

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING THE)	
ISLAND COUNTY COMPREHENSIVE)	ORDINANCE C- 59 -02
PLAN, CHAPTER 14.01B ICC, ADDING)	PLG-011-02
NEW CHAPTER 14.03E ICC, CHAPTER)	
16.19 ICC, AND CHAPTER 17.03 ICC TO)	
BE CONSISTENT WITH THE ISLAND)	
COUNTY/OAK HARBOR INTERLOCAL)	
AGREEMENT)	

WHEREAS, the City of Oak Harbor held a public hearing on December 18, 2001 and authorized the Mayor to sign the Interlocal Agreement and Island County held a public hearing on January 14, 2002 and approved the Island County/City of Oak Harbor Interlocal Agreement; and

WHEREAS, in order for Island County to confirm the Interlocal Agreement for implementation the County must update certain maps and land use regulations to be consistent with the Interlocal Agreement; and

WHEREAS, Exhibit "A" provides updated maps of Island County Noise Zones and adds an Island County/City of Oak Harbor Joint Planning Area Map to the Island County Comprehensive Plan; and

WHEREAS, Exhibit "B" amends Chapter 14.01B to blend Oak Harbor and Island County Noise Attenuation Ordinances; and

WHEREAS, Exhibit "C" adds a new Chapter, Chapter 14.03E, to adopt blended Island County/City of Oak Harbor Fire Flow and Fire Access Standards for the North Whidbey UGA Enterprise Area; and

WHEREAS, Exhibit "D" amends Chapter 17.03.180.P, "Significant Tree Retention and Landscaping", to include specific standards for landscaping in the OH-I, OH-PIP and OH-HSC Zones on lands abutting Goldie Road and Oak Harbor Road; and

WHEREAS, Exhibit "E" adopts Section 16.19.040.C.2, Urban Growth Area Procedures for the City of Oak Harbor; and

WHEREAS, Island County completed environmental review under Chapter 43.21C RCW and determined there will be no adverse environmental impact as a result of the proposed amendments to the Comprehensive Plan and Island County Code; and

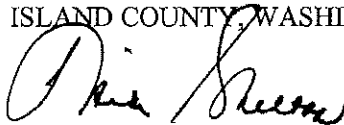
WHEREAS, the Island County Planning Commission held a public hearing on May 28, 2002 and recommended approval of the amendments after receiving public input; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts amendments to the Island County Comprehensive Plan and Island County Code attached


hereto as Exhibits A, B, C, D and E to implement the Island County/City of Oak Harbor Interlocal Agreement. Material stricken through is deleted and material underlined is added.

Reviewed this 15 day of JULY, 2002 and set for public hearing at 10:30 a.m. on the 12 day of AUGUST, 2002.

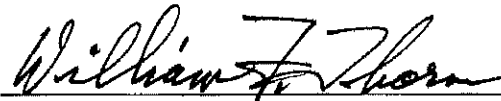
BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON



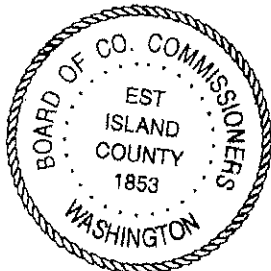
Mike Shelton, Chairman



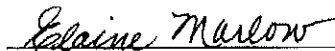
Wm. L. McDowell, Member



William F. Thorn, Member



ATTEST:

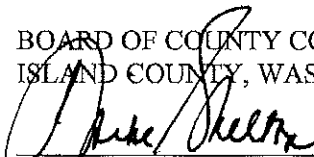


Elaine Marlow
Clerk of the Board

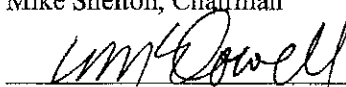
APPROVED AND ADOPTED this 12 day of AUGUST, 2002.



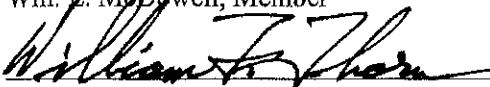
BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON



Mike Shelton, Chairman



Wm. L. McDowell, Member



William F. Thorn, Member

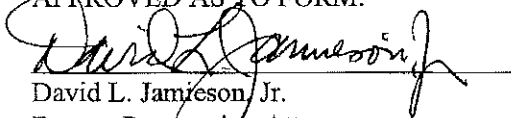
ATTEST:



Elaine Marlow

Clerk of the Board

APPROVED AS TO FORM:



David L. Jamieson, Jr.

Deputy Prosecuting Attorney

& Island County Code Reviser

EXHIBIT "A"

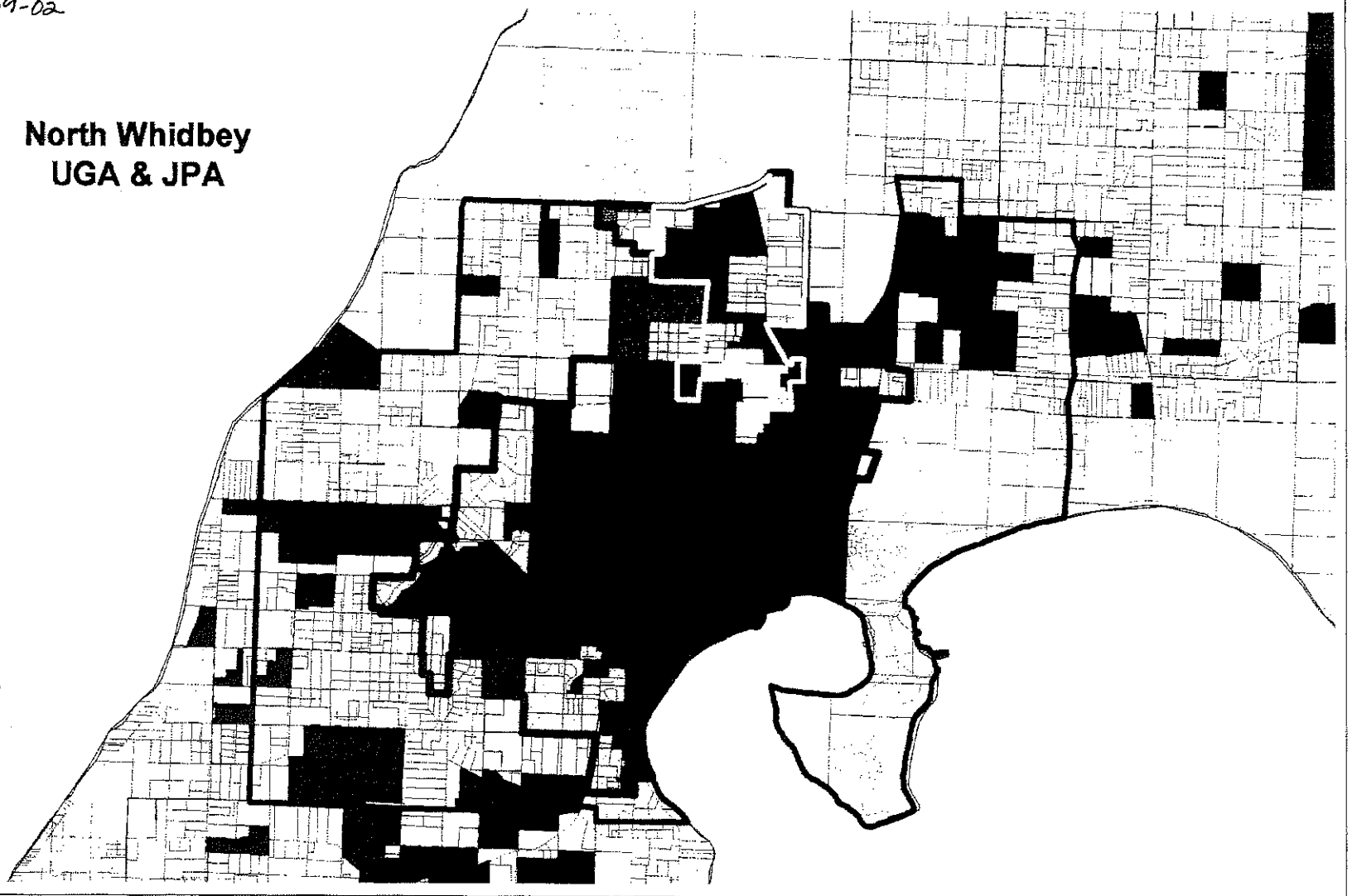
Maps of :

