
Kittitas County Code

Title 14 | BUILDINGS AND CONSTRUCTION

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Chapter 14.04 BUILDING CODE

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14.04.010 Adoption of referenced codes.

Kittitas County hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures.

1. The International Building Code (IBC), 2018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-50 WAC; with the following adopted appendices and amendments:
 - a. Appendices
 - i. Appendix C: Agricultural Buildings
 - b. Amendments
 - i. Section 105.2 Work Exempt from Building Permit
 1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and is not used as habitable space and does not contain plumbing or mechanical. Square footage is determined by the dimensions to the outside of the exterior walls or posts and any usable space under the roof overhang or cantilever greater than 24". Any area built into the roof system higher than 36" shall be considered in the square footage total. The distance between structures on the same lot shall be ten (10) feet otherwise they will be considered the same building and total square footage includes both structures. All accessory structures must meet all zoning and building setbacks, and must comply with the requirements of KCC Title 17A (Critical Areas) and KCC Chapter 14.08 (Flood Damage Prevention).

2. Other exemptions as specified in Section 105.2.
 - ii. Section 105.3.2 Expiration of Application
 1. If, after a plan review has been initiated, an application for building permit requires corrections, a letter will be sent notifying the applicant of those items necessary to complete the review of the application and that the application will expire 180 days from the date of notification if the corrections are not submitted or are not adequate to resolve the corrections items listed. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit application expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and the deposit is forfeited.
 2. After a plan review has been completed, a letter will be sent notifying the applicant that the permit is ready for issuance and that if not purchased 180 days from the date of notification, the application will expire. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and, the deposit is forfeited.
 - iii. Section 113 Board of Appeals
 1. All appeals shall be heard by the Kittitas County Hearings Examiner.
2. The International Residential Code (IRC), 2018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-51 WAC; with the following adopted amendments:
- a. Amendments
 - i. Section R105.2 Work Exempt from Building Permit
 1. One-story detached accessory structures provided the floor area does not exceed 200 square feet, is not used for habitable space and does not contain plumbing or mechanical. Square footage is determined by the dimensions to the outside of the exterior walls or posts and any usable space under the roof overhang or cantilever greater than 24". Any area built into the roof system higher than 36" shall be considered in the square footage total. The distance between structures on the same lot shall be ten (10) feet otherwise they will be considered the same building and total square footage includes both structures. All accessory structures must meet all zoning and building setbacks and must comply with the requirements of KCC Title 17A (Critical Areas) and KCC Chapter 14.08 (Flood Damage Prevention).
 2. Platforms, sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
 3. Other exemptions as specified in Section 105.2.
 - ii. Section R105.3.2 Expiration of Application
 1. If, after a plan review has been initiated, an application for building permit requires corrections, a letter will be sent notifying the applicant of those items necessary to complete the review of the application and that the application will expire 180 days from the date of notification if the corrections are not submitted or are not adequate to resolve the corrections items listed. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit application expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and the deposit is forfeited.
 2. After a plan review has been completed, a letter will be sent notifying the applicant that the permit is ready for issuance and that if not purchased 180 days from the date of notification, the application will expire. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and, the deposit is forfeited.
 - Section 112 Board of Appeals
 1. All appeals shall be heard by the Kittitas County Hearings Examiner.
3. The International Mechanical Code (IMC), 2018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-52 WAC; including the adoption of and amendments to the 2018 International Fuel Gas Code (IFGC), the 2017 National Fuel Gas Code (NFPA 54) and the 2018 Liquefied Petroleum Gas Code (NFPA 58).
4. The International Fire Code (IFC), 2018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-54A WAC; including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. The following appendices and amendments are specifically adopted:
- a. Appendices
 - i. Appendix B: Fire Flow for Buildings
 - ii. Appendix C: Fire Hydrant Locations and Distribution
 - iii. Appendix D: Fire Apparatus Access Roads
 - iv. Appendix E: Hazard Categories
 - v. Appendix F: Hazard Ranking

vi. Appendix G: Cryogenic Fluids-Weight and Volume Equivalents

In case of conflict among the codes enumerated in subsections 1, 2, 3, and 4 of this section, the first named code shall govern over those following.

b. Amendments

i. Section R109 Board of Appeals

1. All appeals shall be heard by the Kittitas County Hearings Examiner.

5. The Uniform Plumbing Code (UPC), 2018 Edition, published by the International Association of Plumbing and Mechanical Officials as adopted and amended by the State of Washington in Chapter 51-56 WAC and Chapter 51-57 WAC.
6. The Washington State Energy Code, 2018 Edition, as set forth in Chapter 51-11 WAC, Chapter 51-11C WAC (Commercial) and Chapter 51-11R (Residential)
7. The International Property Maintenance Code (IPMC), 2015 Edition, as published by the International Code Council.
8. The International Wildland Urban Interface Code, most current edition, as published by the International Code Council; with the following adopted appendices and amendments:
 - a. Appendix B: Vegetation Management Plan
 - b. Appendix C: Fire Hazard Severity Form
 - c. Amendments to the Wildland Urban Interface code specific to Kittitas County shall be located in KCC Title 20.
9. The International Swimming Pool and Spa Code (ISPSC) 2018 Edition as published by the International Code Council.

(Ord. 2021-003, 2021; Ord. 2018-005, 2018; Ord. 2017-001, 2017; Ord. 2016-012, 2016; Ord. 2013-013, 2013; Ord. 2013-006, 2013; Ord. 2011-001, 2011; Ord. 2010-010, 2010; Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2007-19, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 95-7, 1995; Ord. 93-4, 1993; Ord. 92-29, 1992; Res. 84-29, 1984)

14.04.020 General requirements.

1. Conflict between Codes: Whenever there is a conflict between a Referenced Code in Section 14.04.010 of this code and the General Requirements contained in Section 14.04.020 of this code, the General Requirements shall apply.
2. Table R301.2(1), Climatic and Geographic Design Criteria, of the International Residential Code, is amended as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ⁹	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic efforts ^k	Special wind region ^l	Wind-borne debris zone ^m		Weathering ⁿ	Frost line depth ^b	Termite ^c					
Case study (min. 30 psf roof) ¹	110 V ult	No	No	No	C, D0, D1 ²	Severe	24"	Slight to Moderate	2° F	Yes	Date Entered Into NFIP: 9/1979, Date of Current FIRM Maps Adopted: 5/5/1981	1,000-2,000	50°F
MANUAL J DESIGN CRITERIA													
Elevation Ellensburg AP		Latitude	Winter heating	Summer Cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling		Heating temperature difference			
1760		47	6	91	0.94		72	75		70			
Cooling temperature difference		Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range		Winter humidity	Summer humidity					
16		-	-	64	High		-	-					

¹ All snow loads are site specific and shall be determined by the Building Official.

² The seismic design category between C, D0 and D1 will be determined on a site-specific basis.

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
 - e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]
 - f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
 - g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
 - h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
 - i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
 - j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
 - k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
 - o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).
3. Professional Preparation of Plans: Kittitas County shall require a Washington State licensed design professional, licensed under the provisions of RCW 18.08, WAC 308-12 (for Architects) or RCW 18.43 (for Engineers) to stamp, prepare or oversee the preparation of plans and calculations for buildings or structures when ANY of the following criteria are met but is not limited to the following:
- a. A building of any occupancy over 4,000 square feet.
Exception: residential buildings that do not contain more than 4 dwelling units; buildings such as garages, sheds, barn or shelters for animals and machinery that are accessory to residential buildings of four dwelling units or less.
 - b. Buildings containing five or more residential dwelling units.
Exception: buildings less than 4000 square feet.
 - c. All log and timber frame structures and log and timber frame structural components. This includes any log or beam style trusses used in stick framed buildings.
 - d. All structures located above 70-psf ground snow load that are regulated by the International Residential Code.
 - e. All structures located above 50-psf ground snow load that are regulated by the International Building Code.
4. Permit application and construction plan submittal: All submitted construction documents must be of sufficient detail and clarity to indicate the nature and extent of the work proposed. The amount of detail required will vary, depending on the nature and complexity of the project. Buildings and structures require site plans, floor plans, foundation plans, roof framing plans, elevations, cross sections and construction details at a minimum. Additional documentation such as truss engineering, lateral and gravity calculations, energy code information, etc. may also be required. Building permit applications and drawings deemed incomplete by Kittitas County ~~Community – Development Services-Public Services~~ will not be accepted. The following are minimum submittal standards for construction drawings:
- a. Plans drawn to a minimum of 1/4" scale on minimum page size of 11" x 17".
 - b. Plans must have clear and readable text.
 - c. Permit application in compliance with RCW 19.27.095 and RCW 19.27.097.
 - d. Prior to submittal of a building permit application, a completed and approved Preliminary Site Analysis shall be obtained for each lot. A copy shall be submitted with the building permit documents. A Preliminary Site Analysis for new developments may be grouped together per requirements developed by ~~CDS-Public Services Department~~ policy.
 - e. Each parcel or lot a building permit application is submitted for must have a parcel number and address prior to permit submittal.
5. Recorded easements: The applicant shall identify all recorded easements on the construction documents submitted with the permit application. The permit application shall also include a copy of recorded easements along with the site plan as required by Section R106.2 of the IRC. All existing easements, rights-of-way, well protections zones, etc. shall be identified on the site plan and considered for the placement of buildings, septic systems, roadways, and other infrastructure. The location of all easements on the site plan shall be the responsibility of the applicant.
6. All building permits for structures to be located within the Bowers Field Overlay Zoning District as boundary defined by Kittitas County shall first be approved by the Airport Director prior to application submittal.

