be in compliance with this chapter, a notice of approval for issuance of a building permit shall be forwarded to the Building Official. Such approval shall be based on the provisions of this chapter being satisfied either:

- (a) Prior to start of any construction;
- (b) Prior to the issuance of the certificate of occupancy for the building. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.100 Waiver and Modification.

- (a) The Fire Marshal may, subject to acceptance of recognized water purveyor, grant a waiver of or modification to the standards contained in Sections [14.84.060](#) (Hydrant Standards) and [14.84.070](#) (Piping and Flow Standards) if strict compliance with such standards would create a substantial hardship on the applicant and where such a waiver or modification does result in adequate fire protection.

(b) Waivers or modifications shall be in writing, state the reasons therefor, and be provided to the fire district with which jurisdiction lies over the project. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.110 Obstruction Prohibited - Declared Nuisance - Abatement.

Obstructing the view, by any means, of a fire hydrant for a distance of 75 feet from any direction of vehicular approach is prohibited. Any violation of this section is declared a public nuisance, subject to immediate abatement and application of the civil penalty provided for herein. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.120 Authority of Water Purveyor.

Nothing in this chapter, nor any rules and regulations as may be adopted by the Fire Marshal pursuant to this chapter, shall be construed to prohibit water purveyors from imposing more stringent requirements for the construction of water mains and fire hydrants. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.130 Subsection 903 IFC 2012-2015 Edition Superseded.

Subsection 903 of the IFC 2012-2015 Edition is deleted in its entirety and replaced by Sections 14.84.140 through 14.84.170. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.140 Fire Extinguishing Systems.

(a) Fire extinguishing systems required in this fire code shall be installed in accordance with the requirements of this section.

(1) The Fire Department ~~hose-e~~connections shall not be attached to an exterior wall of the protected structure. The location of the Fire Department ~~hose-e~~connections shall be approved by the Fire Marshal.

(2) Rooms housing the control valves and sprinkler riser(s) shall be located in such a manner as to allow the door to exit directly to the outside of the structure. The room shall not be used for the storage of any material. This standard is not required in R-3 and R-4 occupancies.

(3) The type and model key box system required shall be The Knox Company and based on the criteria listed below:

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(i) Buildings with less than five stories: Model 3200 series with side hinge.

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(ii) Hazardous Materials Facility with site specific plans per Snohomish County LEPC: Data Storage Cabinet.

(iii) Buildings of five or more stories: Data Storage Cabinet.

The Fire Marshal may approve other data storage boxes and Hazardous Material Data Cabinets which are equivalent to those listed herein.

~~A Knox Box key box shall be installed per Fire Department guidelines at each fire sprinkler riser room.~~

(iv) Keys to the riser room, main entrance, fire alarm panel, pull stations, ~~and elevator~~ and other building equipment rooms are to be locked inside the key box.

(vii) Whenever the main entrance is located more than 100 feet away from the riser room key box, a second key box shall be installed at the main entrance.

(vi) Key boxes shall be mounted within 5 feet of the door to be served and at a height no more than 5 feet off of the finished floor or as approved by the fire marshal.

(4) In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 32 of the IFC.

(b) For the purposes of this section, area separation walls shall not define separate buildings.

(c) Alternative automatic fire extinguishing systems complying with Section 904, IFC ~~2012~~2015, shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the Fire Marshal. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.150 Automatic Fire Extinguishing Systems Required.

(a) Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section with the exception of spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by a wall with a fire-resistance rating of not less than one hour and a floor/ceiling assembly with a fire-resistance rating of not less than two hours.

(1) All newly constructed structures in excess of 10,000 square feet shall be provided with an approved automatic sprinkler system.

(2) Any existing structure that is modified to increase the square footage of the structure shall be provided with an approved sprinkler system if the total square footage of the new and existing areas exceeds 10,000 square feet.

(b) An automatic sprinkler system shall be installed in the following Group A occupancies:

(1) An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group A occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in subsection (b)(6) of this section.

(2) Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 10,000 square feet (929 square meters);
- (ii) The fire area has an occupant load of 300 or more;
- (iii) The fire area is located on a floor other than the level of exit discharge; or
- (iv) The fire area contains a multi-theater complex.

(3) Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 5,000 square feet (464.5 square meters);
- (ii) The fire area has an occupant load of 300 or more; or
- (iii) The fire area is located on a floor other than the level of exit discharge.

(4) Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 10,000 square feet (929 square meters);
- (ii) The fire area has an occupant load of 300 or more; or
- (iii) The fire area is located on a floor other than the level of exit discharge.

(5) Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 10,000 square feet (929 square meters);
- (ii) The fire area has an occupant load of 300 or more; or

(iii) The fire area is located on a floor other than the level of exit discharge.

(6) Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 square feet (93 square meters).

(7) Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in the International Fire Code 2015 Edition.

Commented [MM13]: Added as WA State amendment.

(87) Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

(i) Where a Group B fire area exceeds 10,000 square feet (929 square meters);

(ii) Where a Group B fire area is located more than three stories above grade; or

(iii) Where the combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

(iv) An automatic sprinkler system shall be installed throughout all fire areas containing a Group B ambulatory health care facility occupancy when either of the following conditions exists at any time:

a. Four or more care recipients are incapable of self-preservation.

b. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving and occupancy.

(98) Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

(i) Throughout all Group E fire areas greater than 10,000 square feet (929 square meters) in area.

(ii) Throughout every portion of educational buildings below the level of exit discharge.