- North Whidbey UGA & JPA
- Island County Noise Zones – Map C
- Island County Noise Zones – Map D

C-59-02

North Whidbey UGA & JPA

PIG-011-02, C-59-02
Implement Oak Harbor Interlocal



- | | |
|-----------------------|------------------------|
| Enterprise Zone | Municipality |
| Urban Growth Area | Park |
| Joint Planning Area | Rural |
| OH-Highway Service | Rural Residential |
| OH-Industrial | Commercial Agriculture |
| OH-Planned Business | Rural Agriculture |
| OH-Planned Industrial | Rural Forest |
| OH-Residential | Federal Land |



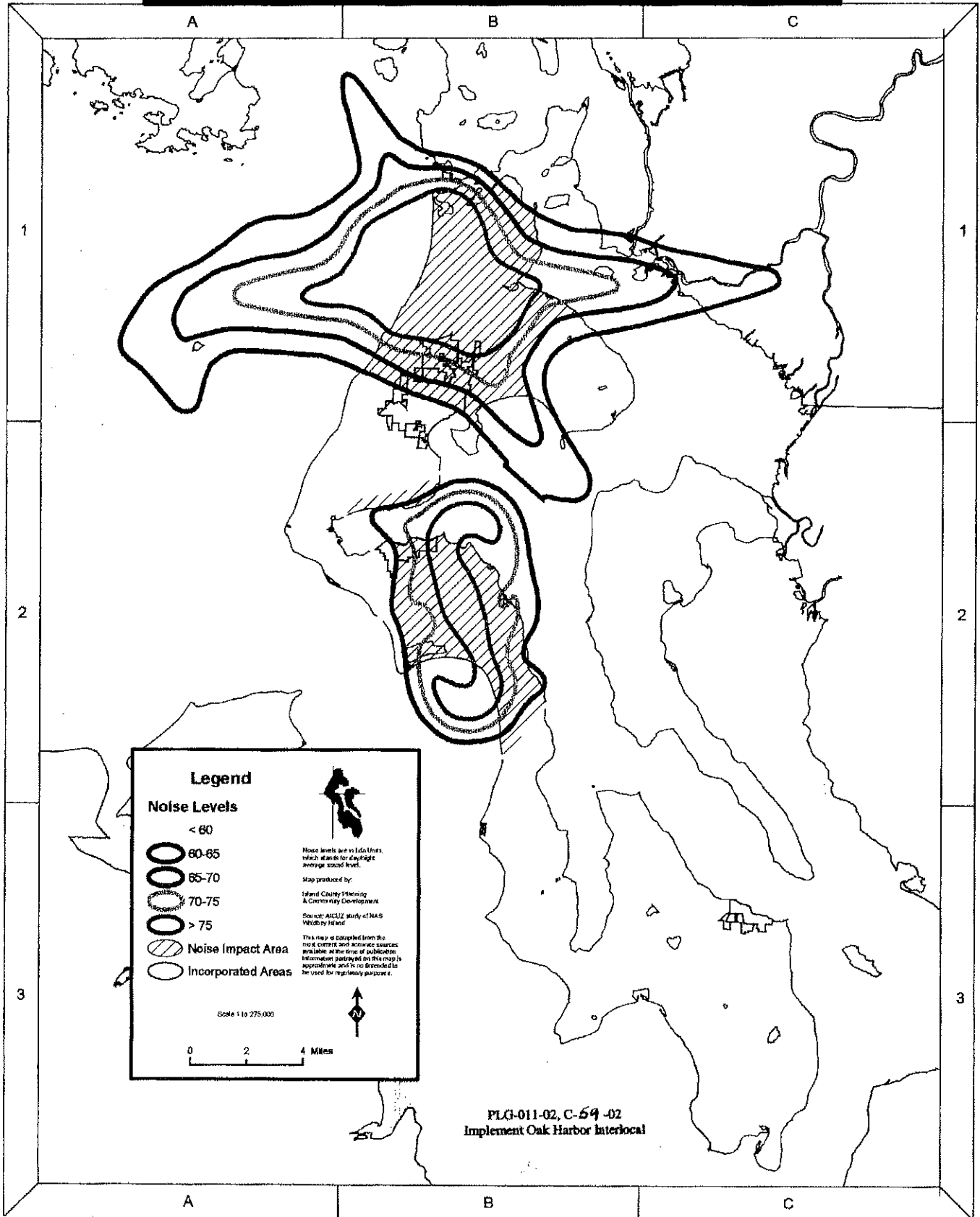
0 1.5 3 Miles

Prepared by:
Island County
Planning & Community Development
For Informational Use Only
September 24, 2001



Scale 1 : 100,000

Island County Noise Zones MAP C



Island County Noise Zones MAP D

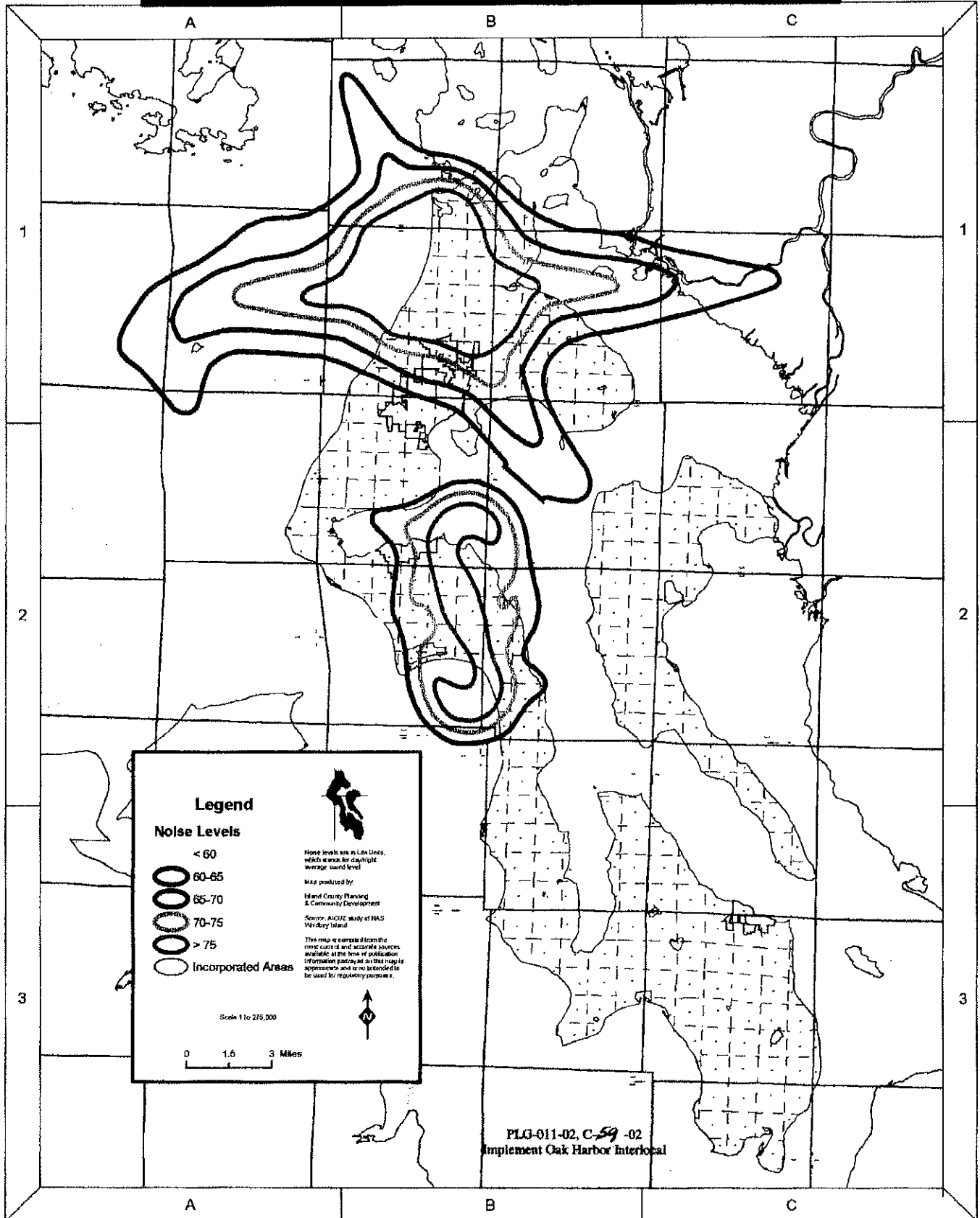


EXHIBIT "B"

