

Title 13

BUILDINGS AND CONSTRUCTION

Chapters:

- 13.05 Building Codes**
- 13.10 State Environmental Policy Act**
- 13.15 Public Works Construction**
- 13.20 *Repealed***
- 13.25 Commercial Zone Fire Protection**

Chapter 13.05**BUILDING CODES***

Sections:

- 13.05.010 International Codes.
- 13.05.015 Amendments to codes.
- 13.05.020 Administration.
- 13.05.030 Severability.

*Prior legislation: Ords. 365, 349.

13.05.010 International Codes.

The town of La Conner adopts the following International Codes now or as hereafter amended, subject to modifications and/or amendments hereinafter set forth:

(1) International Building Code, 2009 Edition, published by the International Code Conference, together with supplements thereto, including the 2009 International Existing Building Code; mandated state amendments; Chapter 51-50 WAC, International Building Code Appendix Chapters B, C, E, G, and J (Washington State amendments to the 2009 International Existing Building Code).

(2) International Residential Code, 2009 Edition, except Chapters 11 and 25 – 43, published by the International Code Council, together with supplements thereto; mandated state amendments per Chapter 51-51 WAC, International Residential Code Appendix Chapters G and R (as adopted by the state of Washington).

(3) International Mechanical Code, 2009 Edition, published by the International Code Council, together with supplements thereto; mandated state amendments and Chapter 51-52 WAC, including the 2009 International Fuel Gas Code, the 2008 NFPA 58, and the 2009 NFPA 54.

(4) Uniform Plumbing Code, 2009 Edition, published by the International Association of Plumbing and Mechanical Officials, together with supplements and amendments thereto; mandated state amendments and Chapters 51-56 and 51-57 WAC, Appendix Chapters A, B, and I; provided, that Chapters 12 and 15 are not adopted; provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fire appliances as found in Chapter 5 and those portions of the Code addressing building sewers are not adopted.

(5) International Fire Code, 2009 Edition, including the 2009 International Wildland-Urban Interface Code, published by the International Code Council, and amendments and additions thereto, supplements thereto, mandated state amendments, and Chapter 51-54 WAC.

(6) Washington State Energy Code, 2006 Edition, and Reference Standard 29, Chapter 51-11 WAC, developed by the State Building Code Council, until such time as Chapter 51-11 WAC is amended to enact the 2009 Edition of the Washington State Energy Code.

(7) Installation of factory-built housing and commercial structures, RCW 43.22.460, together with WAC 296-150C-0540, 296-150F-0540 and the installation of manufactured and mobile homes, RCW 43.22.440 and WAC 296-150M-0650. [Ord. 1052 Exh. A, 2010; Ord. 930 § 1, 2004.]

13.05.015 Amendments to codes.

Pursuant to authority granted by the Revised Code of Washington under the State Building Code Act, the following amendments to the international codes are hereby adopted and apply within this jurisdiction:

(1) Amendments to the International Building Code (IBC) and the International Residential Code (IRC).

(a) Section 105.5 Expiration. Every building permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed in accordance with the permitted requirements within three years of the date of issuance. Any permittee holding an unexpired permit may apply for a six-month extension in order to complete the authorized work for no additional cost. The building official may grant the extension on written request from the permittee showing that circumstances beyond the control of the permittee have prevented the authorized work from being completed. No permit may be thus extended more than once.

To renew a permit for an additional three-year period, prior to expiration or within six months of expiration of the current permit, the permittee shall pay the renewal fee as determined on the currently adopted fee schedule. No permit may be thus renewed more than once. A new permit will be required where expiration is more than six months.

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(b) Section 109.2 of the International Building Code and Section 108.2 of the International Residential Code shall read as follows:

General Fees shall be as set forth in the fee schedule for the Town of La Conner, adopted under separate resolution by the Town Council.

(c) Sections 1608.1 and 1608.2 of the International Building Code and map 301.2(5) of the International Residential Code for snow loads are amended as follows:

Buildings and structures that are located in the designated "cs" zone, as shown in the 2009 International Building Code, shall have their snow loads determined by engineered analysis in accordance with the requirements of the International Building Code, 2009 edition, or shall comply with the roof snow loads as shown on the adopted snow load map for Skagit County.