(iii) Throughout all newly constructed Group E occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 2013 Edition shall be required. The Fire Marshal may reduce the fire flow requirement for buildings that are protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a 12-month period that exceed 100 percent of the value of such building or structure, shall be considered new construction.

Exceptions:

Portable school classrooms shall be exempt from the requirement contained in this subsection (b)(8), provided the aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet and clusters of portable school classrooms shall be separated as required in Chapter 5 of the [2012-2015 International Building Code](#).

Group E Day Care. When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 2013 may be used for increases and substitutions allowed in Sections 504.2 and 506.3 (Automatic Sprinkler System Increase) and Table 601 (Fire-Resistance Rating Requirements for Building Elements) of the International Building Code, [2012 2015 Edition](#).

(109) Group F. An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

- (i) Where a Group F fire area exceeds 10,000 square feet (929 square meters);
- (ii) Where a Group F fire area is located more than three stories above grade; or
- (iii) Where the combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 square meters) which generate finely divided combustible waste or which use finely divided combustible materials.

(110) Group H. An automatic sprinkler system shall be installed in high-hazard occupancies.

(i) Group H-5 Occupancies. An automatic sprinkler system shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler system shall not be less than that required under the International Building Code for the occupancy hazard classifications in accordance with the following table.

Group H-5 Sprinkler Design Criteria

Location	Occupancy Hazard Classification
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

Pyroxylin Plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

(124) Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exception: An automatic sprinkler system installed in accordance with Section [14.84.160\(c\)](#), (d) or (e) shall be allowed in Group I-1 facilities.

(132) Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

- (i) Where a Group M fire area exceeds 10,000 square feet (929 square meters);
- (ii) Where a Group M fire area is located more than three stories above grade; or
- (iii) Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

(iv) -Where occupancies display or sell upholstered furniture or mattresses regardless of fire area square footage.

High-Piled Storage. An automatic sprinkler system shall be provided as required in Chapter 23 of the IFC in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

(143) Group R. An automatic sprinkler system installed in accordance with Section 14.84.160 shall be provided throughout all buildings with a Group R fire area to include R-1, R-2, and R-3 occupancies.

Exceptions:

R-1 congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 buildings that do not contain more than two dwelling units. Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons. Adult care within a single-family home, adult family homes and family child day care homes are permitted to comply with the International Residential Code 2012-2015 Edition. Foster family care homes licensed by Washington State are permitted to comply with the International Residential Code 2012-2015 Edition, as an accessory use to a dwelling for six or fewer children including those of the resident family.

(154) Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy where one of the following conditions exists:

(i) Where a Group S fire area exceeds 10,000 square feet (929 square meters);

(ii) Where a Group S fire area is located more than three stories above grade plane; or

(iii) Where the combined area of all Group S fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

(iv) -A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 10,000 square feet (929 square meters).

a. Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the International Building Code 2012-2015 Edition, as follows:

1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 square meters).
 2. One-story buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 square meters).
 3. Buildings with a repair garage servicing vehicles parked in the basement.
 4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 10,000 square feet (929 square meters).
- b. Bulk Storage of Tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 cubic meters) shall be equipped throughout with an automatic sprinkler system in accordance with Section [14.84.160\(a\)](#).

(165) Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with Section 406.4 of the International Building Code [2012-2015](#) Edition.

- (i) Where enclosed parking garage is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

- (ii) Where the fire area of the enclosed parking garage exceeds 10,000 square feet (929 square meters).

- (iii) Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings used for commercial storage of automobiles, trucks or buses.

(176) All Occupancies ~~e~~ Except Groups R-3 and U. An automatic sprinkler system shall be installed in the locations set forth in subsections (b)(16)(i) through (iv) of this section. Exception: Group R-3 and Group U.

- (i) Stories and Basements without Openings. An automatic sprinkler system shall be installed in every story or basement of all buildings where the floor area exceeds 1,500 square feet (139.4 square meters) and where there is not provided at least one of the following types of exterior wall openings:

- a. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 of the IFC or an outside ramp complying with Section 1010 of the IFC. Openings shall be located in each 50 linear feet (15,240 millimeters), or fraction

thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm).

b. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 meters squared) in each 50 linear feet (15,240 mm) or fraction thereof of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm).

(ii) Opening Dimensions and Access. Openings shall have a minimum dimension of not less than 30 inches (762 millimeters). Such openings shall be accessible to the Fire Department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

(iii) Openings on One Side Only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of the story.

(iv) Basements. Where any portion of a basement is located more than 75 feet (22,860 millimeters) from openings required by subsection (b)(16)(i) of this section, the basement shall be equipped throughout with an approved automatic sprinkler system.

(v) Rubbish and Linen Chutes. An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.

(vi) Buildings More Than 55 Feet in Height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 millimeters) or more above the lowest level of fire department vehicle access.

Exceptions:

- a. Airport control towers.
- b. Open parking structures.
- c. Occupancies in Group F-2.

(vii) During Construction. Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with Section 1413 IFC 2012 Edition.

(viii) Ducts Conveying Hazardous Exhausts. Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, flammable or combustible materials.

Exception: Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 millimeters).

(ix) Commercial Cooking Operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904 of the IFC.

(x) Other Required Suppression Systems. In addition to the requirements of this section, the provisions indicated in the following table also require the installation of a suppression system for certain buildings and areas.