Chapter 14.01B

Noise Level Reduction Ordinance⁴

Sections:

- 14.01B.010 Legislative Intent Purpose**
- 14.01B.020 Applicability**
- ~~14.01B.030 Conflicting Regulations~~**
- 14.01B.040030 Definitions**
- 14.01B.050040 Airport Noise Zones**
- 14.01B.060050 Building Construction**
- 14.01B.060 Design Requirements**
- 14.01B.070 Air Leakage for All Buildings**
- 14.01B.080 Compliance – 25 Decibels**
- 14.01B.090 Compliance – 30 Decibels**
- 14.01B.070100 Disclosure Statement**
- 14.01B.080110 Nonconforming Existing Uses**
- 14.01B.090120 Permits**
- 14.01B.100130 Variances**
- 14.01B.110140 Limitation of Liability**
- 14.01B.150 Conflicting Regulations**
- 14.01B.120160 Severability**
- 14.01B.130170 Effective Date of Adoption**

14.01B.010 Legislative Intent Purpose

The Board of County Commissioners of Island County has considered, among other things, the character of the operations conducted and proposed to be conducted at airports within Island County, the current uses of surrounding property and the uses for which it is adaptable; the Board of County Commissioners finds:

- A. There exist airports within Island County whose operations may impact the health, safety and general welfare of the citizens of Island County.

The Island County Comprehensive Plan identifies and values our Airport resources for the substantial economic and transportation value they provide. We also acknowledge that lands surrounding our more heavily utilized facilities need to be afforded additional protection. The Noise Level Reduction Ordinance is intended to:

⁴The Airport Environs Map 1 and Addendum #1 to this ordinance shall be considered a part of this ordinance and shall not be amended except by county ordinance. Copies of the Airport Environs Map 1 and Addendum #1 may be obtained from the Island County Planning and Community Development Department.

- A. Increase the compatibility of these facilities with surrounding Residential and Commercial uses by lowering internal noise levels within structures; and
- B. ~~The purpose of this ordinance is to p~~Protect the public health, safety and general welfare by providing for the full disclosure of the noise associated with the operation of aircraft ~~from the existing airports and by amending the County Building Code on land affected by the aircraft operations.~~

14.01B.020 Applicability

The regulations set forth herein are applicable to all lands within the delineated airport noise zones set forth on ~~Airport Environs Map I, and those maps that may be adopted by Island County in the future, a representation map of which is attached hereto and adopted by this reference, in Exhibit "A" and "B".~~ All lands within the delineated Airport Zones shall comply with the provisions of this Chapter through the review of building permits.

14.01B.030 — Conflicting Regulations

~~In the event of conflict between any Building Code regulations and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.~~

14.01B.040030 Definitions

- A. **AIRPORT:** Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.
- B. **AIRPORT NOISE ZONE:** That area which has been identified as being significantly impacted by airport noise.
- C. **AIRPORT ADMINISTRATOR OR ADMINISTRATOR:** The Island County Building Official.
- D. **ALTERATION:** Any construction which would result in a change in height or lateral dimensions of an existing structure.
- E. **CONSTRUCTION:** The erection or alteration of any structure either of a permanent or temporary character.
- F. **DAY-NIGHT AVERAGE SOUND LEVEL (Ldn):** A basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a 24 hour time period, with a 10 decibel penalty applied to nighttime (10:00 P.M. to 07:00 A.M.) sound levels.
- G. **DBA:** The unit of corrected noise level measured in accordance with the "A-weighting scale" which replicates the response characteristics of the ear.
- H. **DECIBEL:** A unit for measuring the relative loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with 1 for the faintest audible sound.
- I. **DEPARTMENT:** Island County Planning and Community Development.

- J. **NOISE SENSITIVE AREAS:** Areas in buildings where the normal noise level is low and shall include office areas, classrooms, areas where the public is received and breakrooms.
- HK. **NONCONFORMING STRUCTURE:** Any structure, which was lawfully in existence prior to the enactment of these regulations and which does not conform to these regulations.
- HL. **PERSON:** Any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or their similar representative thereof.
- KM. **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- N. **SOUND TRANSMISSION CLASS (STC):** A single number rating for describing sound transmission loss of a wall, partition, window or door.
- EO. **STRUCTURE:** Any object; constructed or installed by man, including but not limited to houses and commercial buildings, designed for human occupancy. ~~However, factory built housing and factory built commercial structures shall not be considered structures under this ordinance.~~

14.01B.040 Airport Noise Zones. Airport Noise Zones are hereby established as follows:

Airport Noise Zone	Ldn Values
2	65-60 to 7570
3	Greater than 7570

14.01B.060050 Building Construction

For all new structures, and alterations to existing structures, to be built on property in Airport Noise Zones 2 and 3, a noise level reduction of 25 dBA is required, as measured outdoor to indoor noise. The applicant shall submit building plans which contain a statement certifying that the building plans are in compliance with Sections 6.01 through 6.13 addendum #1 to this ordinance. The Building Contractor or other person responsible for the building construction will certify at the completion of construction the building plans were followed and no modifications were done effecting noise reduction:

All new structures and alterations to existing structures shall conform to the following minimum standard unless exempted in this ordinance.

- A. Airport Noise Zone 2 shall have a minimum 25 dba noise level reduction. Noise level reduction is to be measured outdoor to indoor noise; and
- B. Airport Noise Zone 3 shall have a minimum 30 dba noise level reduction. Noise level reduction is to be measured outdoor to indoor noise; or
- C. Where noise sensitive activities are carried on in only a portion of new or reconstructed commercial buildings only those areas judged noise sensitive by the Department need be protected.

All building permits in Airport Noise Zones 2 and 3 shall be reviewed for consistency with this section. If the Department determines that the building design does not meet the minimum

standards of this chapter the permit shall not be issued. Applicants submitting building permits in Noise Zones 2 and 3 shall supply the following additional information with the permit:

A. Details of air leakage control in the following locations:

1. Around windows and door frames;
2. Openings between walls and foundations;
3. Between sole plate and rough flooring;
4. Penetrations through walls, floors or ceilings;
5. Between wall panels at corners; and
6. All other openings in building envelope.

B. Construction details, sound transmission coefficient (STC) ratings and assemblies of:

1. Exterior walls;
2. Exterior windows;
3. Exterior Doors;
4. Roofs;
5. Ceilings; and
6. Ventilation systems.

14.01B.060 Design Requirements

The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for heating, ventilation and air conditioning (HVAC) systems and its parts. The provisions of this ordinance are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this ordinance. These requirements shall apply to all buildings for human occupancy in accordance with ICC 14.01B.050.

14.01B.070 Air Leakage for All Buildings

A. The requirements of this section shall apply to the design of the exterior envelope of all buildings designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other.