Under authority granted to local jurisdictions through WAC 296-150M-0600, the Skagit County Building Official has determined the anticipated snow loads for Skagit County and arranged them on a map of Skagit County. The snow loads and the snow load map of Skagit County have been reviewed by local structural and civil engineers for methodology and conformance with the 1995 Snow Load Analysis published by the Structural Engineers Association of Washington and have been found to be conforming.

(d) IBC Section 3002.4 is amended as follows:

Stretcher Requirements: In all structures two or more stories in height in Group A, E, B, I, R1 and LC occupancies where elevator cars are installed, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door including return panels, of not less than 86 inches by 54 inches (2,184 mm x 1,272 mm) and a minimum distance from wall to return panel of not less than 51 inches (1,295 mm) with a 42 inch (1,067 mm) side slide door, unless otherwise designed to accommodate an ambulance-

type stretcher 86 inches by 26 inches (2,184 mm x 660 mm).

In buildings where one elevator does not serve all floors, two or more elevators may be used. The elevators shall be identified by the international symbol for emergency medical services (Star of Life). The symbol shall not be less than 3 inches (76 mm) and placed inside on both sides of the hoistway door frame. The symbol shall be placed no lower than 78 inches (1,981 mm) from the floor level or higher than 84 inches (2,134 mm) from the floor level.

(e) Appendix J, Section J103.2, Exemptions, is amended as follows:

1. Exemption No. 1 regarding isolated areas is not adopted.

2. through 7: No change.

8. An excavation that is not within a defined critical area or its buffers unless there has been critical areas review of the project and the location has been approved, and:

a. does not obstruct natural drainage and is less than 2 feet in depth, and

b. does not create a cut slope greater than 5 feet in height and steeper than 1.5:1 and

c. does not exceed 100 cubic yards of excavated material.

9. A fill that:

a. is not within a defined critical area or its buffers unless there has been critical areas review of the project and the location has been approved, and does not obstruct natural drainage and is less than 1 foot in depth and placed on natural terrain with a slope less than 12% or,

b. is not within a defined critical area or its buffers unless there has been critical areas review of the project and the location has been approved, and is less than 3 feet in depth and is not intended to support

structures and that does not exceed 100 cubic yards on any one lot.

10. Agricultural projects such as tilling, planting, and fertilizing.

(f) Chapter 34 Existing Structures.

3401 GENERAL.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued if such use or occupancy existed prior to July 1, 1989 and provided such use or occupancy is not dangerous to life. Buildings legally permitted and approved for occupancy before or after such date are considered legal at the time of the adoption of this edition of this code.

(2) Amendments to International Fire Code (IFC).

(a) IFC Section 102.2 is amended as follows:

3. To help assure that this section is properly administered and to help provide for a reasonable degree of safety to persons occupying existing buildings, there shall be a fire code inspection, at times determined by the Skagit County Fire Marshal, for all Group A, B, E, F, H, I and M occupancies.

(b) IFC Section 102.6 is amended as follows:

The codes and standards referenced in this code shall be those listed in Chapter 45 of this code. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the code official.

(c) IFC Section 202 is amended as follows:

Definitions.

Fire Code Official: Shall mean the Skagit County Fire Marshal as it relates to the implementation of this code.

(d) IFC Appendix A, Section A101 is amended as follows:

In order to determine the suitability of materials and type of construction and to provide for reasonable interpretations of the provisions of this code, there shall be hereby created a Board of Appeals. This Board shall consist of the same membership as the Building Code Board of Appeals. The Fire Marshal and the Building Official shall be Ex-Officio members. The Board shall adopt rules and regulations for conducting its investigations and shall render all decisions in writing to the Fire Marshal and Building Official with a duplicate copy to the applicant.

(e) IFC Appendix B, Section 103, Modifications, is amended as follows:

Section 103.1 Decreases.

Fire flow requirements may be modified downward by the Skagit County Fire Marshal for isolated buildings or a group of buildings in rural areas or small communities where development of full fire flow requirements is impractical. The Fire Marshal may be guided by written procedures entitled "Skagit County Fire Marshal Procedures Concerning Fire Flow and Placement of Fire Hydrants" in making this determination.

Section 103.3 Buildings That May Not Require Fire Flow.