Section	Subject
914.2.1	Covered malls
914.3.1	High rise buildings
914.4.1	Atriums
914.5.1	Underground structures
914.6.1	Stages
914.7.1	Special amusement buildings
914.8.2, 914.8.5	Aircraft hangers
914.9	Flammable finishes
914.10	Drying Rooms
914.11.1	Group B ambulatory health care facilities
1028.6.2	Smoke-protected seating
2108.2	Dry cleaning plants
2108.3	Dry cleaning machines

2404.2	Spray finishing in Group A, E, I, or R
2309.3.2.6.2	Hydrogen motor fuel dispensing area canopies
2404.4	Spray booths and rooms
2405.2	Dip-tank rooms Group A, I, R
2405.4.1	Dip tanks
2405.9.1	Hardening & tempering tanks
2703.10	HPM facilities
2703.10.1	HPM work station exhaust
2703.10.2	HPM gas cabinets
2703.10.3	HPM corridors
2703.10.4	HPM exhaust ducts
2703.10.4.1	HPM noncombustible ducts
2703.10.4.2	HPM combustible ducts
2807.3	Lumber production conveyer rooms
2808.7	Recycling facility conveyer rooms
3006.1	Class A & B ovens
3006.2	Class C & D ovens
Table 3206.2	Storage fire protection
3206.4	Storage
5003.8.4.1	Gas rooms
5003.8.5.3	Exhausted enclosures
5004.5	Indoor storage of hazardous materials
5005.1.8	Indoor dispensing of hazardous materials

5104.1.1	Aerosol warehouses
5106.3.2	Aerosol display and merchandising areas
5204.5	Storage of more than 1,000 cubic feet of loose combustible fibers
5306.2.1	Exterior medical gas storage room
5306.2.2	Interior medical gas storage room
5306.2.3	Medical gas storage cabinet
5606.5.2.1	Storage of smokeless propellant
5606.5.2.3	Storage of small arms primers
5704.3.7.5.1	Flammable & combustible liquid storage rooms
5704.3.8.4	Flammable & combustible liquid storage warehouses
5705.3.7.3	Flammable & combustible liquid gas Group H-2 or H-3 areas
6004.1.2	Gas cabinets for highly toxic & toxic gas
6004.1.3	Exhausted enclosures for highly toxic & toxic gas
6004.2.2.6	Gas rooms for highly toxic & toxic gas
6004.3.3	Outdoor storage for highly toxic & toxic gas
6504.1.1	Pyroxylin plastic storage cabinets

6504.1.3	Pyroxylin plastic storage vaults
6504.2	Pyroxylin plastic storage & manufacturing
International Building Code	Sprinkler requirements as set forth in Section 903.2.13 of the International Building Code

(Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.160 Installation Requirements.

Automatic sprinkler systems shall be designed and installed in accordance with this section.

(a) NFPA 13 Sprinkler Systems. Where the provisions of this fire code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 2013 Edition except as provided in this chapter.

(b) Exempt Locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 of the IFC that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

(1) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

(2) Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Fire Marshal.

(3) Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.

(4) In rooms or areas that are of noncombustible construction with wholly noncombustible contents.

(5) Fire service access elevator machine rooms and machinery spaces.

(c) NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R 2013 Edition.

(1) Balconies. Sprinkler protection shall be provided for exterior balconies and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect

such areas shall be permitted to be located such that their deflectors are within one inch (25 mm) to six inches (152 mm) below the structural members, and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies that are constructed of open wood joist construction.

Exception: Sprinkler protection is exempt if there is no roof, canopy or upper deck projecting over the balcony or deck.

(d) NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D 2013 Edition.

(e) Quick-Response and Residential Sprinklers. Where automatic sprinkler systems are required by this fire code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with NFPA standards and other listings:

- (1) Throughout all spaces within a smoke compartment containing patient sleeping units in Group I-2 in accordance with the International Building Code.
- (2) Dwelling units and sleeping units in Group R and I-1 occupancies.
- (3) Light-hazard occupancies as defined in NFPA 13 2013 Edition.

(f) Obstructed Locations. Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds four feet (1,219 mm) in width. Not less than a three-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.

Exception: Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904 of the IFC.

(g) Actuation. Automatic sprinkler systems shall be automatically actuated unless specifically provided for in this fire code.

(h) Water Supplies. Water supplies for automatic sprinkler systems shall comply with this section and NFPA standards. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the Uniform Plumbing Code [2012-2015](#) Edition.

- (1) Domestic Services. Where the domestic service provides the water supply for the automatic sprinkler system, the supply shall be in accordance with this section.

(2) Limited Area Sprinkler Systems. Limited area sprinkler systems serving fewer than 20 sprinklers on any single connection are permitted to be connected to the domestic service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:

(i) Valves shall not be installed between the domestic water riser control valve and the sprinklers. Exception: An approved indicating control valve supervised in the open position in accordance with Section 14.84.170.

(ii) The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13, NFPA 13R or NFPA 13D 2013 Edition.

(3) Residential Combination Services. A single combination water supply shall be permitted; provided, that the domestic demand is added to the sprinkler demand as required by NFPA 13R 2013 Edition.

(4) Secondary Water Supply. A secondary on-site water supply equal to the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings in Seismic Design Category C, D, E or F as determined by the International Building Code. The secondary water supply shall have a duration not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13 2013 Edition. Exception: Existing buildings.

(i) Hose Threads. Fire hose threads used in connection with ~~automatic sprinkler systems shall be approved and shall be compatible with Fire Department hose threads~~ Fire Department Connections shall be a four-inch Storz coupling. Fire hose threads used in connection with interior standpipe connections shall be to National Standard and of sizing in accordance with Section 905 of IFC 2015 Edition. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [MM14]: Clarification of connection types and change to FDC connections.

14.84.170 Sprinkler System Monitoring and Alarms.

(a) Alarms. All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the City Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation. Alarms. A fire alarm annunciator panel shall be installed in the fire sprinkler riser room. This panel shall have capabilities to view the activated zone and be able to silence and reset the alarm.