B. The following locations shall be sealed, caulked, gasketed, or weather-stripped to limit or eliminate air leakage:

1. Exterior joints around windows and door frames between the window or door frame and the framing;
2. Openings between walls and foundations;
3. Between the wall sole plate and the rough flooring;
4. Openings at penetrations of utility services through walls, floor, and ceilings;

5. Between wall panels at corners; and
6. All other such openings in the building envelope.

C. Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors.

14.01B.080 Compliance – 25 Decibels

Compliance with Section 14.01B.080 “A” through “F” shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 25 decibels.

A. Exterior Walls

1. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC- 30; or
2. Masonry walls having a weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered, or 5/8” GWB on furring.
3. Stud walls shall be at least 4 inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - a) Interior surface of the exterior walls shall be of gypsum board or plaster at least ½ inch thick, installed on the studs.
 - b) Continuous composition board, plywood or gypsum board sheathing at least ½ inch thick or equivalent shall cover the exterior side of the wall studs.
 - c) Exterior sheathing panels shall be covered with an approved “house wrap.”
 - d) Insulation material of at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic.

B. Exterior Windows

1. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC- 28 or shall be at least 3/16” thick.
2. All openable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-S-00153.

C. Exterior Doors

1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26 or all exterior side-hinged doors shall be solid core wood or insulated hollow metal at least 1 3/4" thick and shall be fully weather-stripped.
2. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in Section 14.01B.080.B.3. The glass in the sliding doors shall be at least 3/16" thick.
3. Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
4. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 14.01B.080.B.5.

D. Roofs

1. Combined roof and ceiling construction other than described in this section and Section 14.01B.080.E shall have a laboratory sound transmission class rating of at least STC- 39 or with an attic or rafter space at least 6 inches deep, and with a ceiling below, the roof shall consist of 1/2 inch composition board, plywood or gypsum board sheathing topped by roofing as required.
2. Open beam roof construction shall follow the energy insulation standard method for batt insulation; a ventilated air space is required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

E. Ceilings

1. Gypsum board or plaster ceilings at least 1/2 inch thick shall be provided where required by Section 14.01B.080.D above. Ceilings shall be substantially airtight with a minimum of penetrations.
2. Glass fiber or mineral wool insulation, or foam plastic, at least R-19 shall be provided above the ceiling between joists.

F. Ventilation

1. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.
2. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26 gauge steel, which shall be lined with 1 inch thick coated glass fiber, and shall be at least five feet long with one 90 degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.
3. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.
4. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five foot length of internal sound-absorbing duct lining. Exhaust ducts less than five feet in length shall be fully lined and shall also meet the provisions of Section 14.01B.070.C. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least 1 inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.
5. All exhaust ducts shall be equipped with back draft dampers.
6. Fireplaces shall be provided with well-fitted dampers and tightly fitting glass or metal doors.

14.01B.090 Compliance – 30 Decibels

Compliance with Section 14.01B.080 “A” through “F” shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels.

A. Exterior Walls

1. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC- 35 or Masonry walls having a weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered, or 5/8” gypsum wall board (GWB) on furring.
2. Stud walls shall be at least 6 inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least ½ inch thick, installed on the studs.

- b. Continuous composition board, plywood or gypsum board sheathing at least ½ inch thick or equivalent shall cover the exterior side of the wall studs.
- c. Exterior sheathing panels shall be covered with an approved "house wrap."
- d. Insulation material at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic.

B. Exterior Windows

- 1. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC- 33 or windows shall be double glazed with panes at least 1/8" thick. Panes of glass shall be separated by a minimum ½ inch sealed air space.
- 2. All operable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
- 3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
- 4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-S-00153.

C. Exterior Doors

- 1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC- 33 or all exterior side-hinged doors shall be solid core wood or insulated hollow metal at least 1 ¾" thick and shall be fully weather-stripped.
- 2. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in Section 14.01B.090.B.3. The glass in the sliding doors shall be at least 3/16" thick.
- 3. Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
- 4. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 14.01B.090.B.5.

D. Roofs

1. Combined roof and ceiling construction other than described in this section and Section 14.01B.090.E shall have a laboratory sound transmission class rating of at least STC- 44; or with an attic or rafter space at least 6 inches deep, and with a ceiling below, the roof shall consist of ½ inch composition board, plywood or gypsum board sheathing topped by roofing as required.
2. Open beam roof construction shall follow the energy insulation standard method for batt insulation; a ventilated air space will be required.
3. Window or dome skylights shall have a laboratory sound transmission class rating or at least STC-33.

E. Ceilings

1. Gypsum board or plaster ceilings at least 5/8 inch thick shall be provided where required by Section 14.01B.090.D above. Ceilings shall be substantially airtight with a minimum of penetrations.
2. Glass fiber or mineral wool insulation, or foam plastic, at least R- 19 shall be provided above the ceiling between joists.

F. Ventilation

1. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.
2. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26 gauge steel, which shall be lined with 1 inch thick coated glass fiber, and shall be at least five feet long with one 90 degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.
3. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.
4. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five foot length of internal sound-absorbing duct lining. Exhaust ducts less than five feet in length shall be fully lined and shall also meet the provisions of Section 14.01B.070.C. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least 1 inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.

5. All exhaust ducts shall be equipped with back draft dampers.
6. Fireplaces shall be provided with well fitted dampers and tightly fitting glass or metal doors.

14.01B.070100 Disclosure Statement

No person shall sell, lease, or offer for sale or lease any property within an Airport Noise Zone 2 or 3 ~~Mapped Impacted Areas~~ unless the prospective buyer or lessee has been given notice substantially as follows: To:

The Property at _____ is located within Airport Noise Zone 2 or 3 impacted area. Persons on the premises may be exposed to a significant noise level as a result of airport operations. Island County has placed certain restrictions of construction of property within airport noise zones. Before purchasing or leasing the above property, you should consult the Island County Noise Level Reduction Ordinance to determine the restrictions which have been placed on the subject property, if any.

14.01B.080110 Nonconforming Existing Uses

- A. No provision of this ordinance shall require the removal, or change or alteration of any structure not conforming to these regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as set forth herein.
- B. No nonconforming structure shall be increased in size without the addition conforming to the required noise level reduction.
- C. In the event that a nonconforming structure has been abandoned for a period of three (3) years or is more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the structure or use shall not be resumed, repaired or reconstructed except in conformance with all applicable noise reduction regulations.
- D. Any change of use in the occupancy or use of a building previously not approved for human occupancy to human occupancy use or of one previously not used for sleeping purposes to sleeping use shall not be permitted unless the building, structure or portion of the building complies with this Chapter.

14.01B.090120 Permits

A. ~~No new structure may be constructed or established or any existing use or structure substantially changed or altered or repaired within the airport environs zone unless a permit has been granted by the Administrator. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit a determination whether the resulting structure would conform to the regulations herein prescribed.~~ building permit has been reviewed for its consistency with this Chapter.

~~B. Whenever the Administrator determines that a nonconforming structure has been abandoned for more than three (3) years or is more than eighty percent (80%) torn down, destroyed or deteriorated, or decayed, no permit shall be granted that would allow said structure deviate from applicable regulations.~~

14.01B.100130 Variances

- A. Any person desiring to erect any structure, or increase the size of any structure, or otherwise use his property in violation of the regulations set forth herein may apply to the Island County Building Official for a variance from the Noise Level Reduction regulations in question.
- B. Such variances shall be allowed where a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this chapter. Provided, that any variance may be allowed subject to any reasonable conditions that the Building Official may deem necessary to effectuate the purposes of this ordinance.

14.01B.110140 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and builders, building owners, landowners, land purchasers, their successors, occupants, or users of structures built with or without a building permit, or any other persons. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter ~~are~~ is upon the property owner, builder and their agents. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

14.01B.150 Conflicting Regulations

In the event of conflict between any Building Code regulations and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

14.01B.120160 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

14.01B.130170 Effective Date of Adoption

Upon approval of the Washington State Building Code Council, this Chapter shall be in full force and effect.