Without these minimum standards, an application cannot be accepted.

(Ord. 2021-003, 2021; Ord. 2018-001, 2018; Ord. 2016-023, 2016; Ord. 2016-012, 2016; Ord. 2015-010, 2015; Ord. 2013-006, 2013; Ord. 2010-003, 2010; Ord. 2009-15, 2009; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004)

14.04.030 Building relocation.

1. Buildings moved to or within Kittitas County shall require a building permit and must meet current snow load and will require engineering to prove snow load.
 - a. Appropriate inspections shall be approved by the building department for setback requirements, foundation, structural, mechanical, plumbing, life safety, energy, ventilation and fire codes.
 - b. Electrical approval shall be made by the Washington State Department of Labor and Industries.
 - c. Final access approval shall be made by the Kittitas County Department of ~~Public Works~~ ~~Public Services~~ prior to the issuance of a certificate of occupancy or use of the structure.
 - d. Final approval for potable water and sewage disposal from the Kittitas County Environmental Health Department is required prior to the issuance of a certificate of occupancy or use of the structure.
2. Refer to Chapter 5.16 KCC for definitions including other requirements for building relocation.

(Ord. 2021-003, 2021; Ord. 2017-001, 2017; Ord. 2013-006, 2013; Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998)

14.04.040 Mobile, manufactured, and modular homes.

1. Definitions:
 - a. "Mobile home" is a factory built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the State. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. A mobile home (pre June 15, 1976) from outside Kittitas County cannot be brought into Kittitas County; however, a mobile home may be moved from one site to another within Kittitas County if a fire & life safety inspection is first performed and approved by Washington State Department of Labor and Industries.
 - b. "Manufactured home" is a single family dwelling built after June 15, 1976 and according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home means a structure designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. (See also RCW 46.04.302 and RCW 43.22.335):
 - c. "Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating and electrical systems contained therein, does not contain its own running gear and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.
2. All manufactured, mobile or modular homes shall meet area specific snow load requirements. Snow load requirements shall be determined in the same method utilized for stick framed homes by the Building Official. If the home does not meet the site specific snow load, a snow roof shelter designed to meet the snow load may be constructed over it. A permit for the snow roof must be issued prior to or concurrent with the permit for the placement of the manufactured, mobile or modular home. The roof shelter must be completed and the permit finalized within 90 days of issuance regardless of the status of the manufactured, mobile or modular home placement permit.
3. All mobile, manufactured or modular homes to be located in a Flood Hazard area shall comply with KCC Chapter 14.08 (Flood Damage Prevention).
4. All mobile, manufactured or modular homes located in a Wildland Urban Interface area, as determined by Kittitas County, shall comply with the provisions of the current adopted International Wildland-Urban Interface Code per KCC 14.04.010 (8)
5. All mobile and manufactured homes are State inspected dwellings and shall be placed on foundation systems that meet the requirements per the manufacturer's installation instructions or if the manufacturer is not specific, then to the standards listed in Chapter 296-1501 WAC. All footings, foundations, skirting, landings, additions and other external appendages shall be inspected and approved by Kittitas County prior to occupancy.
6. Mobile and manufactured homes may be placed on stands or blocked in accordance with the manufacturer's installation instructions and skirted with materials approved for ground contact or below grade applications. Either of these dwellings placed on a basement shall require engineering. All alterations to a mobile or manufactured home shall require a permit through Washington State Department of Labor and Industries.
7. All modular home footings shall be designed by an engineer and specific to the home.
8. Any additions to a mobile, manufactured or modular home shall be by separate permit through Kittitas County. An additional permit may also be required by the Washington State Department of Labor and Industries.

(Ord. 2015-010, 2015; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 80-2 § 3, 1980; Ord. 71-3 § 2, 1971)

14.04.45 Recreational Vehicles and Park Model Trailers.

1. Definitions

- a. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes. An RV does not include a park model trailer for purposes of this section. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the International Building Code standards. A recreational vehicle has an approval insignia from a state licensing authority. For the purposes of this code section, an insignia is defined as an official emblem of proof of construction to the state standards in the state it was constructed and does not include a license plate.
 - b. Park model trailer, "recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:
 - i. Built on a single chassis, mounted on wheels;
 - ii. Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode;
 - iii. A park model trailer does not include a modular home, a mobile home, or manufactured home
2. A park model trailer may not be placed anywhere within the County, unless it is used as a primary residence and is located in manufactured/mobile home community as defined in RCW 59.20.030 that was in existence before June 8, 2008, except that a park model trailer may be used as a special care dwelling unit per KCC 17.08.500. Placement of park model trailer is further restricted in KCC 14.08.295 and KCC 14.08.310. Additionally, such placement shall be conditioned upon meeting all the requirements placed upon a mobile and/ or manufactured home in the same location.
 3. All park model trailers shall meet area specific snow load requirements. Snow load requirements shall be determined in the same method utilized for stick framed homes by the Building Official. If the park model trailer does not meet the site specific snow load, a snow roof shelter designed to meet the snow load may be constructed over it. A permit for the snow roof must be issued prior to or concurrent with the permit for the placement of the park model trailer. The roof shelter must be completed and the permit finalized within 90 days of issuance regardless of the status of the park model trailer placement permit.
 4. All park model trailers located in a Wildland Urban Interface area, as determined by Kittitas County, shall comply with the provisions of the current adopted International Wildland-Urban Interface Code per KCC 14.04.010(8).
 5. All park model trailers are State inspected dwellings and shall be placed on foundation systems that meet the requirements per the manufacturer's installation instructions or if the manufacturer is not specific, then to the standards listed in Chapter 296-150P WAC. All footings, foundations, skirting, landings, additions and other external appendages shall be inspected and approved by Kittitas County prior to occupancy.
 6. A park model trailer may be placed on stands or blocked in accordance with the manufacturer's installation instructions and skirted with materials approved for ground contact or below grade applications. Otherwise the park model must be placed on a basement or poured concrete foundation and such placement shall require engineering. Alterations to a park model trailer are prohibited.
 7. Additions to a park model are prohibited.
 8. An RV may not be used as a residence, except if it is a primary residence and is located in a manufacturer/mobile home community as defined in RCW 59.20.030 that was in existence before June 8, 2008, except that a park model trailer may be used as a special care dwelling unit per KCC 17.08.500. Such placement shall be conditioned upon meeting all the requirements placed upon a park models, mobile and/or manufactured home in the same location.
 9. Except as provided in KCC 17.92.010, unless an RV is being used as a primary residence pursuant to subsection (8) above, an RV may be used for no more than four (4) weeks out of any six (6) weeks and shall be fully licensed and ready for highway at all times. An RV must be disconnected from utilities during the weeks that it is not in use.
 10. A park model trailer must be connected to government approved utilities during use.

(Ord. 2022-017, 2022; Ord. 2021-003, 2021; Ord. 2015-010, 2015; Ord. 2010-002, 2010)

14.04.46 Other factory built dwellings.

1. Factory built dwellings that are not certified as having been constructed to HUD Standards are prohibited.
2. This section shall not apply to mobile, manufactured, and modular homes as defined in KCC 14.04.040 .
3. This section shall not apply to recreational vehicles and park model trailers as defined in KCC 14.04.045.

(Ord. 2015-010, 2015; Ord. 2010-002, 2010)

14.04.050 Dry cabins.

1. Dry cabins may be utilized as recreational dwelling units and may be located only in those remote areas where electrical power is not available. They may be utilized for no more than 90 days per year. The Building Official shall make the final determination regarding locations that qualify. These cabins shall have the following requirements and/or restrictions:
 - a. A permit shall be required including critical areas approval before construction proceeds. Structural aspects will be enforced as with any other permitted building. Fire and life safety issues such as roof covering, solid fuel or gas appliance location and installation and smoke detectors shall apply as with any other habitable structure.

- b. The usable floor space shall be no less than 121 square feet and no more than 800 square feet of living area and not more than 200 additional square feet of attached garage or accessory use area. If the cabin has a loft area that could be utilized for sleeping purposes it must have an egress window as defined in the current adopted edition of the IRC. If heated with propane or oil, minimum insulation requirements will be required.
 - c. Dry cabins shall be provided with either a privy or composting toilet for which a permit will also be required from the Kittitas County Environmental Health Department.
2. Only under special circumstances and by decision of the Building Official, in its entirety, shall decisions conflicting with this policy be made.
 3. Dry cabins may be constructed of alternative materials as approved by the Building Official. Factory assembled structures are not included in this category.
 4. Habitable dry cabins intended for recreational use may be unheated.
 5. Dry cabins located within the area designated as a Wild-Land Urban Interface area shall comply with the Wildland Urban Interface code with the following exception:
 - a. Properties may be exempt from the sprinkler requirement, upon Fire Marshal approval. All other applicable Wild-Land Urban Interface Codes shall apply.