Commented [MM15]: Rewritten to better identify type of fire alarm panel to be installed.

(b) All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control panel.

Exceptions:

- (1) Automatic sprinkler systems protecting one- and two-family dwellings.
 - (i) Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
 - (ii) Jockey pump control valves that are sealed or locked in the open position.
 - (iii) Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
 - (iv) Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
 - (v) Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

(c) Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 2013 Edition or, when approved by the Fire Marshal, shall sound an audible signal at a constantly attended location.

Exceptions:

- (1) Underground key or hub valves in roadway boxes provided by the City of Lake Stevens or public utility are not required to be monitored.
- (2) Backflow prevention device test valves, located in limited area sprinkler system supply piping, shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 2013 Edition and separately annunciated.

(d) Alarms. Approved audible devices shall be connected to [all](#) every automatic sprinkler systems. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of

the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location.

Exceptions:

(1) Looped, non-stagnant automatic sprinkler systems in compliance with NFPA 13D 2013 Edition and the International Residential Code 2015 Edition.

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Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

(e) Floor Control Valves. Approved supervised control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings.

(f) Testing and Maintenance. Sprinkler systems shall be tested and maintained in accordance with Sections 901 through 903 and 907 through 914 IFC 2012-2015 Edition, NFPA 13 2013 Edition and NFPA 72 2013 Edition.

(g) Existing Buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the International Building Code by requiring installation of an automatic fire-extinguishing system.

(1) Pyroxylin Plastics. All structures occupied for the manufacture or storage of articles of cellulose nitrate (pyroxylin) plastic shall be equipped with an approved automatic fire-extinguishing system where required in Chapter 64 IFC 2012 Edition.

(2) Group I-2. An automatic sprinkler system shall be provided throughout Group I-2 fire areas where required in Chapter 1164 IFC 2012-2015 Edition. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008; Ord. 694, Sec. 2, 2004; Ord. 657, Sec. 4, 2001; Ord. 468, Sec. 3, 1995)

14.84.180 Fire Lane Signage and Marking.

(a) Fire Lanes. Fire lanes shall be marked with painting/outlining or signage or a combination thereof as outlined below. Requirements for fire lanes to be marked using both paint and signs in conjunction shall be determined by the Fire Marshal. Said specifications shall include, but are not limited to the following:

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(1) Signs shall measure 12 inches by 18 inches and have red letters on a white reflective background.

(2) Signs shall be metal construction only. Plastic or wooden signs are not acceptable.

(3) Signs shall be mounted at a minimum height of four (4) feet to the maximum of seven (7) feet.

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(4) Signs shall be placed along the fire lane at intervals not to exceed fifty (50) feet and as designated by the Fire Marshal.

(5) Signs shall be placed on both sides of the lane when striping is required on both sides of the lane by the International Fire Code.

(6) Outlining or painting the fire lane and hydrant zone on the roadway surfaces shall be done as follows:

(i) Curb top and side shall be painted red and the words, "NO PARKING FIRE LANE" shall be stenciled in reflective white on the top and side of all red curbs at a maximum interval of 50 feet. Letters shall be a minimum of three inches (3") in height with a minimum ¼ inch stroke.

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(ii) Alternatively, if the roadway has no curbing, a 6 inch wide red stripe with the words "NO PARKING FIRE LANE" in reflective white may be painted along the curb and parallel with the roadway. The lettering shall be a minimum 3 inches high with a ¼ inch stroke.

NO PARKING FIRE LANE

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(7) Existing fire lanes shall continue in effect as installed until such time as they are in need of re-striping due to wear or re-paving. Responsibility for properly maintaining the fire lanes and signs shall be that of the owner of the property or owner's designee.

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Staff Report City of Lake Stevens Briefing

Planning Commission Briefing
Date: **August 3, 2016**

Subject: **Amendments to the City of Lake Stevens Land Disturbance Code (LUA2016-0025)**

Contact Person/Department: **Russ Wright**, Community Development Director / **Stacie Pratschner**, Senior Planner

SUMMARY:

Draft code amendments for land disturbance for the Planning Commission's review and discussion.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BUDGET IMPACT:

None.

BACKGROUND/DISCUSSION:

Staff held a briefing with the Planning Commission on June 1, 2016 to discuss research of surrounding municipalities clearing and grading codes, to provide a revised work schedule and to receive feedback on the proposed chapter outline for the amended land disturbance chapter, LSMC 14.44.100. The purpose of this briefing is to discuss the completed code draft (**Exhibit 1**) and receive comments from the Planning Commission concerning the proposed changes.

As part of the 2015 Comprehensive Plan update process, the city identified the following issues to be updated in the clearing and grading portions of municipal code: 1) the current thresholds for requiring a permit; 2) assumption of regulatory authority for the Class IV-General forest practices permits now issued by the DNR; and 3) evaluation of current tree preservation standards.

The following outline provides a synopsis of the draft revisions made to the currently adopted grading, filling and excavation code:

General Chapter Layout

- The Grading, Filling and Excavation code section has been renamed "Land Disturbance";
- The Land Disturbance chapter has been removed from the supplemental Chapter, 14.44, and assigned its own section, Chapter 14.50 LSMC;
- The structure of the Chapter 14.50 LSMC has been designed to be more consistent with surrounding municipalities land disturbance codes by the inclusion of a purpose statement, expanded definitions, bonding requirements, a more detailed description of required permit submittal items and the consolidation of fence and retaining wall provisions.