When, in the opinion of the Fire Marshal, a proposed building meets the criteria stated in "Skagit County Fire Marshal Procedures Concerning Fire Flow and Placement of Fire Hydrants," a permit may be issued without meeting the requirements for fire flow for the following:

(i) Single family residences and accessory garages and carports.

(ii) Agricultural buildings in agricultural resource lands as identified on currently adopted zoning maps.

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(iii) Buildings exempt by Board of Appeals Precedent. When in the opinion of the Fire Marshal, a building meets the intent of the Board of Appeals precedent requiring that building be:

- (1) Less than 4000 sq. ft. in area.
- (2) Not an "H" occupancy.
- (3) Having 40-foot clear yards on all sides.
- (4) In a rural area where fire flow is not practical.

(f) IFC Appendix C, Fire Hydrant Locations and Distribution, is amended as follows:

Footnote b

3. Where new water mains are upgraded or extended along streets or roads where hydrants are not otherwise required, hydrants shall be installed for filling tanker trucks at major roadway intersections wherever practical, and the distance between hydrants shall not exceed one mile.

(g) IFC Appendix D is amended as follows:

Section D101.1 Scope: Fire apparatus access roads shall be in accordance with this chapter and all other applicable requirements of the International Fire Code as required by the Fire Marshal.

Section D102.1 Required Access: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when the facility is in excess of one hundred fifty (150) feet from fire apparatus access.

Section D103.1 Driveways: Roads serving one (1) or two (2) residential lots is amended as follows:

a. Driveways where a building is less than one hundred fifty (150) feet from an approved access road meeting Section D103.2 of this code have no specific requirements.

b. Driveways that are one hundred fifty (150) feet or more in length and serve one or two residential lots shall meet the following standards:

(i) Width: 12 feet of driving surface with turnouts located every 300 feet, when required by the Fire Marshal. To create a turnout, the road shall be widened to 20 feet in the direction of travel for a distance of not less than 30 feet to allow vehicles to pull over and emergency vehicles to proceed.

(ii) Vertical clearance: A minimum of 13 feet, 6 inches of unobstructed head clearance is required.

(iii) Surface: Skagit County Road Standard for Private Roads as required by the Skagit County Public Works Department or as approved by the Skagit County Fire Marshal.

(iv) Turning radius for turns along the length of driveway: A minimum of 20 feet of inside radius and 50 feet of outside radius is required. (Note: This is not a cul-de-sac standard.)

(v) An acceptable means of turning around a fire apparatus must be provided. This does not necessarily require a cul-de-sac for a driveway serving 1 or 2 residential lots. Means of turning apparatus must be acceptable to the Fire Marshal.

(vi) Bridges must meet Skagit County Road Standards as required by the Skagit County Public Works Department.

(vii) Driveway grades 12% gravel or 14% hard surface as approved by Skagit County Fire Marshal.

Section D103.2 Fire Department Vehicle Access Roads – Roads serving other than 1 or 2 residential lots is amended as follows:

a. Width: 20 feet of driving surface.

b. Vertical clearance: 13 feet, 6 inches of unobstructed overhead clearance.

- c. Surface: 6 inches of gravel.
- d. Turning radius: 50 feet of outside radius.
- e. Turnarounds: 70-foot cul-de-sac standards or as approved by the Fire Marshal.
- f. Bridges must meet Skagit County Road Standards as required by the Skagit County Public Works Department.
- g. Grade: 12% gravel or 14% hard surfaced as approved by the Skagit County Fire Marshal.
- h. Where a land division is involved the road must meet Town Road Standards as required by the La Conner Public Works Department.

NOTE:

1. These standards apply to all building permits and are the minimum for building permit purposes. County platting standards may exceed these standards, and these standards are in no way intended to eliminate the need for full compliance with land division requirements.
2. The Fire Marshal may make modifications to these standards if the road is not buildable because of topography, waterways, non-negotiable grades, or similar conditions. These modifications are based on:
 - a. The building being protected by NFPA 13D Automatic Sprinkler Systems.
 - b. Additional fire protection as required by the Fire Marshal.
 - c. Exceptions may be made for minor additions or small accessory buildings to existing dwellings when in the opinion of the Fire Marshal the addition or accessory building will not create significantly more dangerous situations.
3. For roads accepted or platted by Skagit County prior to June 11, 1990, these standards may be modified by the Fire Marshal provided that, in the Fire Marshal's opin-

ion, fire fighting or rescue operations would still be possible.