(Ord. 2021-003, 2021; Ord. 2017-001, 2017; Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998)

14.04.055 Small Residential Structures.

1. Every structure built for habitable purposes with access to water or electricity, and which is less than two hundred (200) square feet, shall be considered a "small residential structure" and will require a building permit per standards of International Residential Code and KCC Title 13 and KCC Title 14. All other provisions of the structural, fire and life-safety codes regulated by the IRC or HUD and Washington State shall also be met. Minimum room sizes, dimensions and fixtures shall be per the current adopted building Code. Small residential structures on wheels shall be classified as Recreational Vehicles and shall bear the insignia of a state agency, see KCC 14.04.045

(Ord. 2021-003, 2021; Ord. 2016-012, 2016; Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.04.060 Fees.

1. All Kittitas County ~~Community Development-Service~~ **Public Services** permit fees shall be established by resolution.
2. Investigation Fees:
 - a. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
 - b. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee. This fee is an additional, punitive fee and shall not apply to the Permit Fees that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.
 - c. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
3. Fee Refunds

The Building Official may authorize the refunding of:

 - a. Up to 100% of any fee erroneously paid or collected.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than 180 days after the date of fee payment.

(Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 94-14, 1994; Res. 81-5, 1981; Res. 71-15, 1971; Res. 71-6, 1971; Ord. 71-3 § 5, 1971)

14.04.070 Permits.

1. Except as specified in KCC 14.04.010 (work exempt from permit), no building or structure shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from Kittitas County ~~Community Development-Services~~ **Public Services**.
2. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.
3. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide safe access to and means for inspection of such work.

4. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.
5. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of Kittitas County. Certificates presuming to give authority to violate or cancel provisions of this code or other ordinances of Kittitas County shall not be valid.
 - a. Exception: Certificates of occupancy are not required for work exempt from permits.
 - b. Exception: Certificates of occupancy are not required for accessory buildings or structures. (All structures require a final inspection).
6. All permits shall expire by limitation and be declared void if any one of the following apply:
 - a. Work is not started within 365 days of obtaining a permit.
 - b. Work is abandoned for 365 days or more after beginning work.
 - c. An inspection and approval of work completed has not been performed by Kittitas County [Community Development Services-Public Services](#) for 365 days.
7. The Building Official is authorized to grant one or more extensions, not to exceed 365 days per extension, except, building permits obtained as a result of a Code Enforcement violation may be granted no more than one extension. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution.
8. If a permit has expired, a new permit may be obtained for one-half the amount of the original permit fee(s), plus issuance fees, provided no changes have been made or will be made in the original construction documents for such work, and provided further that the permit was reviewed under the current adopted codes. If the permit is renewed under a previous adopted code cycle, a plan review must be completed and charged at the current full building permit rate. If construction has or, will, deviate from the original permit, a revisions permit must be submitted, approved and issued in addition to renewal of the expired permit. Fees shall be established by resolution.
9. The Building Official, or designee, is authorized to perform a final inspection and issue a Certificate of Occupancy on an expired permit, provided that all building inspections have been successfully completed to include Water Metering that has been installed, inspected and approved and Access and Septic approvals have been completed The Building Official may require a re-inspection fee. A re-inspection fee shall be established by resolution.

(Ord. 2021-003, 2021; Ord. 2016-012, 2016; Ord. 2013-006, 2013; Ord. 2010-003, 2010; Ord. 2009-05, 2009; 2008-22, 2008; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 9414, 1994; Ord. 80-2 § 5, 1980; Ord. 71-3 § 6, 1971)

Chapter 14.05

Grading

Sections

- 14.05.010 Title
- 14.05.020 Purpose
- 14.05.030 Authority and administration
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- 14.05.070 Application requirements
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- 14.05.120 Fill
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- 14.05.140 Air Quality
- 14.05.150 Appeals
- 14.05.160 Conflicts with other regulations*
- 14.05.170 Repealed

* Editor's Note: Section "14.04.160" was incorrectly listed as "14.04.150" in Ordinance 2014-015.

14.05.010 Title.

This chapter shall be known and may be cited as the Kittitas County Grading Ordinance. (Ord. 2014-015, 2014)

14.05.020 Purpose.

This chapter is intended to provide uniform procedures authorizing and regulating grading within the unincorporated area of Kittitas County. While not intended to duplicate other regulations, these regulations are designed to aid in controlling erosion incident to grading activity, and to protect public health, safety and welfare through the adoption and enforcement of provisions designed to:

1. Minimize adverse impacts associated with the excavation and grading of land;
2. Protect water quality from the adverse impacts associated with erosion and sedimentation;
3. Ensure prompt development, restoration, replanting, and effective erosion and sedimentation control of property during and after grading activities;
4. Establish administrative procedures for the issuance of permits, approval of plans, and inspection of grading operations; and
5. Allow for the reasonable development of land in Kittitas County.

(Ord. 2014-015, 2014)

14.05.030 Authority and administration.

The County Engineer or ~~Public Works~~ Public Services designee shall administer, interpret, and enforce this chapter. The County Engineer or ~~Public Works~~ Public Services designee shall have the authority to issue permits and to perform, or cause to be performed, inspections and take such actions as may be required to enforce the provisions of this chapter. (Ord. 2014-015, 2014)

14.05.040 Definitions.

For the purpose of this chapter, the following definitions shall apply:

1. "Agricultural activities" means those activities conducted on lands defined in RCW 84.34.020(2) as agricultural lands and those activities involved in the production of crops or livestock, including but not limited to: i) operation and maintenance of fields and pastures; ii) the maintenance, repair, replacement and installation of farm, irrigation, waste water regulation and stock ponds or drainage systems; iii) the maintenance, repair, replacement and installation of irrigation systems, including but not limited to rill irrigation and sprinkler systems; iv) changes between agricultural activities, including but not limited to, crop rotations, conversion of cultivated land to pasture and conversions of pasture to cultivated land; v) installation, maintenance or repair of existing serviceable structures and facilities used in agricultural activities to produce crops or raise livestock. An activity ceases to be an agricultural activity when the area on which it was conducted has been converted to a primary use which is not an agricultural activity.
2. "Applicant" means a property owner or any person or entity authorized or named in writing by the property owner to be the applicant, in an application for a development proposal permit.
3. "Approval" means that the proposed work or completed work conforms to this chapter in the opinion of the County Engineer or ~~Public Works~~ Public Services designee.
4. "Bench" means a cut into a deep soil or rock face to provide stability or control surface drainage.
5. "Berm" means a mound or raised area usually used for the purpose of screening a site or operation, or for containing or directing runoff.
6. "County Engineer or ~~Public Works~~ Public Services designee" is the officer, other designated authority or duly authorized representative charged with the administration of ~~Public Works~~ Public Services.
7. "Compaction" means the densification of a fill by mechanical means or approved by an engineering geologist or civil engineer.
8. "Critical areas" as used in this chapter means fish and wildlife habitat conservation areas, wetlands, flood hazard areas, geologically hazardous areas, and their buffers, as defined in ~~Public Works~~ Public Services Chapter 17A of the Kittitas County Critical Areas Protection Ordinance.
9. "Department" means the Kittitas County ~~Public Works~~ Public Services Department.
10. "Director" means the Director of ~~Public Works~~ Public Services authorized representative.
11. "Engineer" or "Civil Engineer" is a ~~Public Works~~ Public Services licensed in the State of Washington to practice engineering in the civil engineering branch.
12. "Engineered" or "engineering" means work conducted or prepared by an engineer as defined in this section.
13. "Engineered Grading" is any grading not exempt by this chapter.
14. "Engineering geologist" means an engineering geologist licensed by the State of Washington.
15. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water, and/or ice.
16. "Erosion and sedimentation control" means any measure taken to reduce erosion, control siltation and sedimentation, and ensure that sediment laden water does not leave the site

17. "Excavation" means the removal of earth material.
18. "Existing grade" is the grade prior to grading.
19. "Fill" means a deposit of clean earth material or concrete pieces less than one cubic foot in volume.
20. "Finished grade" is the final grade of the site that conforms to an approved plan.
21. "Geotechnical engineer" means an engineer as defined within this section with knowledge of the theory of geology, soils testing, and geotechnical engineering.
22. "Grade" means the elevation of the ground surface.
23. "Grading" is any excavation or filling activity or combination thereof.
24. "Grading permit" means the permit required by this chapter for grading activities.
25. "Horticulture activities" means the growing of fruits, vegetables, flowers, or ornamental plants for commercial purposes.
26. "Permit area boundary" means the defined boundary surrounding grading activity. The permit area boundary will usually be the property lines for the parcel; however, alternate boundaries may be defined on larger parcels with a limited grading area.
27. "Permittee" is the person, corporation or duly authorized agent of the property applying for the grade and fill permit.
28. "Rough grade" is the stage at which the grade approximately conforms to an approved plan.
29. "Shorelines" are those water bodies, adjacent lands, and associated wetlands defined as such by the Shoreline Management Act (RCW 90.58.030).
30. "Site" means any lot or parcel of land or contiguous combination thereof where activities regulated by this chapter are performed.
31. "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
32. "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.05.050 Permits required.

Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or ~~Public Works~~ Public Services designee. The following activities are not exempt and shall require a grading permit:

1. Private road(s), as defined by Kittitas County Code Title 12, Road and Bridge Standards serving more than two (2) dwelling units;
2. Public road construction prior to acceptance into the County road system;
3. Work upon ground that has received preliminary plat approval and is being prepared for structural development and final plat approval.