Thresholds for Permits

- The list of exempt activities has been expanded to include routine yard maintenance and some Public Works functions;
- The current requirement for an Administrative Conditional Use permit for higher- intensity land disturbance activities has been changed to a Type II permit. The list of activities that trigger the requirement for a Type I permit features have been simplified.
- The amount of vegetation removal that is permissible pursuant to a Type I permit is now more consistent with surrounding municipalities' thresholds.

Forest Practices

- The city proposes to assume regulatory authority from the DNR for Class IV - Forest Practices. Pursuant to section 14.50.155, the city will process Class-IV permits as a Type II application.

Tree Retention

- The city is reviewing surrounding municipal codes and our own standards to determine the best path forward for revised tree retention standards.

Other needed changes may be revealed per Planning Commission's review and staff's continued research. Other tasks included in the scope of the project include SEPA notification and actions, Public Hearings with both Planning Commission and City Council, WA Department of Commerce 60-day review, coordination with the Department of Natural Resources on forest practices and public notification as applicable.

Exhibit List

1. Draft Land Disturbance Code

Draft Changes to LSMC 14.44.100: Grading, Filling and Excavation

Chapter 14.50 LAND DISTURBANCE

Part I. Land Disturbance

14.50.100 Purpose and Intent.

The purpose of this chapter is to regulate land disturbance activities, including the clearing and removal of vegetation, excavation, grading, filling and other earthwork such as cuts and fills within the city of Lake Stevens in order to protect public health, safety and welfare by requiring the following elements:

- (a) Encouraging holistic site planning to reduce negative impacts to the community and the environment;
- (b) Preserving vegetation and where appropriate requiring commensurate replanting;
- (c) Requiring the implementation of best management practices (BMP's) during land disturbing activities;
- (d) Minimizing adverse stormwater impacts related to land disturbance per the requirements of the 2012 Department of Ecology Stormwater Manual for Western Washington or as amended pursuant to Chapter 14.64 LSMC;
- (e) Assuming regulatory authority for Class IV Forest Practices as defined by Chapter 76.09 RCW;
- (f) Establishing administrative procedures to issue permits, approve plans and inspect land disturbance activities; and
- (g) Reducing the amount of time between land disturbance and the beginning of actual site construction.
- (h) Land disturbance activities within or near a critical area or within the shoreline jurisdiction must be consistent with the provisions of Chapter 14.88 LSMC and the Lake Stevens Shoreline Master Program, as applicable.

14.50.105 Permit Required, Applicability and Authority.

- (a) A land disturbance permit is required for all land disturbance unless exempted in Section 14.50.115.
- (b) The provisions of this chapter apply to all land disturbance activity within the City. No action shall be taken by any person which results in any alteration to the landscape except as consistent with the purposes, objectives, and goals of this chapter.
- (c) Activities exempt from such permits as described in Section 14.50.115 are still required to comply with the restrictions and requirements contained in Section 14.50.140.
- (d) The approval authority shall approve, approve with conditions or disapprove a land disturbance application. Such conditions of approval may include but are not limited to inspection by the applicant's CESCL prior to land disturbing activities; the requirement of easements, covenants or dedications; the establishment of performance and maintenance bonds or other conditions as deemed applicable by the Community Development Director or her/his designee.

(e) By submitting an application under this Section, the applicant consents to entry upon the subject site by the city during regular business hours for the purposes of making inspections to verify information provided by the applicant to verify that work is being performed in accordance with the requirements of this chapter.

14.50.110 Definitions.

The definitions related to land disturbance and forest practices are included in Chapter 14.08 LSMC.

CESCL. A Certified Erosion and Sediment Control Lead who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington Department of Ecology.

Clearing. The act of removing or destroying vegetation or other organic plant materials by physical, mechanical or chemical means.

Compaction. Densification of a fill by mechanical means.

DBH. The diameter of a tree as measured from breast height (54 inches above the ground).

Earth material. Any rock, natural soil or any combination thereof.

Excavation. The removal of any earth material.

Existing Site Conditions. The current site features, natural features, cultural features and infrastructure of a specific location.

Fill. A deposit of earth material placed by mechanical means.

Forest Practices. Any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber or removing forest biomass as defined by the WAC 222-16-010.

Grade. The elevation of the ground surface.

- (a) "Existing grade" is the grade prior to grading.
- (b) "Rough grade" is the stage at which the grade approximately conforms to an approved site plan.
- (c) "Finished grade" is the final grade of the site that conforms to the approved site plan.
- (d) "Grading" is any excavating, filling, removing of the duff layer or combination thereof.

Land Disturbance. Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and / or existing soil topography.

Landscaping area. Any portion of a site not used for building, parking, driveway or accessory storage area. A landscape area may include patios, plazas, walkways, walls and fences, fountains or pools, and planting areas. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature.

NPDES. National Pollutant Discharge Elimination System.

Pollution-generating pervious and impervious surfaces. Surfaces that are considered a significant source of pollutants in storm water runoff. Pollution generating surfaces include both pervious and impervious surfaces, such as surfaces subject to vehicular use, roofs, lawns and landscaped areas.

Predeveloped condition. The native vegetation and soils that existed at a site prior to the influence of Euro-American settlements.

Retaining wall. A wall designed to resist lateral earth and/or fluid pressures, including any surcharge in accordance with accepted engineering practice.