4. On lots not in a fire district and accessible only by water, the access road requirement may be waived if the project meets all of the other requirements of Skagit County Unified Development Code to qualify for a building permit.

5. Emergency vehicle access roads or driveways shall not be obstructed in any manner, including the parking of vehicles. Width and clearance requirements consistent with these standards shall be maintained at all times.

(h) IFC Appendix K, International Wildland-Urban Interface Code, is amended as follows:

(i) Section K402.1.1, Access, is deleted.

(ii) Section K402.2.1, Access, is deleted.

[Ord. 1054 Exh. A, 2010.]

13.05.020 Administration

The La Conner town council has provided by interlocal agreement that the Skagit County Planning and Permit Center shall administer and enforce the State Building Code within the town of La Conner's jurisdictional boundaries. Such administration and enforcement of the State Building Code by the Skagit County Planning and Permit Center shall include all codes comprising the State Building Code as enumerated in the previous section. The town of La Conner hereby delegates authority to Skagit County to carry out all administrative and enforcement duties assigned the county in the interlocal agreement. [Ord. 930 § 1, 2004.]

13.05.030 Severability.

Should any section or sections of this chapter be found invalid for any reason, the remainder of this chapter shall remain in full force and effect. [Ord. 930 § 1, 2004.]

Chapter 13.10

STATE ENVIRONMENTAL POLICY ACT

Sections:

- 13.10.010 Adoption by reference of Chapter 197-11 WAC.
- 13.10.020 Designation of responsible official.
- 13.10.030 Information sufficient to initiate environmental review.
- 13.10.040 Responsibility for filling out environmental checklist.
- 13.10.050 Financial burden for preparation and circulation of EIS.
- 13.10.060 Relationship to decision-making process.
- 13.10.070 Method of giving notice.
- 13.10.080 Method of filing.
- 13.10.090 Appeals.

13.10.010 Adoption by reference of Chapter 197-11 WAC.

Pursuant to the State Environmental Policy Act, RCW 43.21C.120, Chapter 197-11 WAC is hereby adopted by reference. [Ord. 524 § 1, 1984.]

13.10.020 Designation of responsible official.
(Reference WAC 197-11-910)

The town planner, or other person as may be hereafter designated by written order of the mayor, shall be responsible for administration of this chapter, except that determination of whether a proposal must undergo environmental review (reference Categorical Exemptions, WAC 197-11-305) shall be the responsibility of that agent of the town which first receives or initiates the proposal. [Ord. 524 § 2, 1984.]

13.10.030 Information sufficient to initiate environmental review.

(Reference WAC 197-11-055(4))

Environmental review may be initiated whenever, in the opinion of the responsible official, sufficient information exists to reasonably assess the environmental impacts of a proposal. [Ord. 524 § 3, 1984.]

13.10.040 Responsibility for filling out environmental checklist.

(Reference WAC 197-11-315(21))

Responsibility for filling out the environmental checklist shall rest with the applicant. [Ord. 524 § 4, 1984.]

13.10.050 Financial burden for preparation and circulation of EIS.

(Reference WAC 197-11-504(2))

No fees shall be charged for conducting environmental review. However, financial burden for preparation and circulation of EISs shall rest with the applicant, under the direction of the responsible official. The town may offset the financial burden by charging nongovernmental entities for copies of any documents prepared under this chapter. The EIS may be prepared by the town, the applicant, or a consultant, at the discretion of the town but in most cases will be prepared by a consultant. [Ord. 524 § 5, 1984.]

13.10.060 Relationship to decision-making process.

(Reference WAC 197-11-055(3)(a), 197-11-350(7) and 197-11-660(a))

(1) Environmental documents and/or communications from the responsible official shall be forwarded to the advisory and decision-making bodies with authority over the proposal in such a manner as to allow incorporation of environmental factors into their consideration of the proposal. If a declaration of nonsignificance has been issued, they shall be so advised and the environmental checklist made available for their review on request. If a declaration of significance has been issued, they shall be forwarded copies of the draft and final EIS.

(2) If a mitigated declaration of nonsignificance has been issued, decision-makers shall not approve the proposal without incorporating the mitigating measures as conditions of approval; provided, that this shall not prevent tabling of the matter pending an appeal to the mitigated declaration of nonsignificance.