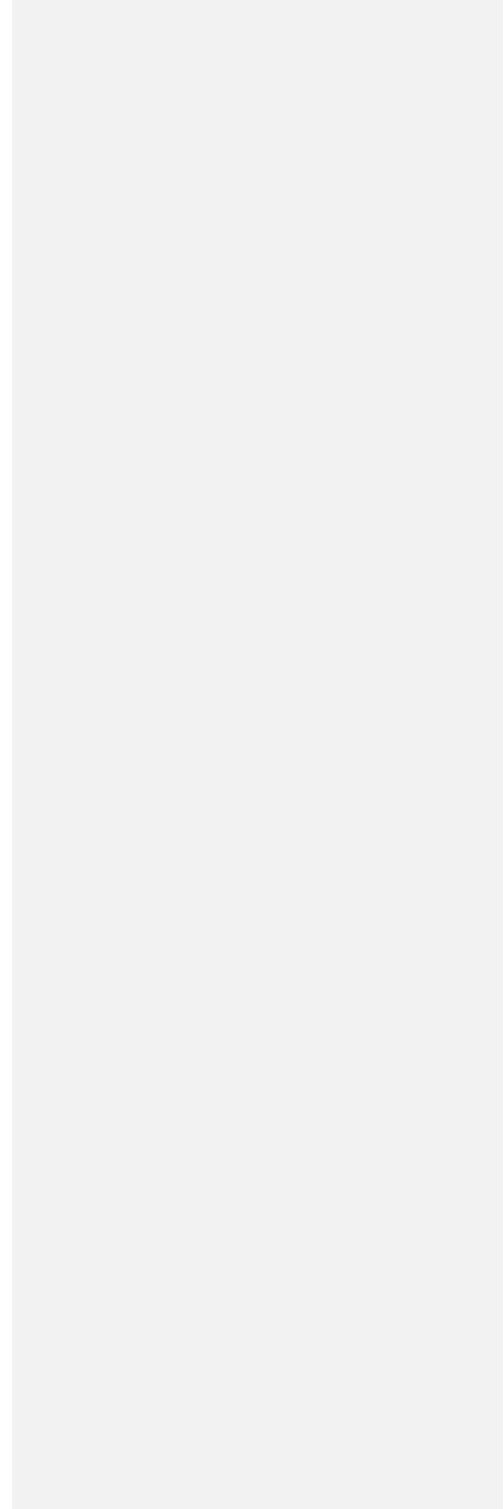
(Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.05.060 Exemptions.

A grading permit shall not be required for the following:

1. Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation resulting in soil or rock having an exposed, unsupported height greater than five feet after the completion of such structure;
2. Cemetery graves;
3. Refuse disposal sites controlled by other regulations;
4. Excavations for wells, or trenches of utilities;
5. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by state regulations that address grading and excavating through geotechnical surveys, inspections, and restoration plans, provided such operations do not affect the lateral support of, or significantly increase stresses in soil on adjoining or contiguous properties;
6. Exploratory excavations performed under the direction of a registered design professional, County Engineer or ~~Public Works~~ Public Services designee.
7. An excavation that (a) is less than two (2) feet in depth, or (b) does not create a cut slope greater than 5 feet in height and steeper than one (1) unit vertical in two (2) units horizontal;
8. A fill less than one foot in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal;
9. Soil test holes and on-site sewage system installation done under the provisions of an on-site sewage disposal permit application;
10. Grading of County roads with Kittitas County ~~Public Works~~ Public Services oversight, including roads, bridges and municipal construction, which is designed to County, WSDOT, APWA or FHWA standards and specification where such grading is subject to review and approval of a local government agency or a State or Federal agency;
11. Public facility, road construction, and driveway construction built by a licensed grading contractor with Kittitas County ~~Public Works~~

| [Public Services](#) oversight. There is no exception for work in geologically unstable areas.



12. Construction activities performed by a state or federal agency with oversight of a licensed civil or geotechnical engineer.
13. Highway construction and maintenance administered by the Washington State Department of Transportation;
14. Routine road maintenance within the established footprint of an existing road;
15. Agricultural or horticultural activities as defined in KCC 14.05.040 (1). An activity ceases to be agricultural or horticultural when the area on which it was conducted has been converted to a nonagricultural use. Farm access roads will be required to upgrade to private or public road standards prior to utilization within a land development. At that time, review under the conformance with this Chapter will be required;
16. Non-conversion Forest Practice Permits administered by the Washington State Department of Natural Resources.

Exception from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. 2018-021, 2018; Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.05.070 Application requirements.

Unless exempted under KCC 14.05.060 Exemptions, all persons proposing to conduct grading activity within the jurisdictional boundaries of Kittitas County shall first apply for a grading permit. The applicant shall obtain a grading permit in conformance with this chapter prior to any grading activity.

1. The permit application shall at a minimum include the following:
 - a. A completed master application, signed by the applicant, a vicinity map, environmental checklist, and any relevant supplemental information required by the County Engineer or ~~Public Works~~ Public Services designee.
 - b. A site plan drawn to a reasonable scale (e.g., one inch equals 20 feet). The site plan should clearly show the following:
 - i. North arrow.
 - ii. Property lines and dimensions.
 - iii. Location and dimensions of all existing and proposed development, including structures, roads, sewer and water lines, wells, utilities, easements, water bodies, floodplains, critical areas, drainage facilities, and on-site sewage disposal and drainfield areas, within the permit area boundary.
 - c. Grading plans when required in KCC 14.05.080.
 - d. A full identification and description of the work to be covered by the permit for which the application is made.
2. Granting of Permits.
 - a. After an application has been filed and reviewed, the County Engineer or Public Works ~~Public Services~~ designee shall ascertain whether such proposed grading work complies with the provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, and the proposal is consistent with all other relevant county codes, the County Engineer or Public Services ~~Public Works~~ designee shall issue a grading permit.
 - b. The applicant/property owner shall maintain the approved grading plans and permit available on the site, and provide an individual copy to any grading contractor who will be working at the site.
 - c. A grading permit shall be valid for a period of two (2) years from the date of permit issuance. The County Engineer or ~~Public Works~~ Public Services designee is authorized to grant one or more extensions not exceeding three hundred sixty-five (365) days each. The extension shall be requested in writing prior to permit expiration. Justifiable cause shall be demonstrated prior to issuance of such extensions. Renewal of permits may be accomplished with existing plans and reports, if no changes are being made to the proposal, and no new significant issues are raised during the review.

(Ord. 2014-015, 2014;)

14.05.080 Grading plan.

An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan. Applications for projects involving engineered grading, as defined in KCC 14.05.040, shall be accompanied by an engineered grading plan based on an engineering report or an engineering geology report. Engineered grading plans shall be prepared and stamped by an engineering geologist, geotechnical engineer and/or civil engineer licensed to work in the State of Washington. Grading within a geological hazard critical area may require a geotechnical assessment in compliance with the KCC 17A, the Critical Areas Ordinance. Materials excavated for building foundations and basements need not be considered in the above quantities. A grading plan, or an engineered grading plan, shall include:

1. An easily reproducible scale on the plan of appropriate size depicting location and details of all cuts and all fills including depth and finished slopes of all cuts and all fills.
2. A general vicinity map of the area.
3. North arrow.

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4. Subject property boundary lines, existing and proposed roads or driveways, easements, natural or manmade bodies of water and drainages, critical areas, shorelines, floodplains, and any existing or proposed structures, wells or septic systems on the site, and the distance between such features.
5. Bodies of water, critical areas, structures, wells and septic systems on adjacent property and lying within 50 feet of the subject grading activity boundary that could be affected by the proposed grading operations.
6. Maps drawn with contour intervals that adequately depict existing and proposed slopes for the proposal.
7. Total quantities, in cubic yards, and type of cut and fill material, including on-site grading material, and imported material.
8. Cross section drawings that include:
 - a. Maximum depth of fill and maximum height of cuts.
 - b. Existing and proposed buildings and their setbacks from cut or fill slopes.
 - c. Existing grades extending a minimum of twenty (20) feet beyond the scope of work.
 - d. Finished grades of cuts and fills extending a minimum of twenty (20) feet beyond the scope of work.
 - e. Retaining walls and the adjacent grade at least twenty (20) feet on either side of the wall(s).
 - f. Grades of all existing cut and fill areas expressed as a ratio of horizontal to vertical slope.
9. The disposal site for excavated material. Offsite disposal may require a separate grading permit.
10. The location of proposed erosion and sedimentation control measures showing compliance with the requirements of WDOE Stormwater Management Manual for Eastern Washington.
11. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, or other water or erosion control devices to be utilized as a part of the proposed work.
12. Any recommendations included in an engineering geology or geotechnical assessment or report for grading or developing the property. If required, assessment and reports shall be completed in compliance with KCC 17A Critical Areas.

(Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.05.090 Permit Application and submittal.