ADDENDUM #1

~~**Section 6-01, Purpose:** The purpose of these sections is to safeguard life, health, property and public welfare by establishing minimum requirements regulating the design, construction, and/or setting on site of buildings for human occupancy in Airport Noise Zones 2 and 3. These sections are not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.~~

~~**Section 6-02, Scope:** The provisions of this chapter shall apply to all buildings or structures constructed or placed in use for human occupancy on site within Airport Noise Zones 2 and 3. This is intended to supplement the provisions of the Uniform Mechanical Code, the adopted Energy Code, and the Uniform Building Code. In the case of conflict between this chapter and any other applicable codes, the more restrictive requirements shall be met.~~

~~**Section 6-03, Application to Existing Buildings:** Additions may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Additions shall be made to comply in the areas being added to the extent that it is deemed practical and effective by the Building Official in meeting the intent of this standard.~~

~~Any change of use in the occupancy or use of a building previously unapproved for human occupancy to human occupancy use shall not be permitted unless the building, structure or portion of the building complies with this standard.~~

~~**Section 6-04, Definitions:** Noise Reduction Coefficient (NRC) is the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1000, and 2000 Hz.~~

~~Sound Transmission Class (STC) is a single number rating for describing sound transmission loss of a wall, partition, window or door.~~

~~**Section 6-05, Design Requirements:** The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for HVAC systems and its parts. These requirements shall apply to all buildings for human occupancy in accordance with ICC 14.01B.060.~~

~~**Section 6-06, Air Leakage for All Buildings:**~~

~~a. The requirements of this section shall apply to the design of the exterior envelope of all buildings designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces for each other.~~

~~b. The following locations shall be sealed, caulked, gasketed, or weather stripped to limit or eliminate air leakage:~~

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~~7. Exterior joints around windows and door frames between the window or door frame and the framing.~~

~~8. Openings between walls and foundations.~~

~~9. Between the wall sole plate and the rough flooring.~~

~~10. Openings at penetrations of utility services through walls, floor, and ceilings.~~

~~11. Between wall panels at corners.~~

~~12. All other such openings in the building envelope.~~

~~e. Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors.~~

~~**Section 6-07, Compliance:** Compliance with Section 6-08 through Section 6-13 shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels.~~

Section 6-08, Exterior Walls:

~~a. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC 35 ; or~~

~~b. Masonry walls having a weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered, or 5/8" GWB on furring.~~

~~e. Stud walls shall be at least 6 inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.~~

~~1. Interior surface of the exterior walls shall be of gypsum board or plaster at least 1/2 inch thick, installed on the studs.~~

~~2. Continuous composition board, plywood or gypsum board sheathing at least 1/2 inch thick or equivalent shall cover the exterior side of the wall studs.~~

~~3. Sheathing panels shall be covered on the exterior with an approved "house wrap".~~

~~4. Insulation material at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool, or foam plastic.~~

Section 6-09, Exterior Windows:

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~~a. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC 33; or~~

~~b. Windows shall be double glazed with panes at least 1/8" thick. Panes of glass shall be separated by a minimum 1/2 inch sealed air space.~~

~~e. All openable windows shall be weather stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.~~

~~d. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.~~

~~e. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-S-00153.~~

Section 6-10, Exterior Doors:

~~a. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC 33; or~~

~~b. All exterior side hinged doors shall be solid core wood or insulated hollow metal at least 1-3/4" thick and shall be fully weather stripped.~~

~~c. Exterior sliding doors shall be weather stripping with an efficient airtight gasket system with performance as specified in Section 6-09(e). The glass in the sliding doors shall be at least 3/16" thick.~~

~~d. Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.~~

~~e. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 6-09(e).~~

Section 6-11, Roofs:

~~a. Combined roof and ceiling construction other than described in this section and Section 6-12 shall have a laboratory sound transmission class rating of at least STC 44; or~~

~~b. With an attic or rafter space at least 6 inches deep, and with a ceiling below, the roof shall consist of 1/2 inch composition board, plywood or gypsum board sheathing topped by roofing as required.~~

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~~c. Open beam roof construction shall follow the energy insulation standard method for batt insulation;~~

~~d. Window or dome skylights shall have a laboratory sound transmission class rating or at least STC 33.~~

Section 6-12, Ceilings:

~~a. Gypsum board or plaster ceilings at least 5/8 inch thick shall be provided where required by Section 6-11(b), above. Ceilings shall be substantially airtight with a minimum of penetrations.~~

~~b. Glass fiber or mineral wool insulation, or foam plastic, at least R-19 shall be provided above the ceiling between joists.~~

Section 6-13, Ventilation:

~~a. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.~~

~~The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26 gauge steel, which shall be lined with 1 inch thick coated glass fiber, and shall be at least five feet long with one 90 degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.~~

~~b. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.~~

~~e. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five foot length of internal sound absorbing duct lining. Exhaust ducts less than five feet in length shall be fully lined and shall also meet the provisions of Section 6-06(e). Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least 1 inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.~~

~~d. All exhaust ducts shall be equipped with back draft dampers.~~

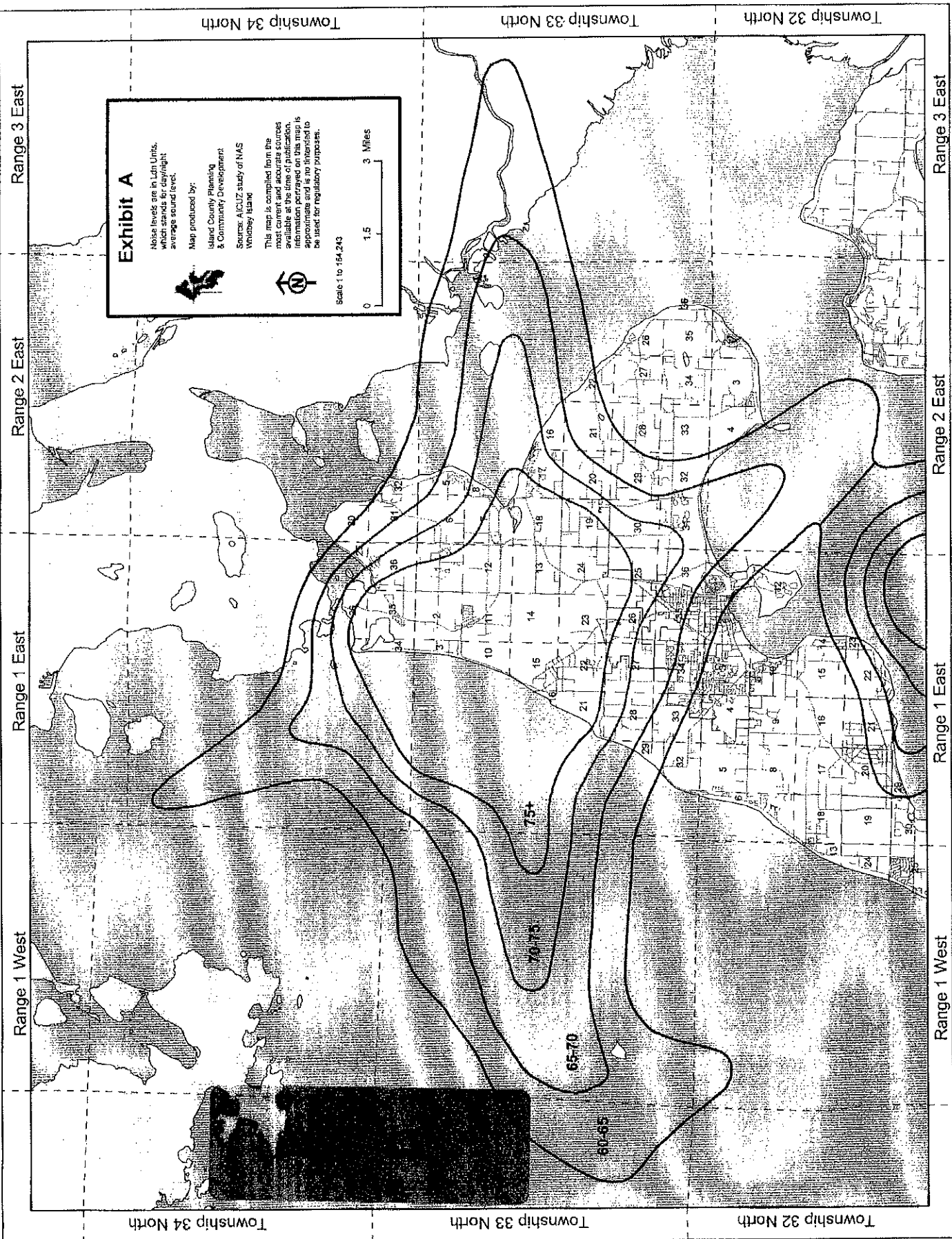
~~e. Fireplaces shall be provided with well fitted dampers and tightly fitting glass or metal doors.~~