- (a) “Exposed wall height is the vertical distance measured from the finished grade at the bottom of the wall (lower soil grade) to the finished grade at the top of the wall. This height does not include the wall and depth of footing below grade.
- (b) “Retained Wall Height” is the vertical distance measured from the bottom of the footing to the finished grade at the top of the wall. It includes the wall and depth of footing below grade.
- (c) “Surcharge” is a vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soils. Examples of surcharge include sloping retained soil, structure footings supported by the retained soil or adjacent vehicle loads supported by the retained soil.

Significant Tree. Any deciduous tree eight inches or greater in diameter (25 inches in circumference or greater), and any evergreen tree 12 inches or greater (37 inches in circumference or greater) measured one foot above the root crown.

Storm water. Surface water runoff that occurs when precipitation from rain or snowmelt flows over the lands surface.

Toe of slope. The lowest part of an embankment slope. It is the point at which the front of a slope intersects with the natural ground line.

14.50.115 Exemptions.

The following activities do not need a land disturbance permit

- (a) Land disturbance associated with an approved building permit or approved construction plans.
- (b) Land disturbance associated with public improvements and maintenance within the existing right-of-way; provided this does not include activities that expand into a critical area or buffer including, but not limited to:
 - (1) Roadside ditch cleaning, provided the ditch does not contain salmonids;
 - (2) Pavement maintenance;
 - (3) Normal grading of gravel shoulders;
 - (4) Maintenance of culverts;
 - (5) Maintenance of flood control or other approved stormwater facilities;

(6) Routine clearing within road right-of-way;

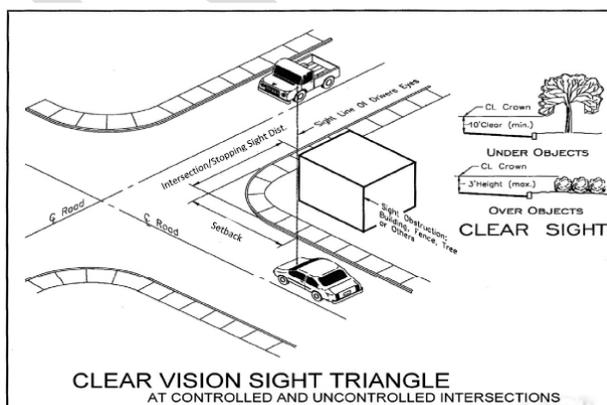
(c) Site investigations such as surveys, soil borings, test pits, percolation tests and other related activities, necessary for preparing land use or building permit applications provided the land disturbing activities are not greater than is necessary to accomplish the work and do not create permanent site impacts.

(d) Landscape installation or site improvements which do not result in a fill being placed behind a wall greater than four feet in height as measured from the bottom of the footing to the top of the wall or a cut more than four feet in depth or which does not exceed 15 cubic yards on any lot; or

(e) The installation of a fence and / or hedge pursuant to the following dimensional and setback restrictions of sections 14.44.420, 14.48.040 and 14.80.090:

1. Fences and walls shall have a maximum height of forty-two inches within the front-yard setback line, and a maximum height of six feet anywhere else on the lot with the following exception:
 - (a) In all residential zones, fences that do not exceed six-feet in height may be located along property lines not abutting a public right-of-way. No fence may exceed 42 inches in height within 10 feet of an exterior side yard right-of-way. On exterior side yards, the property owner shall maintain the area between the fence and sidewalk.
2. Fences, walls and hedges shall not cause a sight obstruction at street intersections or driveways per the determination of the Public Works Director. Fences, walls and hedges located on corner lots that abut public rights of way shall provide a clear vision sight triangle per the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets:

Figure 14.38-I: Sight Triangle



4. Hedges must be trimmed back to the inner edge of the public sidewalk area.
5. The height of the fence shall be measured from its top surface, board, rail, or wire to the ground on which it stands. Where a fence is built on top of a retaining wall the fence height shall be measured on the up-hill side.

(f) Cutting, clearing or removal of vegetation within any fully developed lot, parcel, street or utility right-of-way or park land outside of a critical area or its buffers not requiring any other permits or SEPA review, such as lawn mowing, rototilling, composting, gardening, non-commercial firewood cutting and pruning of vegetation.

(g) The removal of plants designated as noxious or invasive weeds by governmental agencies, and

(h) Emergency removal of ground cover or hazardous trees by any person, the public works department, parks department, fire department and/or public or private utility necessary to protect public safety or private or public property from imminent danger (Ord. xxx 2016, etc.)

14.50.120 Land Disturbance Permit Thresholds.

(a) Type I Land Disturbance - A Type I Land Disturbance permit shall follow the procedures established in Chapter 14.16B for a Type I permit process and be required for the following actions:

(1) Any land clearing activity that removes vegetation equal to or greater than 1000 square feet but equal to or less than 5000 square feet within any 12-month period, except the removal of any vegetation from wetlands, streams or their buffers may not occur without prior approval from the Community Development Director, in which case removal shall be in compliance with Chapter 14.88 LSMC.

(2) Any excavation, grading or fill activities equal to or greater than 50 cubic yards but less than 100 cubic yards.

(3) Land disturbing activities that will result in an increase impervious surface area in the amount of five percent of the lot area or 2,000 square feet, whichever is less.

(4) Land disturbance that will redirect stormwater from 5,000 square feet or more of drainage area so that it is released onto adjacent properties in a concentrated manner.

(5) Land disturbance that alters, redirects or impedes natural watercourses or manmade drainage channels.

(6) Construction of finished slopes that will exceed a ratio of 2:1 (horizontal to vertical).

(7) A retaining wall of three feet or higher is to be built. Retaining walls that are equal to or greater than four feet in height as measured from the bottom of the footing to the top of the wall and/or walls that support a surcharge shall require a building permit in addition to a land disturbance permit.