1. In addition to KCC 14.05.070 and 14.05.080 (application requirements and grading plans) provisions, the applicant shall state the estimated quantities of excavation and compact fill. Roadway surfacing and aggregate shall be included in this estimate. Grading in excess of five hundred (500) cubic yards total per site, road, subdivision or other project shall be performed in accordance with the approved grading plan prepared by a civil engineer or engineering geologist licensed to practice in the State of Washington which shall be designated as "engineered grading." Contiguous projects owned by the same person(s), corporation(s) or other legal entity shall be considered one project. Grading involving less than five hundred (500) cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the County Engineer or ~~Public Works~~ **Public Services** designee determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading. Special conditions or unusual hazards include, but are not limited to, work performed in areas with known drainage issues, work performed in critical areas or shorelines, or work performed in sensitive areas not shown on the county maps. The County Engineer or ~~Public Works~~ **Public Services** designee must justify in writing the circumstances under which engineered grading is required.

2. The County Engineer or ~~Public Works~~ **Public Services** designee may require surety bonds in such form and amount as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the County Engineer or ~~Public Works~~ **Public Services** designee in an amount equal to that which would be required in the surety bond. The surety bond(s) shall be valued at one hundred and thirty five (135%) percent of the total cost of the proposed work and a cash bond or instrument of credit shall be valued at one hundred and fifteen (115%) percent of the total cost of the proposed work.

(Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.05.100 Special inspections.

Grading projects for which a permit is required shall be subject to inspection. A licensed engineer shall provide professional inspections of grading operations if engineering is required elsewhere in this chapter. An inspection schedule shall be established for each project prior to permit issuance based on the following:

1. A civil engineer, geotechnical engineer, or engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. These inspections shall also include observation and review as to the establishment of line, grade and surface drainage of the development area. Soil testing shall comply with Washington State Department of Transportation, Standard Specifications for Road, Bridge and Municipal Construction, current edition. The engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the

appropriate requirements of this chapter. The engineer or engineering geologist shall also provide professional inspection of any excavation to determine if conditions encountered are in conformance with the approved report or plan. If revised plans are required during the course of the work, they shall be prepared by the civil engineer. Revised recommendations relating to conditions differing from the approved engineering geology or geotechnical reports shall be submitted to the permittee, ~~Public Works-Public Services~~ and the civil engineer.

2. The permittee shall be responsible for the work being performed in accordance with the approved plans and specifications and in conformance with the provisions of this chapter. When approved by the County Engineer or ~~Public Works-Public Services~~ designee, the permittee may engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and ~~Public Works-Public Services~~. In the event of changing conditions, the permittee shall be responsible for informing ~~Public Works-Public Services~~ such change and shall provide revised plans for approval.
3. ~~Public Works~~ ~~Public Services~~ may inspect the project in various stages of work.
4. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, geotechnical engineer, or engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported in writing within three working days to the permittee and to Kittitas County ~~Public Works-Public Services~~.
5. If the civil engineer, geotechnical engineer, or engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept the responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify ~~Public Works-Public Services~~ in writing of such change prior to recommencing of such grading.

(Ord. 2014-015, 2014;)

14.05.110 Excavations.

Unless otherwise recommended in an approved soils engineering or engineering geology report, grading shall conform to the following standards:

Erosion control measures shall be installed as outlined in the WDOE Stormwater Management Manual for Eastern Washington.

1. Appropriate erosion control structures shall be installed prior to any grading activity. All erosion control measures shall be maintained in place until vegetation is established for suitable erosion and sedimentation control. No sediment from grading operations shall be permitted to leave the site or enter any surface waters or wetlands.
2. Sites shall have a finished grade that drains away from structural foundations for a minimum of ten (10) feet.
3. All sites shall be cleaned upon project completion, including installation of permanent organic erosion control measures such as grass seeding, landscaping, or other organic means of erosion control.
4. Cuts of five feet in depth or greater shall be set back from property lines by a minimum of twenty-five (25) feet. This can be decreased with appropriate engineering. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.
5. The top of cut slopes shall not be made nearer to a permit area boundary line than one fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback needs to be increased for any required interceptor drains.
6. The County Engineer or ~~Public Works-Public Services~~ designee may approve alternate setbacks at the request of the applicant. In approving these alternate setbacks, the County Engineer or ~~Public Works-Public Services~~ designee may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
7. The slope of cut surfaces shall be no steeper than two (2) units horizontal in one unit vertical (50 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. At the request of the applicant, the County Engineer or ~~Public Works-Public Services~~ designee may approve the use of alternate grading standards. These approvals shall be based on sound engineering practices and require the submittal of additional documentation, reports, and testing.
8. Excavations shall not constrict or alter the existing flow of storm water, streams or other historical flow.

(Ord. 2014-015, 2014;)

14.05.120 Fill.

Unless otherwise recommended in an approved soils engineering or engineering geology report, grading shall conform to the following standards:

Erosion control measures shall be installed as outlined in the WDOE Stormwater Management Manual for Eastern Washington.

1. Appropriate erosion control structures shall be installed prior to any grading activity. All erosion control measures shall be maintained in place until vegetation is established for suitable erosion and sedimentation control. No sediment from grading operations shall be permitted to leave the site or enter any surface waters or wetlands.
2. Sites shall have a finished grade that drains away from structural foundations for a minimum of ten (10) feet.
3. All sites shall be cleaned upon project completion, including installation of permanent organic erosion control measures such as grass seeding, landscaping, or other organic means of erosion control.
4. The County Engineer or ~~Public Works~~ Public Services designee may approve alternate setbacks at the request of the applicant. In approving these alternate setbacks, the County Engineer or ~~Public Works~~ Public Services designee may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
5. Any proposed finished slope that is steeper than two horizontal to one vertical shall be engineered.
6. The ground surface shall be prepared to receive fill by removing all organic material, noncomplying fill, and scarifying topsoil.
7. Solid waste as defined by Washington State law and amounts of organic material shall not be used as fill material.
8. Fill slopes shall not be constructed on natural or cut slopes steeper than two (2) units horizontal in one unit vertical (50 percent slope) unless engineered. The ground surface shall be prepared to receive fill by scarifying to provide a bond with the new fill and, where slopes are steeper than five (5) units horizontal in one unit vertical (20 percent slope) and the height is greater than five (5) feet, by benching into sound bedrock or other competent material as determined by the engineer.
9. The slope of fill surfaces shall be no steeper than two (2) units horizontal in one (1) unit vertical (50 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. At the request of the applicant, the County Engineer or ~~Public Works~~ Public Services designee may approve the use of alternate grading standards. These approvals shall be based on sound engineering practices and require the submittal of additional documentation, reports, and testing.
10. Fill shall not constrict or alter the existing flow of storm water, streams or other historical flow.

(Ord. 2014-015, 2014;)

14.05.130 Compaction.

Minimum compaction requirements shall comply with those standards specified by the Washington State Department of Transportation, Standard Specifications for Road, Bridge and Municipal Construction, current edition. (Ord. 2014-015, 2014;)

14.05.140 Air quality.

Dust shall be prevented from becoming airborne. The finished exposed surfaces shall be treated with vegetation or other means to control dust. (Ord. 2014-015, 2014;)

14.05.150 Appeals.

Any decision by the County Engineer or ~~Public Works~~ Public Services designee shall be final unless appealed to the Board of County Commissioners as provided in KCC 15A.07. (Ord. 2014-015, 2014;)

14.05.160 Conflicts with other regulations.

Where other Kittitas County ordinances, resolutions, or regulations, or other state or local regulations are in conflict with this chapter, the more restrictive regulation shall apply and such application shall extend to those specific provisions which are more restrictive. (Ord. 2014-015, 2014;)

14.05.170 Fees.

Repealed by Ord. 2017-001. (Ord. 2017-001, 2017; Ord. 2014-015, 2014)

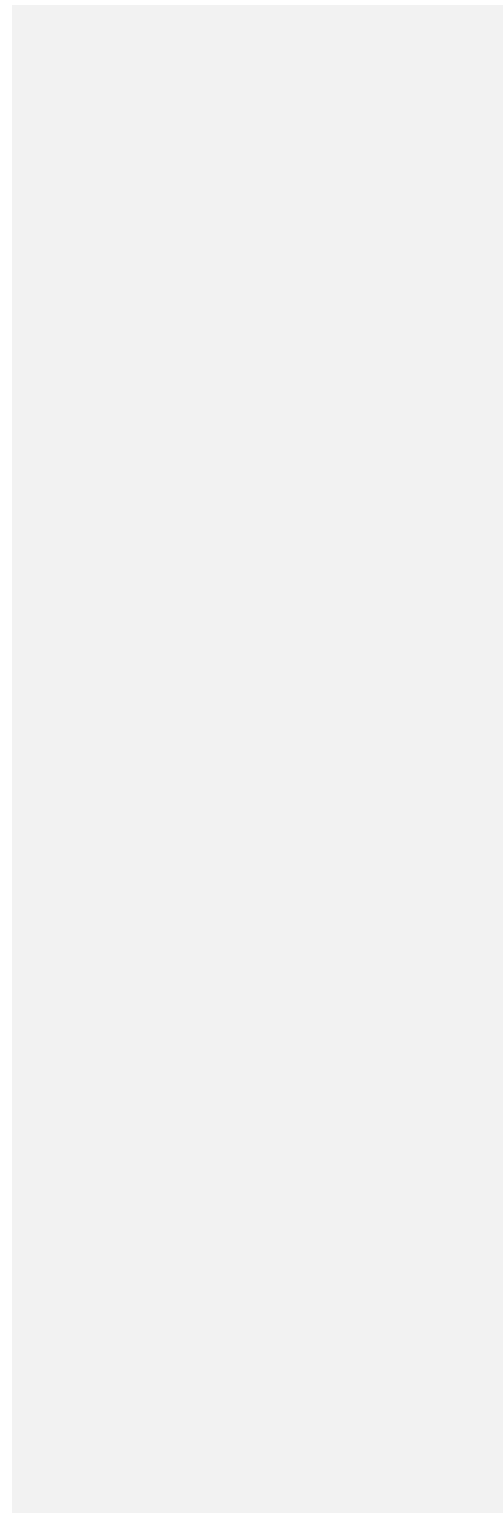
14.05.180 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected. (Ord. 2014-015, 2014;)

14.05.190 Liability for damages.

This chapter shall not be construed to hold Kittitas County, its officers, employees or agents responsible for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in

connection with the implementation or enforcement of this chapter on the part of Kittitas County, its officers, employees or agents. (Ord.