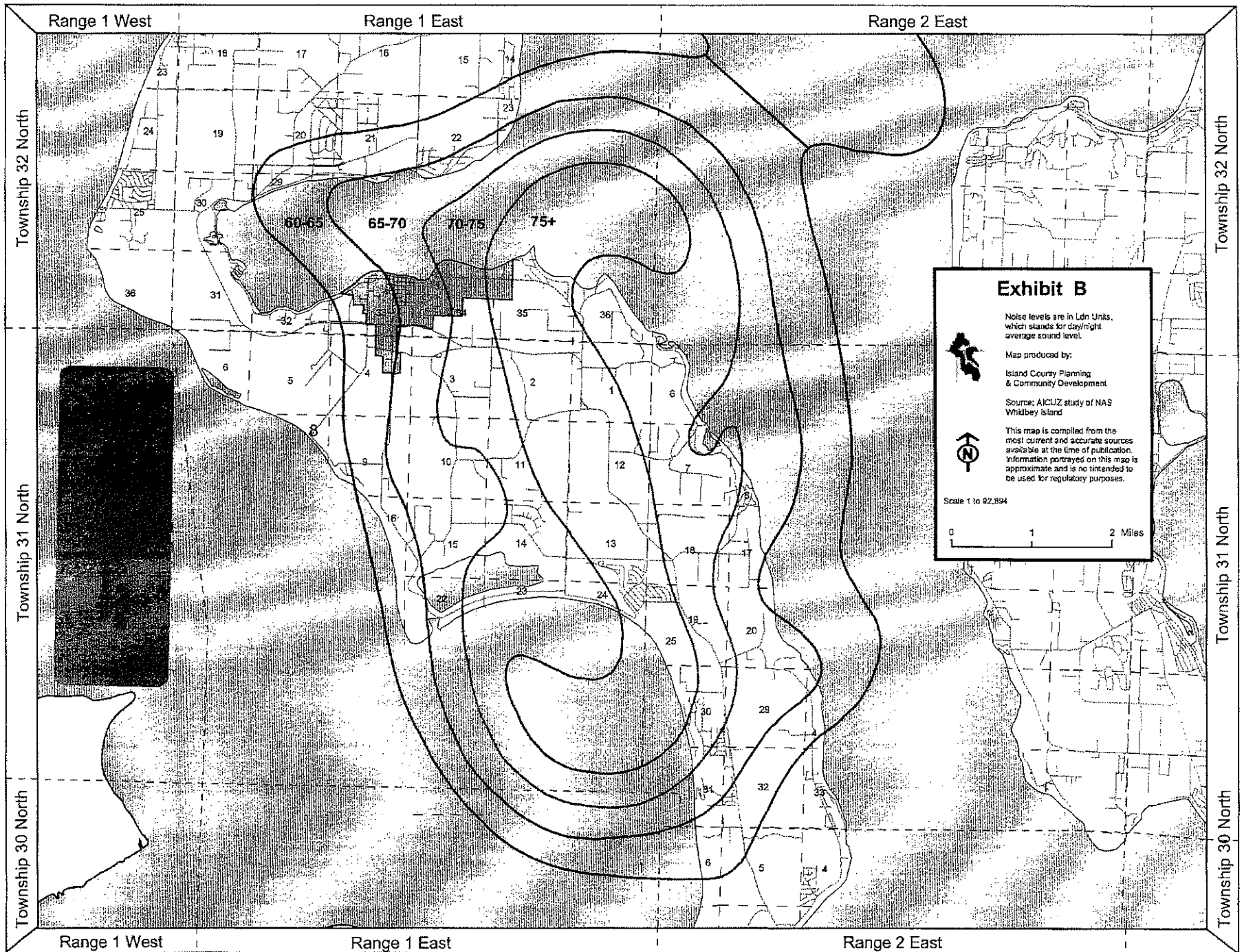
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Exhibit "A"

**Island County Noise Zones
Airport Environs Map**

(North & Central Whidbey Island)





Range 1 West

Range 1 East

Range 2 East

Township 32 North

Township 32 North

Township 31 North

Township 31 North

Township 30 North

Township 30 North

Range 1 West

Range 1 East

Range 2 East

Exhibit B

Noise levels are in Ldn Units, which stands for day/night average sound level.

Map produced by:
Island County Planning & Community Development

Source: AICUZ study of NAS Whidbey Island

This map is compiled from the most current and accurate sources available at the time of publication. Information portrayed on this map is approximate and is no intended to be used for regulatory purposes.



Scale 1 to 92,894

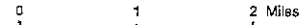


EXHIBIT "C"

Chapter 14.03E

Fire Flow and Fire Access Ordinance
North Whidbey UGA Enterprise Area

14.03E.010 Purpose

14.03E.020 Applicability

14.03E.030 Definitions

14.03E.040 Fire Flow Requirements for Buildings

14.03E.050 General Limitations

14.03E.060 Fire Hydrant Spacing

14.03E.070 Modifications to Buildings

14.03E.080 Fire Apparatus Access Roads

14.03E.090 Permits

14.03E.100 Variances

14.03E.110 Limitation of Liability

14.03E.120 Conflicting Regulations

14.03E.130 Severability

14.03E.140 Effective Date of Adoption

14.03E.010 Purpose

This Chapter implements a set of fire standards that are consistent with the Oak Harbor Fire Standards in the North Whidbey Enterprise Area. Pursuant to County-Wide Planning Policies and the Island County/Oak Harbor Interlocal Agreement, the area inside the Enterprise Area is expected to be annexed by Oak Harbor. Infrastructure associated with fire flow and fire access should therefore be the same for both Island County and the City of Oak Harbor.

14.03E.020 Applicability

The regulations set forth herein are applicable to all land within the North Whidbey Enterprise Area set forth in Exhibit A. All lands within the North Whidbey Enterprise Area shall comply with the provisions of this Chapter through the review of building permits.

14.03E.030 Definitions

- A. Department: Island County Planning and Community Development.
- B. Fire flow: the rate of water delivery needed for the purpose of fighting fires in addition to requirements for normal domestic maximum instantaneous demand as referenced in guidelines published by the State Department of Health entitled "Design Standards for Public Water Supply."
- C. Residual pressure: the pressure on the water distribution system within the vicinity of one or more hydrants flowing fire flow.

14.03E.040 Fire Flow Requirements for Buildings

- A. The following procedure shall be used to determine fire flow requirements for all buildings or portions of buildings. It is not intended to apply to structures other than buildings. The fire flow requirement is the quantity of water in gallons per minute needed to control an anticipated fire in a building or group of buildings. When determining fire flow, the minimum residual pressure shall be 20 pounds per square inch and the flow duration shall be two hours.
- B. Fire flow may be modified upward by the Department where conditions indicate an unusual susceptibility to group fires or conflagrations. An upward modification shall not be more than twice that required for the building under consideration.
- C. Determination. The minimum fire flow shall not be less than that specified in Table 14.03E.040. Exception: The required fire flow may be reduced up to seventy-five percent (75%) when the building is provided with an approved automatic sprinkler system, but in no case less than one thousand five hundred (1,500) gallons per minute.