(3) The town's comprehensive plan and shoreline management master program, and the agency responsibilities established by RCW 43.21C.020 (2) which are hereby adopted by reference, are hereby designated as a basis for the exercise of substantive authority under SEPA. [Ord. 524 § 6, 1984.]

13.10.070 Method of giving notice.

Method of giving notice in accordance with WAC 197-11-510 shall be written notification to at least one newspaper of general circulation in the

area, plus any other means deemed appropriate by the responsible official. [Ord. 524 § 7, 1984.]

13.10.080 Method of filing.

Documents pursuant to this chapter shall be filed with the documents pertaining to the underlying governmental action. [Ord. 524 § 8, 1984.]

13.10.090 Appeals.

Threshold determinations, significant or nonsignificant, may be appealed to the hearing examiner pursuant to the provisions of Chapter 15.12 LCMC. [Ord. 839 § 27, 2001; Ord. 524 § 9, 1984.]

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Chapter 13.15

PUBLIC WORKS CONSTRUCTION

Sections:

- 13.15.010 Specifications.
- 13.15.020 Adoption.
- 13.15.030 Availability.
- 13.15.040 Administration.
- 13.15.050 *Repealed.*

13.15.010 Specifications.

All municipal public works construction conducted within the town of La Conner and any construction carried on in connection with the installation, maintenance, or repair of any public utility, of whatsoever kind and nature, whether the same be carried on above or below the ground, shall be performed in accordance with "Standard Specifications for Municipal Public Works Construction, 1975 Edition," as published by the Washington State Chapter, American Public Works Association. [Ord. 410 § 1, 1975.]

13.15.020 Adoption.

Pursuant to the provisions of RCW 35.21.180, "Standard Specifications for Municipal Public Works Construction, 1975 Edition," as published by the Washington State Chapter of the American Public Works Association is hereby adopted by reference, together with any future amendments thereto. [Ord. 410 § 2, 1975.]

13.15.030 Availability.

The town clerk is directed to keep on file at the Town Hall, and available for public inspection, a minimum of three copies of "Standard Specifications for Municipal Public Works Construction, 1975 Edition," together with any amendments thereto. [Ord. 410 § 3, 1975.]

13.15.040 Administration.

The water superintendent and/or public works superintendent of the town of La Conner shall have direct responsibility for administration and enforcement of this chapter and shall have the right to inspect all public works construction within the town of La Conner. [Ord. 410 § 4, 1975.]

13.15.050 Violation.

Repealed by Ord. 839. [Ord. 812 § 12, 2001; Ord. 410 § 5, 1975.]

Chapter 13.20

CHIMNEYS AND FIRE FLUES

(Repealed by Ord. 905)

Chapter 13.25

COMMERCIAL ZONE FIRE PROTECTION

Sections:

13.25.010 Definitions.

13.25.020 Applicability.

13.25.010 Definitions.

(1) "Substantial alteration" means any change, addition, or modification in construction or occupancy where the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any 12-month period amounts to 60 percent or more of the appraised value. (WAC 51-30-1110.)

(2) "Cliff" means a high steep face of rock or a geologically hazardous area with land having unstable slopes and slopes averaging 15 percent or greater over a vertical interval of 10 feet. [Ord. 683, 1996.]

13.25.020 Applicability.

The following policies for fire protection access apply to all new construction and remodels involving an expanded footprint, expanded square footage or a substantial alteration of an existing building in the commercial zone:

(1) On a building site where one or more sides are adjacent to a cliff there shall be a minimum of five feet setback from the cliff.

(2) There shall be a minimum of a five-foot setback from the property line with the following exceptions:

(a) Where the property lines are adjacent to town streets.

(b) If the building is to be constructed less than five feet from the property line and/or where no wall penetration is allowed by the International Building Code, a two-hour fire wall with parapet may be substituted for the setback requirement.

(c) Where an approved sprinkler system is installed in the building according to the appropriate National Fire Protection Association Standards (NFPA 13, 13R or 13D).

(3) The town fire chief, in conjunction with the county fire marshal, shall be the final authority on the determination of applicable fire protection. [Ord. 963 § 6, 2005; Ord. 683, 1996.]