Chapter 14.08

FLOOD DAMAGE PREVENTION*

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**Prior legislation: Ords. 79-4, 81-3, 81-2, 82-4, 89-4.

Article I. Purpose and Definitions

14.08.010 Purpose.

It is the purpose of this chapter:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control and flood relief projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard;
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
9. To administer the Washington State Floodplain Management Act (Chapter 86.16 RCW) and maintain Kittitas County's eligibility to participate in the National Flood Insurance Program. (Ord. 2001-03; Ord. 93-18 § 1, 1993).

14.08.015 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 2001-03).

14.08.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory Structure

A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Alteration of watercourse

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal

A request for review of the county floodplain administrator's interpretation or application of any provision of this chapter or a request for a variance.

Area of shallow flooding

A designated AO, AH, AR/AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on FIRM maps include the letters A, AO, AH, A1-30, AE, A99 and AR. Also referred to as "100-year floodplain" and

"special flood hazard area."

Agriculture

"Agriculture" is the grazing, feeding, and watering of livestock; plowing, seeding, cultivation, and harvesting for the production of crops and pasture; soil and water conservation practices; the maintenance of farm or stock ponds, irrigation ditches, irrigation structures, drainage ditches, underground drainage systems, fences and farm roads, the control of noxious weeds or other generally accepted agriculture practices, and for purposes of this chapter does not include associated structures and/or appurtenances.

ASCE 24

The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Base flood

The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

Base flood elevation

The computed elevation to which flood water is anticipated to rise during the base flood period. Base Flood Elevations (also referred to as BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. Relationship between the BFE and a structure's elevation determines the flood insurance premium.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Best available information

In the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

Building

See "Structure"

Building Code

The most current edition of the International Building Code and the International Residential Code as adopted and amended by the Washington State Building Code Council.

Critical facility

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste, and certain service facilities for utilities and special utilities (as defined under Chapter 17.61 KCC) as determined by the administrator.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas of special flood hazard.

Elevated building

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation Certificate

The official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

Existing manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Expansion to an existing manufactured home park or subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood (or "flooding")

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from:

- a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood elevation study

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Flood insurance rate map (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood insurance study

See "Flood Elevation Study"

Floodplain or flood-prone area

Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Floodway

The channel of a river or other watercourse and the adjacent land areas (a portion of the 100-year floodplain) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in KCC 14.08.250(2).

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction

For purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance codified in this chapter and includes any subsequent improvements to such structures.

New manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

One-hundred-year flood or 100-year flood

See "Base flood"

Reasonably Safe from Flooding

Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

Recreational vehicle

A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Start of construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including gas or liquid storage tanks, that are principally above ground, as well as a manufactured home.

Substantial damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement

Any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance

A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Water surface elevation

The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water dependent

A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 2.0, 1993).

Article II. General Provisions

14.08.030 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Kittitas County. (Ord. 2001-03; Ord. 93-18 § 3.1, 1993).

14.08.040 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Kittitas County, Washington and Incorporated Areas," dated September 24, 2021 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Map, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at the Kittitas County ~~Public Works~~ Public Services Department at 411 N Ruby ST, Suite 1, Ellensburg, WA 98926. The best available information for flood hazard area identification as outlined in KCC 14.08.120 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under KCC 14.08.120.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 3.2, 1993)

14.08.050 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 2001-03; Ord. 93-18 § 3.3, 1993).

14.08.055 Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), is subject to penalties and enforcement under Title 18 KCC.

(Ord. 2021-010, 2021)

14.08.060 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2001-03; Ord. 93-18 § 3.4, 1993).

14.08.070 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2001-03; Ord. 93-18 § 3.5, 1993).

14.08.080 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Kittitas County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 2001-03; Ord. 9318 § 3.6, 1993).

14.08.085 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

(Ord. 2021-010, 2021)

Article III. Administration

14.08.090 Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in KCC 14.08.040. The permit shall be for all structures including manufactured homes, as set forth in definitions (KCC 14.08.020), and for all development including fill and other activities, also as set forth in definitions (KCC 14.08.020). (Ord. 2001-03; Ord. 93-18 § 4.1, 1993).

14.08.100 Designation of the administrator.

The Kittitas County ~~Public Works~~ ~~Public Services~~ Director is appointed to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

14.08.105 Duties and Responsibilities of the Floodplain Administrator.

Duties of the Floodplain Administrator shall include but not be limited to:

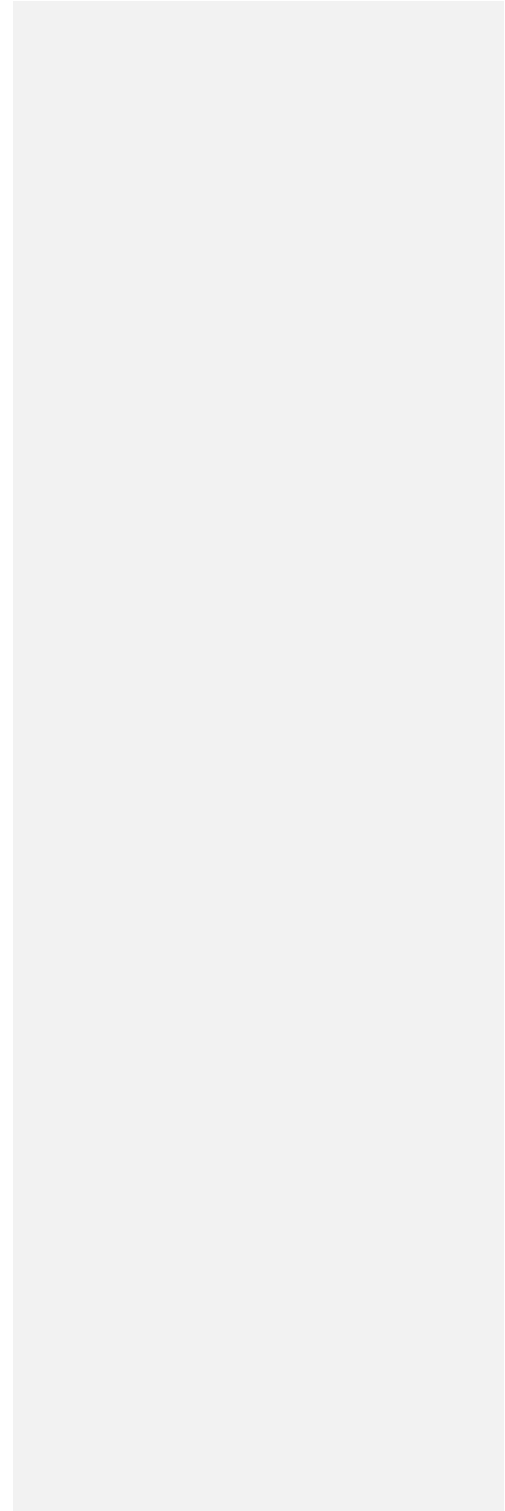
1. Interpretations of the flood insurance rate maps (FIRM), and floodplain and floodway field designations. The Kittitas County ~~Public Works~~ ~~Public Services~~ Department shall maintain and keep all files and related information regarding the county's National Flood Insurance Program eligibility.
2. Field verification of lowest floor elevations at the time of framing inspection, and all other special construction requirements contained in this chapter.
3. Ascertaining whether all building permits issued in areas within the 100-year floodplain comply with all of the special construction requirements of this chapter.
4. Review all development permits to determine that the permit requirements of this chapter have been satisfied; review all development permits to determine that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
5. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions of KCC 14.08.300 are met.
6. Review all development permits to determine that the site is reasonably safe from flooding.
7. Notify FEMA when annexations occur in the Special Flood Hazard Area.
8. Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.2, 1993)

14.08.110 Application for development permit.

Applications for a building or floodplain development permit shall be made on forms furnished by Kittitas County and may include, but not

be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or



proposed structures, fill, storage of materials, drainage facilities, and the location of the following. Specifically, the following information is required:

1. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;
2. Proposed elevation in relation to mean sea level to which any structure will be flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in KCC 14.08.270; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.
5. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

(Ord. 2021-010, 2021; (Ord. 2001-03; Ord. 93-18 § 4.3, 1993)

14.08.115 Elevation certificates.

Flood elevation certificates will be required to be submitted to and be permanently maintained by the [Public Works-Public Services](#) Department:

1. For construction drawings prior to review of a building permit
2. For a building under construction prior to scheduling of a framing inspection
3. For finished construction prior to issuance of a Certificate of Occupancy

(Ord. 2014-015, 2014; Ord. 2007-22, 2007)

14.08.120 Use of other base flood data.

When base flood elevation data has not been provided (A Zones) in accordance with KCC 14.08.040, Basis for establishing the areas of special flood hazard, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer KCC 14.08.240 through 14.08.290, Specific standards, and KCC 14.08.300, Floodways. The applicant for proposed developments where no base flood elevation exists shall conduct a site specific engineering analysis to determine a base flood elevation for the project site when the thresholds identified in KCC 14.08.220 are met.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.4, 1993)

14.08.130 Information to be obtained and maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in KCC 14.08.120, obtain and maintain a record of the actual (as built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed nonresidential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in KCC 14.08.120:
 - a. Obtain and maintain a record of the actual elevation (in relation to mean sea level) to which the structure was flood-proofed; and
 - b. Maintain the flood-proofing certifications required in KCC 14.08.110(3).
3. Maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required by Section 14.08.300(1) (floodway encroachments).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.
7. Professional land surveyors shall be authorized to prepare elevation certificates for compliance with this chapter and the National Flood Insurance Program. Engineers and architects shall be authorized to prepare floodproofing certificates for compliance with this chapter and the National Flood Insurance Program.