- D. In types I-FR and II-FR construction only the three largest successive floor areas shall be used to calculate the required fire flow.
- E. Calculations shall depend on development variables which include, but are not limited to: Type of construction, building height, roofing, materials and processes housed, and configurations of exposed areas. The Department shall determine whether or not a variable condition exists presenting additional hazards. The decision shall be made in accordance with nationally recognized standards for fire protection.

**Table 14.03E.040
Construction Type**

Flow (In Gallons per minute)	I-F.R. II-F.R.	II 1-Hr. III 1-Hr.	IV – H.T. V 1-Hr.	II-N III-N	V-N
1,500	22,700	12,700	8,200	5,900	3,600
1,750	30,200	17,000	10,900	7,900	4,800
2,000	38,700	21,800	12,900	9,800	6,200
2,250	48,300	24,200	17,400	12,600	7,700
2,500	59,000	33,200	21,300	15,400	9,400
2,750	70,900	39,700	25,500	18,400	11,300
3,000	83,700	47,100	30,100	21,800	13,400
3,250	97,700	54,900	35,200	25,900	15,600
3,500	112,700	63,400	40,600	29,300	18,000
3,750	128,700	72,400	46,400	33,500	20,600
4,000	145,900	82,100	52,500	37,900	23,300
4,250	164,200	92,400	59,100	42,700	26,300
4,500	183,400	103,100	66,000	47,700	29,300
4,750	203,700	114,600	73,300	53,000	32,600
5,000	225,200	126,700	81,100	56,600	36,000
5,250	247,700	139,400	89,200	65,400	39,600
5,500	271,200	152,600	97,700	70,600	43,400
5,750	295,900	166,500	106,500	77,000	47,400
6,000	Unlimited	Unlimited	115,800	83,700	51,500
6,250	“	“	125,500	90,600	55,700
6,500	“	“	135,500	97,900	60,200
6,750	“	“	145,800	106,800	64,800
7,000	“	“	156,700	113,200	69,600
7,250	“	“	167,900	121,300	74,600
7,500	“	“	179,400	129,600	79,800
7,750	“	“	191,400	138,300	85,100
8,000	“	“	Unlimited	Unlimited	Unlimited

14.03E.050 General Limitations

- A. This Chapter specifically exempts one- and two-family dwellings from all requirements contained herein.
- B. The required fire flow for new buildings may not exceed the available water supply.
- C. In no event shall the required fire flow exceed four thousand five hundred (4,500) gallons per minute nor shall buildings require fire flow in excess of the estimated available fire flow in gallons per minute as projected by the City of Oak Harbor Comprehensive Water Plan.
- D. For the purposes of this section, buildings, or portions of buildings, separated by a four-hour fire resistive wall constructed in accordance with the Building Code shall be considered as separate buildings.

14.03E.060 Fire Hydrant Spacing

Fire hydrants shall be spaced not more than three hundred (300) feet along public streets or approved fire access routes. Buildings shall not be located more than three hundred (300) feet from the nearest fire hydrant, and if more than one hydrant is required to meet required fire flow demand, all hydrants shall be within six hundred (600) feet of the building.

14.03E.070 Modifications to Buildings

Buildings may not be added to or be changed in any manner which would increase the required fire flow without providing for the required increase.

14.03E.080 Fire Apparatus Access Roads

Fire apparatus access roads shall be provided for every facility, building or portion of a building when any portion of an exterior wall of the first story is located more than one hundred fifty (150) feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.

Exceptions:

- A. When buildings are completely protected with an approved fire sprinkler system, the provisions may be modified by the Department.
- B. When access roads cannot be installed due to location on property, topography, or non-negotiable grades the Department may require additional fire protection systems.

More than one fire apparatus access road shall be required when it is determined by the Department that access by a single road might be impaired by vehicle congestion or other factors that could limit access.

Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches.

Exception: Vertical clearance may be reduced when approved and signs are installed and maintained indicating the established vertical clearance.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

Fire apparatus access roads shall have a turning radius of not less than forty (40) feet and a maximum grade of ten (10) percent.

Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be provided with provisions for turning around of fire apparatus approved by the Department.

Bridges used as part of fire apparatus access roads shall be approved and maintained in accordance with nationally recognized standards. Vehicle load limits shall be posted at both entrances to bridges.

When required by the Department, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit obstruction by parking or other obstructions.

Any approvals required for access roads shall be obtained from the Department.

14.03E.090 Permits

All building permit applications in the North Whidbey Enterprise Area shall be reviewed for its consistency with this Chapter. All applications must be submitted with a minimum of five (5) copies of the building plans.

14.03E.100 Variances

- A. Any person desiring to erect any structure, or increase the size of any structure, in a manner that is not consistent with the standards set forth herein may apply to the Department for a variance from the fire flow and access regulations in question.
- B. Such variances shall be allowed when a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardships and the variance granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this Chapter.

Provided, that any variance may be allowed subject to any reasonable conditions that the Department may deem necessary to effectuate the purposes of this ordinance.

- C. In areas of the North Whidbey Enterprise Zone that do not have Oak Harbor City water available, or if the Department finds that connection to the Oak Harbor City water supply would be an unnecessary hardship, the Department may apply the fire flow standards of ICC 13.03A.

14.03E.110 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and builders, building owners, landowners, land purchasers, their successors, occupants, or users of structures built with or without a building permit, or any other persons. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter are upon the property owner, builder and their agents. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

14.03E.120 Conflicting Regulations

In the event of conflict between any Building Code regulations and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

14.03E.130 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

14.03E.140 Effective Date of Adoption

Upon adoption by Island County, this Chapter shall be in full force and effect.

EXHIBIT "D"

UGA Land Use Standards

Significant Tree Retention
and Landscaping

Section 17.03.180.P

....

6. Significant Tree Retention in the OH-I, OH-HSC, OH-PBP, OH-~~PBP~~PIP, and non-residential development, short subdivision and subdivision in the OH-R Zones shall meet the following standards:

- a) Applicants should retain fifteen (15%) percent of the significant trees found on the property except for those trees found in building footprints, access roads, parking areas and utility lines trenches. Applicants should give attention to the following:
 - (1) Preservation of significant trees along the perimeter of the property; and
 - (2) Preservation of significant trees near or adjacent to critical areas; and
 - (3) Preservation of significant trees, which create a distinctive skyline, feature; and
 - (4) Preservation of ~~Gary-Garry~~ Oak Trees; and
 - (5) Trees that may constitute a safety hazard should be removed; and
 - (6) Special attention shall be given to the preservation of significant trees on properties identified in the 1995 Oak Harbor Comprehensive Plan, Environmental Element, Woodlands Map.
- b) An inventory of significant trees shall be submitted with all applications for subdivision, short subdivision or ~~the~~ site plan review.

7. Landscaping screening and buffering in the OH-I, OH-HSC, OH-PBP and OH-~~PIB~~ PIP Zones shall meet the following standards:
- a) Open storage, trash or recycling areas shall be screened by fencing and/or landscaping; and
 - b) ~~Parking lots of ten (10) vehicles or more shall contain internal planting islands with landscaping and street trees at the rate of one (1) tree per four (4) parking spaces;~~
 - e) Landscaping including street trees spaced no further than ~~ten (10)~~ twenty (20) feet on center shall be required in all front and side yards between structures and for parking areas and the abutting public road; and
 - dc) Buffers between industrial zones and adjacent residential properties shall be planted along the common boundary. The plantings should include coniferous shrubs, trees and native vegetation. Fencing may be incorporated to help ensure an effective visual buffer.
8. Landscaping for OH-I, OH-PIP, OH-PBP and OH-HSC lands abutting Goldie Road and Oak Harbor Road shall meet the following standards:
- a) A twenty (20) foot landscape setback shall be established; and
 - b) The area between the property line and drainage swale shall be planted with low profile foliage; and
 - c) The landscape area shall be planted with a mixture of native evergreen trees containing a variety of species, colors and textures for a year-round green attractive appearance; and
 - d) If the landscape buffer setback does not have existing significant vegetation, the buffer will be planted with native evergreen trees. If deciduous trees are desired they may be planted at a rate of two (2) evergreen to one (1) deciduous tree; and
 - e) Maximum spacing of trees shall be ten (10) feet on center or equivalent grouping or equivalent as determined by site and existing conditions; and

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Implement Oak Harbor Interlocal

f) Roadway and intersection requirements shall prevail if a conflict arises with the landscape standards listed herein.