(8) Land disturbance is proposed within the boundaries of any drainage, access or utility easements.

(b) Type II Land Disturbance - A Type II Land Disturbance permit shall follow the procedures established in 14.16B for a Type II process and be required for the following actions:

(1) Any excavation, grading or fill activities on a lot that will equal or exceed 100 cubic yards within any 12-month period.

(2) For proposed tree clearing, the formula for determining the area to be cleared per the thresholds described in section 14.50.120(a)(1) shall be as follows: $3.14 \times r^2$, where r equals the radius of the tree canopy at its widest.

(3) Class IV Forest Practices as described in Section 14.50.155.

14.50.125 Application Requirements.

The Community Development Director or her/his designee shall review and have authority to approve or conditionally approve all applications for land disturbance permits, which meet the requirements of this chapter. A land disturbance application shall include the following submittal items:

- (a) Completed Type I/II permit application form;
- (b) A narrative of the project that describes the existing site conditions and development goals of the proposed work by including the following information
 - (1) Specific work to be accomplished;
 - (2) A time schedule for land clearing activities;
 - (3) Type of equipment to be used;
 - (4) Measures proposed to protect the site and adjacent properties from potential adverse impacts.
 - (5) The estimated quantities/area of work involved.
- (c) Public noticing documents per Section 14.16B.225 for Type II permits;
- (d) An environmental checklist if the land disturbance will exceed 100 cubic yards;
- (e) A drainage and stormwater report, if applicable;
- (f) A geotechnical and soils report, if applicable;
- (g) The correct intake fees as determined by the currently adopted Fee Schedule;
- (h) Any other materials required by the Community Development Director; and
- (i) A site plan of the subject property that contains the following elements:
 - (1) A scale and north arrow;
 - (2) The proposed land disturbance areas and a vicinity map;
 - (3) Proposed and existing elevations;
 - (4) Proposed drainage including all surface and subsurface drainage improvements;
 - (5) Location and details of all erosion and sediment control (ESC) measures;
 - (6) Any buildings or structures on the subject property that will be affected by the proposed grading activities;
 - (7) Locations of significant trees or stands of trees as defined by Chapter 14.08 LSMC.
 - (8) All public and private easements; and

(9) All critical areas and associated buffers as defined by Chapter 14.88 LSMC.

(10) Other items that may be required by the Director or designee.

14.50.130 Restrictions and Requirements.

All land disturbance, regardless of whether or not a permit is required, is subject to the following requirements:

- (a) No land disturbance is allowed in a critical area and its buffers otherwise prohibited by Chapter 14.88 LSMC.
- (b) For single-family and duplex lots, no activities shall be allowed which results in the impervious surface area of the lot exceeding the maximum thresholds as defined by section 14.48.055.
- (c) No land disturbing activities are permitted outward from the shores of Lake Stevens except as permitted pursuant to the restrictions of the Lake Stevens Shoreline Master Program.
- (d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter 14.64 (Special Flood Hazard Areas, Drainage, and Erosion) LSMC prior to any disturbance of soils.
- (e) All disturbed areas shall be hydro-seeded and mulched, sodded or otherwise protected within 48 hours of disturbance.
- (f) All potentially impacted critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.
- (g) The project proponent shall present to the City a valid NPDES permit, where required, prior to any disturbance of soil.
- (h) Environmental review of land disturbance associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that such land disturbance is a part of the application, and the permit shall specifically state what land disturbance is permitted or the activities shall not be considered permitted.
- (i) Land disturbing activities that include tree removal on residential lots shall be required to demonstrate retention of the minimum number of shade trees on site as defined in Section 14.76.124 LSMC.
- (j) During the below listed dates all land disturbing activities shall be phased as follows:
 - (1) For land disturbing activity not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section.

(2) Between October 1st and March 31st, land disturbance of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(k) Clearing activities of 1000 square feet or more in any 12-month period shall comply with the retention and protection of large tree requirements as contained in Section 14.76.120. Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future. In addition, no more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a plan which has received the appropriate land use permit(s) from the City. The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development. (Ord. xxx, 2016; Ord. 947, Sec. 2, 2015; Ord. 903, Sec. 34, 2013; Ord. 676, Sec. 36, 2003; Ord. 666, 2002; Ord. 639, Sec. 3, 2001; Ord. 590, 1998; Ord. 468, 1995)

(l) Hours of operation shall be between 7:00 AM and 9:00 PM on weekdays and 9:00 AM to 9:00 PM on weekends.

14.50.135 Minimum Standards of Performance.

(a) No land disturbing activities may be approved unless the project proponent demonstrates to the satisfaction to the Community Development Director that the requirements of Part II of Chapter 14.64 LSMC have been met. (Ord. 676, Sec. 36, 2003; Ord. 468, 1995)

(b) Any land disturbance activity, whether requiring a permit or not, shall provide erosion and sediment (ESC) measures that prevent the transport of sediment from the site to adjacent properties and facilities.

(c) Cuts and fills shall conform to the following provisions:

(1) No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

(2) All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (b) of this section.

(d) Access roads to grading sites shall be maintained and located to the satisfaction of the City engineer to minimize problems of dust, mud and traffic circulation.