EXHIBIT "E"

16.19.040 Application/Decision Types, Permit Classifications, and Urban Growth Area/Joint Planning Area Procedures

C. Urban Growth Area Procedures

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2. City of Oak Harbor Reserved

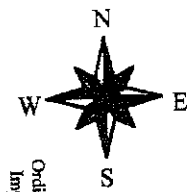
- a) Owners of property contiguous to City boundaries or owners of property contiguous to property currently subject to a petition for annexation for which a building permit, Type II or Type III use is proposed, shall be required to file a petition to annex to the City of Oak Harbor and shall apply to the City for any necessary approvals and permits except that:
 - (i) Building permits for such things as accessory structures, remodels of existing structures and additions which involve less than 60% of the assessed value of the structure shall be exempt from the requirement to submit a petition for annexation. All permit applications shall be submitted to and processed by the County under the applicable County Zoning and Land Use Standards; and
 - (ii) Property for which a new permitted use within an existing structure is proposed shall not be required to petition for annexation and any permit or approval shall be submitted to and processed by the County under the applicable County Zoning and Land Use Standards.
 - (iii) If the City of Oak Harbor does not annex the property within one hundred and eighty (180) days of the receipt of a petition to annex, the complete development application shall be submitted to and processed by the County under the applicable County Zoning and Land Use Standards.
- (b) The County shall apply the following standards for development of property inside the Urban Growth Area (UGA) of Oak Harbor but not contiguous to the City limits:
 - (i) The County and the City are "co-lead" agencies pursuant to Chapter 197-11 WAC with the County named "nominal lead" and responsible for complying with the procedural requirements of SEPA; and

- (ii) Any required pre-application conference applications shall be forwarded to the City. City Planning Staff will be notified of the pre-application time and location and will be welcome to attend. Any written comments from the City prior to the pre-application conference will be forwarded to the applicant.
- (iii) All complete Type II and III applications for development shall be forwarded to the City for review and comment during the public comment period.

(c) Joint Planning Area Development Standards and Procedures:

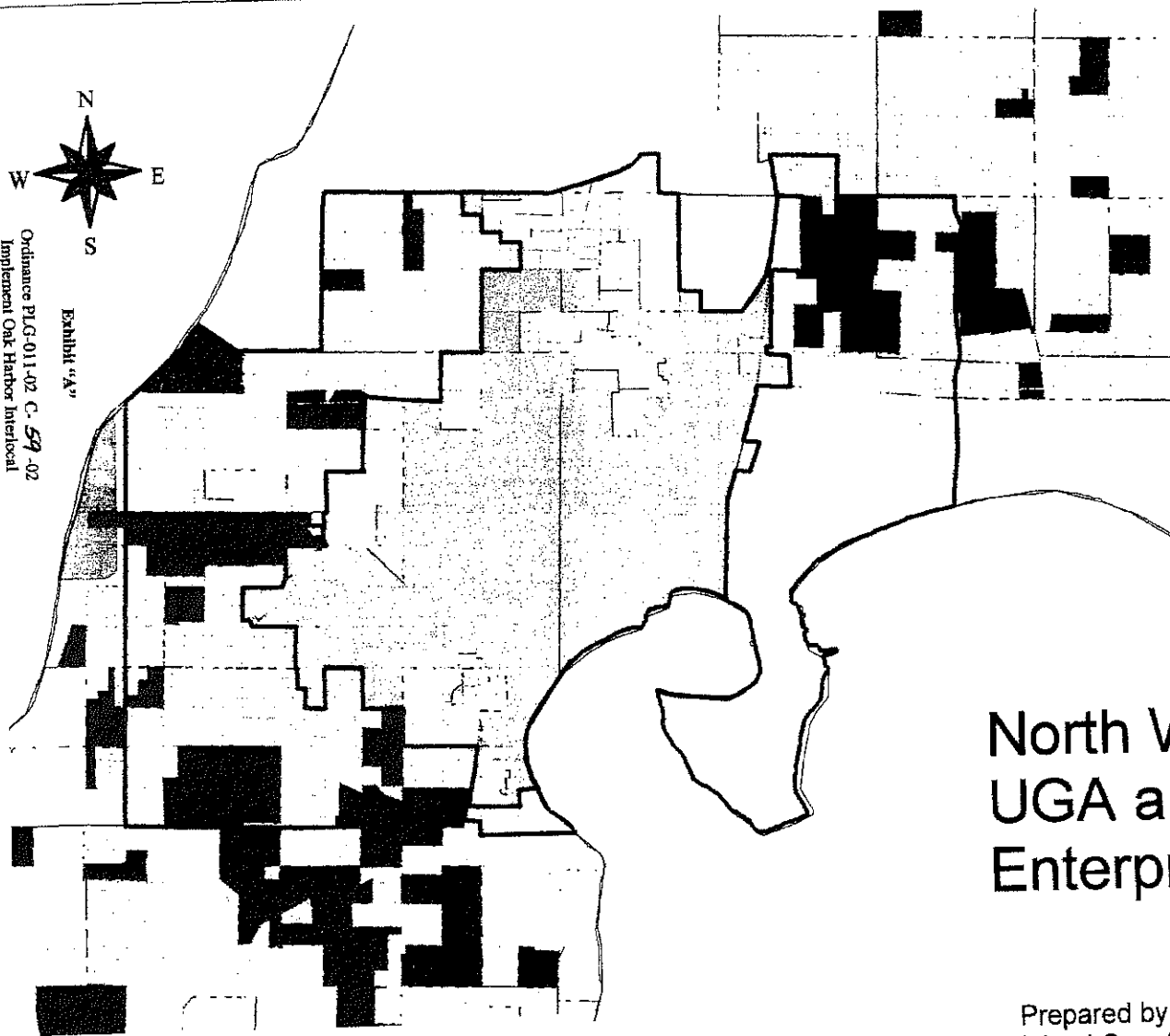
- (i) Any required pre-application conference applications shall be forwarded to the City. City planning staff will be notified of the pre-application time and location and will be welcome to attend. Any written comments from the City prior to the pre-application conference will be forwarded to the applicant.
- (ii) All complete Type III applications for development shall be forwarded to the City for review and comment during the Public comment period.
- (iii) The City may request an Annexation Development Agreement during the public comment period for any Type III application. If the County receives the request in writing during the comment period the County will require it as a condition of approval provided the Annexation Development Agreement shall become effective only if it is executed by all other parties within thirty (30) days of development approval.

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Implement Oak Harbor Interlocal

Exhibit "A"



North Whidbey Enterprise Area	
Zoning Designations	
	City of Oak Harbor
	Park
	Rural
	Rural Residential
	Commercial Agriculture
	Rural Agriculture
	Rural Forest
	Federal Land
	Rural Service
Oak Harbor UGA Zones	
	OH-Highway Service Commercial
	OH-Industrial
	OH-Planned Business Park
	OH-Planned Industrial Park
	OH-Residential
Oak Harbor Planning Boundaries	
	Urban Growth Area
	Joint Planning Area

0-59-08A

North Whidbey UGA and JPA & Enterprise Zone



Prepared by:
Island County
Planning and Community Development
For Informational Use Only
September 24, 2001