(e) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

(f) The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

14.50.140 Top Soil.

In order to provide a suitable vegetation growth medium for final site stabilization, the following requirements shall be met prior to residential final plat approval or if on an existing lot, prior to issuance of a final inspection/certificate of occupancy:

- (a) A minimum of eight inches of top soil is to be placed in all areas not developed with impervious surface area.
- (b) In order to ensure a proper bond between the topsoil and subsoil, the topsoil shall be worked into the layer below for a minimum of six inches, resulting in a consistent mix of topsoil and subsoil throughout.
- (c) The topsoil shall be friable and loamy (loam, sandy loam, silt loam, sandy clay loam, clay loam).
- (d) When native topsoil is to be stockpiled and reused, the following should apply to ensure that the mycorrhizal bacterial, earthworms, and other beneficial organisms will not be destroyed:
 - (1) Topsoil is to be re-installed within four to six weeks.
 - (2) Topsoil is not to become saturated with water.
 - (3) Covers placed over the pile must first be approved by Public Works to ensure the material is breathable to allow sufficient passage of oxygen. Plastic cover is not allowed.
- (e) Stockpiling of topsoil shall comply with the following:
 - (1) The slopes of the pile shall not exceed 2:1.
 - (2) An interceptor dike with gravel outlet and silt fence shall surround all topsoil stockpiles.
 - (3) Erosion control seeding or covering with clear plastic or other mulching materials of stockpiles shall be completed within two days from October 1st through April 30th, or within seven day from May 1st through September 30th. Native topsoil stockpiles shall not be covered with plastic.
 - (4) Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or when conditions exist that may otherwise be detrimental to proper grading or proposed sodding or seeding. (Ord. 639, Sec. 3, 2001)

14.50.145 Maintenance and Security.

- (a) The Community Development Director may require the applicant to establish a security pursuant to Section 14.16A.180 which may be acceptable to the City at its sole discretion, in an amount deemed by the City to be sufficient to reimburse the City if it should become necessary to enter the property for the purpose of correcting and/or eliminating hazardous conditions relating to land disturbance activities or for other purposes authorized in this chapter.
- (b) In no case shall the security be less than the City's estimate of the cost of correcting or eliminating hazardous conditions that reasonably may occur, and/or of insuring compliance with the stipulations of the permit and the approved plans and specifications.

14.50.150 Inspections.

- (a) The applicant must submit a written determination from a Certified Erosion and Sediment Control Lead (CESCL) that appropriate temporary erosion and sediment control (TESC) measures are in place prior to starting any land disturbance activities.
- (b) The applicant must submit as-built drawings to reflect any changes from the original approval made in the field as required by the Community Development Director or designee.
- (c) All land disturbance permits are subject to a mandatory final inspection to ensure that all work on a site has been completed pursuant to the approved permit and the requirements of this chapter.

14.50.150 Violations and Penalties.

- (a) Violations of the provisions of this chapter shall be subject to the enforcement and review criteria of Title 17 LSMC.

Part II. Forest Practices

14.50.155 Forest Practices

(a) The purpose of this section is to assume regulatory authority from the Washington Department of Natural Resources over certain forest practices as permitted by Washington state law and pursuant to Chapter 76.09 RCW and WAC 222-20. This section ensures that the forest practices described in the following subsections occur in compliance with the Lake Stevens Comprehensive Plan, the Lake Stevens Shoreline Master Program and the regulations of this Title.

(b) The definitions contained in RCW [76.09.020](#) of the Forest Practices Act and in WAC [222-16-010](#) and [222-16-050](#) of the Forest Practices Act's implementing regulations shall apply to all terms used in this chapter, provided that the definitions contained in Title 14 shall be applicable where not in conflict with the above-referenced Forest Practices Act and the Forest Practices Act's implementing regulations. In the event of any conflict between the definitions, the definitions in chapter [222-16](#) WAC shall prevail. (c) This chapter shall apply to Class-IV general and special forest practices as defined by WAC 222-16-050 for the purpose of conversion and for forest practices when the forest landowner elects to obtain a conversion option harvest plan (COHP) agreement to permit development within the next six years without the imposition of a development moratorium.

(c) The following activities are exempt from the requirements of this chapter when located outside of critical areas and their buffers:

- (1) Forest practices regulated exclusively by the Washington State Department of Natural Resources pursuant to chapter [76.09](#) RCW;
- (2) The removal of less than 5,000 board feet of timber (including live, dead, and down material) for personal use in any 12-month period;
- (3) The removal of trees which have been grown to be sold as Christmas trees or used in landscaping such as trees sold by commercial nurseries;
- (4) The abatement of an emergency, such as the removal of trees necessary to protect the safety of persons or property from clear and imminent danger;

(5) Landscape maintenance or pruning which does not impair the health or survival of trees required to be retained or planted pursuant to this chapter; and

(6) The removal of trees in the public right-of-way as required by the city engineer for the purpose of public safety or for the maintenance of existing public roads and existing facilities, consistent with chapter [76.09](#) RCW.

(c) Both a Type II Class IV-General Forest Practices permit and a Type II Conversion Option Harvest Plan (COHP) permit shall follow the procedures established in Chapter 14.16B for a Type II permit process and be required for those forest practices described in the WAC 222-16-050(1) and (2). A forest practices or COHP application shall include the following submittal items:

(1) A completed State Environmental Policy Act checklist.

(2) Written verification from the Washington State Department of Natural Resources that the subject site is not and has not been subject to a notice of conversion to nonforestry use under RCW 76.09.060 during the six-year period prior to submission of the permit application.

(3) All submittal items as described in 14.50.125.

(d) The department shall notify the Washington State Department of Revenue within 60 days of approving a forest practices permit issued under this chapter. Such notification shall include the following information:

(1) Landowner's legal name, address, and telephone number;

(2) Decision date of permit; and

(3) Parcel number and legal description (section, township, and range) of the subject site.

Part III Tree Retention

14.50.160