(Ord. 2021-010, 2021; Ord. 2013-008, 2013; Ord. 2012-009, 2012; Ord. 2007-34, 2007; Ord. 2001-03; Ord. 93-18 § 4.5, 1993).

14.08.140 Alteration of watercourses.

Whenever a watercourse is to be altered or relocated, the Floodplain Administrator shall:

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and
2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.6, 1993)

14.08.150 Interpretation of FIRM boundaries.

The Floodplain Administrator shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in KCC 14.08.160.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2001-03; Ord. 93-18 § 4.7, 1993)

Article IV. Variance Procedure

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owner.

It is the duty of the Kittitas County Hearings Examiner to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. 2021-010, 2021)

14.08.160 Appeal board.

1. The Kittitas County Hearings Examiner as established by the county shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The Hearings Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the county in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the Hearings Examiner or any taxpayer may appeal such decision to the Kittitas County superior court as provided by law.
4. In passing upon such applications, the Hearings Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation provided subsections (4)(a) through (k) of this section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors of subsection (4) of this section and the purposes of this chapter, the Hearings Examiner may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this chapter.
7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
8. After the county has rendered an order either granting or denying a flood control zone permit, said order may be appealed to the Pollution Control Hearings Board pursuant to state law.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.8, 1993)

14.08.170 Conditions for variances.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variance requests in the designated floodway shall be accompanied by a professional engineering analysis of the resultant base flood discharge.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and upon:
 - a. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - b. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
 - c. A showing of good and sufficient cause.
 - d. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 14.08.020 of this ordinance in the definition of "Functionally Dependent Use."
4. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevation requirements should be quite rare.
5. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, and comply with all other variance criteria.
6. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this ordinance are met.
7. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 2021-010, 2021; Ord. 2012-009, 2012; Ord. 2001-03; Ord. 93-18 § 4.9, 1993).

Article V. Provisions for Flood Hazard Reduction

14.08.180 General standards.

In all areas of special flood hazards, the following standards (set forth in KCC 14.08.190 through 14.08.230) are required. (Ord. 200103; Ord. 93-18 § 5.1, 1993).

14.08.190 Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(Ord. 2021-010, 2021; Ord. 2001-03; Ord. 93-18 § 5.1.1, 1993).

14.08.195 (Deleted).

(Ord. 2007-34, 2007; Ord. 2001-03).

14.08.200 Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 2001-03; Ord. 93-18 § 5.1.2, 1993).

14.08.205 Storage of Materials and Equipment.

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(Ord. 2021-010, 2021)

14.08.210 Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from systems into floodwaters.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. New water wells shall be constructed in compliance with WAC 173-160-171, on high ground that is not in the floodway.
5. Fuel storage tanks shall either be elevated or anchored using methods and practices that minimize flood damage. (consistent with FEMA's "Protecting Building Utilities From Flood Damage" guidebook for techniques).

(Ord. 2021-010, 2021; Ord.2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.1.3, 1993).

14.08.220 Subdivision proposals and Development.

All subdivisions as well as new development shall:

1. Be consistent with the need to minimize flood damage.
2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. Have adequate drainage provided to reduce exposure to flood damage.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and shall be noted on the final mylar.
5. All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100year floodplain and floodway.

(Ord. 2021-010, 2021; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.1.4, 1993).

14.08.230 Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (KCC 14.08.120), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(Ord. 2021-010, 2021; Ord. 2001-03; Ord. 93-18 § 5.1.5, 1993).

14.08.235 Changes to Special Flood Hazard Area.

1. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change.
2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

(Ord. 2021-010, 2021).

14.08.240 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in KCC 14.08.040, Basis for establishing the areas of special flood hazard, or KCC 14.08.120, Use of other base flood data, the following provisions are required. (Ord. 2021-010, 2021;

Ord. 200103; Ord. 93-18 § 5.2, 1993).

14.08.250 Residential construction.

1. In AE and A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction, substantial improvement, and reconstruction due to substantial damage of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking access or storage shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.
 - e. Because of hydrodynamic loads, below grade crawlspace construction is not permitted in areas with flood velocities greater than 5 feet per second unless the design is approved by a registered architect or licensed engineer.
3. Any interior or exterior building utility systems must be elevated one-foot or more above the Base Flood Elevation (BFE) with the exception of utility meters and equipment specifically designed to withstand inundation according to the standards of the International Residential Codes and the NFIP.
4. Portions of buildings below the BFE must be constructed using methods and practices that minimize flood damages, and with materials resistant to flood damage. This includes any joists, pony walls, beams, posts, insulation, wall coverings, wall sheathing or other materials that extend below the BFE.
5. The elevation of the interior crawlspace grade (inside of the foundation walls in crawlspace construction) must be at or above the lowest elevation of the exterior grade. Below-grade crawlspace foundations will be allowed only if all of the following conditions are met, in addition to the minimum criteria set forth above in this subsection: *(buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the lowest adjacent exterior grade).*
 - a. The interior grade of the crawlspace (below the BFE) must not be more than 2 feet below the lowest adjacent exterior grade.
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point.
 - c. There must be an adequate drainage system that removes floodwaters from the interior of the crawlspace. Possible options include natural drainage through porous, well drained soils and drainage systems such as perforated pipes, drainage tiles, gravel or crushed stone drainage by gravity, or mechanical means.
 - d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.
6. Garages attached to a residential structure must have the floor elevated above the BFE or be constructed according to the following conditions:
 - a. The walls must have openings designed to automatically equalize hydrostatic and hydrodynamic flood forces by allowing for the entry and exit of floodwaters. (See the requirements listed above for the residential structure per 14.08.250).
 - b. All portions of the garage below the BFE must be constructed with materials resistant to flood damage. This includes any studs, walls, beams, posts, insulation, wall coverings, wall sheathing or other materials that extend below the BFE.
 - c. Any utility systems within the garage must be elevated one foot or more above the Base Flood Elevation (BFE) with the exception of utility meters and equipment specifically designed to withstand inundation according to the standards of the International Residential Codes and the NFIP.
 - d. New construction, substantial improvement and reconstruction due to substantial damage of any residential structure in an AO zone shall meet the requirements in KCC 14.08.310.
 - e. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2007-34, 2007; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.2.1, 1993)

14.08.260 Detached accessory buildings (garages and small storage sheds).

The following special provisions apply only to detached accessory structures used as garages or small storage sheds to single-family residences.

1. Detached accessory structures shall have the lowest floor elevated above the base flood elevation. When an accessory structure investment is not larger than a one-story and 800 square feet, the structure need not be elevated. However, the structure must have openings to allow floodwater in and out as required by KCC 14.08.250(2) and be constructed using flood resistant materials below the BFE.
2. For floodplain management purposes, accessory structures shall not be used for human habitation and must be limited to parking and storage.
3. Accessory structures shall comply with the foundation opening requirements in KCC 14.08.250(2).
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
5. Accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure which may result in damage to other structures.
6. Accessory structures must comply with floodway encroachment provisions in KCC 14.08.300.
7. Service facilities such as electrical and heating equipment shall be elevated one foot or more above the base flood elevation.
8. If the structure is converted to another use, it must be brought into full compliance with the standards governing this ordinance.
9. Detached garages, storage structures, and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 14.08.250.
10. Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.
11. Applicants that elect not to elevate the lowest floor of accessory structures under the provisions of this section shall be notified that flood insurance premium rates may be increased as a result of this practice. The applicant shall be aware that flood insurance rates may be increased as a result of this practice, and a note stating such shall be included in the issuance of related permits.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; O-2012-009, 2012; Ord. 2007-34, 2007; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.2.2, 1993)

14.08.270 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structures, except detached accessory structures, shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall meet requirements of subsection 1 or 2, below:

1. New construction, substantial improvement, and reconstruction due to substantial damage of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b. If located in an AO zone, the structure shall meet the requirements in Appendix A.
 - c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
 - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking, access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - iv. A garage attached to a structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- a. Be flood-proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in KCC 14.08.130(2).
- d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in KCC 14.08.250(2).

Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level.

(Ord. 2021-010, 2021; Ord. 2001-03; Ord. 93-18 §5.2.3, 1993).

14.08.275 Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

(Ord. 2021-010, 2021)

14.08.280 Critical facility.

Construction of new, critical facilities shall be located outside the limits of the special flood hazard area. However, new construction and substantial improvement of both new and existing critical facilities shall be permissible within the 100-year floodplain, provided no feasible alternative site is available, and provided the facility's nature is related to or necessitates a riverine location (such as municipal water and sewer pump stations and related treatment facilities).

1. Critical facilities shall have the lowest floor elevated three feet or more above the base flood elevation or the height of the 500-year flood, whichever is higher; and
2. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters; and
3. Access routes to critical facilities shall be elevated to or above the base flood elevation to the extent possible. (Ord. 2012-009, 2012; Ord. 2001-03; Ord. 93-18 § 5.2.4, 1993).

14.08.285 Livestock Sanctuary Areas.

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

(Ord. 2021-010, 2021)

14.08.290 Manufactured homes.

1. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
2. Any interior or exterior building utility systems must be elevated one-foot or more above the Base Flood Elevation (BFE) with the exception of utility meters and equipment specifically designed to withstand inundation according to the standards of the International Residential Codes and the NFIP.

(Ord. 2021-010, 2021; Ord. 2012-009, 2012; 2007-34, 2007; Ord. 2001-03; Ord. 93-18 § 5.2.5, 1993).

14.08.295 Recreational vehicles.

1. Recreational vehicles shall not be placed in a special flood hazard area from January 1st until the Wednesday before Memorial Day and again from November 15th through December 31st. The prohibition shall be inclusive of the end date of each period. An RV placed before the prohibited period shall not remain after November 14th; and
 - **Exception:** This regulation shall not be interpreted to prevent recreational use of property, but shall prohibit the unattended storage of all recreational vehicles and equipment during the flood season as outlined in 14.08.295 (1). If a notice of correction is placed upon the Recreational Vehicle and such notice is observed upon such Recreational Vehicle over 72 hours later, such

observation shall create a rebuttable presumption of unattended storage. Such notice must reference that failure to remove it will create the before stated presumption.

- **Exception:** Lawfully established, conditionally permitted uses (CUPs) such as campgrounds and recreational parks in existence prior to the adoption of this ordinance shall be allowed to continue their approved operations provided such uses are not dangerous to life and property and have and continue to comply with the laws and regulation as they existed at the time the CUP was issued. Such uses shall not be expanded and must comply with all rules and regulations regarding nonconforming uses.
2. Recreational vehicles shall:
 - a. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.
 - b. Be on the site for fewer than 180 days, or
 - c. Meet the requirements of Section 14.08.290 above.
 3. Park Model Trailers as defined in KCC 14.04.045 shall not be placed in a flood hazard area.

Exception: to 1, 2, and 3 above. A recreational vehicle or Park Model Trailer being used as a primary residence and located in manufactured/mobile home community as defined in RCW 59.20.030 that was in existence before June 8, 2008 is exempted from the restrictions found in subsections 1, 2, and 3 above. The placement of such recreational vehicle or Park Model Trailer requires both a permit under KCC 17.92.020 and engineering to address the flood hazard. Additionally, such placement shall be conditioned upon meeting all the requirements placed upon a mobile and/or manufacture home in the same location.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2009-25, 2009; Ord. 200103)

14.08.300 Floodways.

Located within areas of special flood hazard established in KCC 14.08.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either: (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.
3. If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of KCC 14.08.180 through 14.08.310, provisions for flood hazard reduction, except for construction and reconstruction of residential structures that is prohibited by subsection (2) of this section.
4. Traditional agricultural practices are exempt.

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2013-008, 2013; Ord. 2012-009, 2012; Ord. 2007-34, 2007; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.3, 1993)

14.08.305 Wetlands management.

See KCC Title 17A. (Ord. 2001-03; Ord. 93-18 § 5.4, 1993. Formerly 14.08.310).

14.08.310 Standards for shallow flooding areas (AO Zones).

Shallow flooding areas appear on FIRMS as AO Zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction, substantial improvements, and reconstruction due to substantial damage of residential structures and manufactured homes within AO Zones:

- a. Shall have the lowest floor (including basements) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
 - b. Any interior or exterior building utility systems must be elevated one-foot or more above the depth number specified in feet on the FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified) with the exception of utility meters and equipment specifically designed to withstand inundation according to the standards of the International Residential Codes and the NFIP.
2. New construction and substantial improvements of nonresidential structures within AO Zones shall either:
- a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in KCC 14.08.270(3).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days, or
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 14.08.190(2)).

(Ord. 2021-010, 2021; Ord. 2014-015, 2014; Ord. 2009-25, 2009; Ord. 2001-03; Ord. 93-18 § 5.5, 1993. Formerly 14.08.320)

14.08.315 Standards for filling, grading in floodplain.

Filling, grading or other activity that would reduce the effective storage volume shall be mitigated by creating compensatory storage on-site, or off-site if legal arrangements can be made, to assure that the effective compensatory storage volume will be preserved over time; provided, however, that no increased upstream or downstream flood hazard shall be created by any fill authorized in the floodplain by this chapter or other applicable chapters. (Ord. 2011-013, 2011)

14.08.320 Standards for AE and A1-30 Zones with Base Flood Elevations but No Floodways.

In areas with base flood elevations (but a regulatory flood way has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the county's FIRM, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. 2021-010, 2021; Ord. 2012-009, 2012)

Chapter 14.12

FIRE RESISTANT/RETARDANT STANDARDS FOR ROOF COVERINGS

Sections

- 14.12.010 System adopted.
- 14.12.020 Minimum standards.
- 14.12.030 High and extreme fire hazard areas.
- 14.12.040 Moderate fire hazard areas.
- 14.12.050 Low fire hazard areas.
- 14.12.060 Deleted.
- 14.12.070 Deleted.
- 14.12.080 Deleted.
- 14.12.090 Applicable buildings.
- 14.12.100 Deleted.

14.12.010 System adopted.

The Kittitas County Board of Commissioners hereby adopts the wildfire hazard severity classification system developed to determine the Fire Hazard Area Classification in unincorporated areas of Kittitas County that are located outside of a fire department. This rating system was developed by the Rural Fire Protection District in cooperation with the Wildland Protection Agencies incorporating the natural factors of

wildland fuels (timber, brush), slope (steepness of ground), aspect (direction of sun exposure), and climate into a "Wildfire Hazard Severity Classification System." These factors are reflected in four separate risk groups - low, moderate, high and extreme and they are incorporated into the wildfire hazard severity rating system requirements found in KCC 14.12.020, 14.12.030, 14.12.040, and 14.12.050. (Ord. 2007-29, 2007; Ord. 90-16 § 1, 1990).

14.12.020 Minimum standards.

Roof coverings placed on all new buildings and on all buildings being re-roofed as defined in KCC 14.12.090(3) in the unincorporated areas of Kittitas County shall have at least a "Class C" or better fire resistant/retardant rating as established by the International Building Code Chapter 1505.4, unless such roof coverings are governed by other more restrictive standards set out in this chapter, other ordinances of Kittitas County, or applicable state or federal standards. (Ord. 2007-29, 2007; Ord. 90-16 § 2, 1990).

14.12.030 High and extreme fire hazard areas.

In high and extreme fire hazard areas as determined by wildfire hazard severity classification, roof coverings placed on all new buildings and on all buildings being re-roofed as defined in KCC 14.12.090(3) shall be of fire resistant/retardant materials with no less than a "Class A" rating as defined by the International Building Code Chapter 1505.2, or as otherwise approved in writing with supporting reasons by the Kittitas County Fire Marshal. (Ord. 2007-29, 2007; Ord. 90-16 § 3, 1990).

14.12.040 Moderate fire hazard areas.

In moderate fire hazard areas as determined by wildfire hazard severity rating, roof coverings placed on all new buildings and on all buildings being re-roofed as defined in KCC 14.12.090(3) shall be of fire resistant/retardant materials with no less than a "Class B" rating as defined by the International Building Code Chapter 1505.3, or as otherwise approved in writing with supporting reasons by the Kittitas County Fire Marshal. (Ord. 2007-29, 2007; Ord. 90-16 § 4, 1990).

14.12.050 Low fire hazard areas.

In low fire hazard areas as determined by wildfire hazard severity rating, roof coverings placed on all new buildings and on all buildings being re-roofed as defined in KCC 14.12.090(3) shall be of fire resistant/retardant materials with no less than a "Class C" rating as defined by the International Building Code Chapter 1505.2, or as otherwise approved in writing with supporting reasons by the Kittitas County Fire Marshal. (Ord. 2007-29, 2007; Ord. 90-16 § 5, 1990).

14.12.060 Deleted.

(Ord. 2007-29, 2007; Ord. 90-16 § 6, 1990).

14.12.070 Deleted.

(Ord. 2007-29, 2007; Ord. 90-16 § 7, 1990).

14.12.080 Deleted.

(Ord. 2007-29, 2007; Ord. 90-16 § 8, 1990).

14.12.090 Applicable buildings.

These requirements shall apply to the following:

1. All buildings or structures constructed after the effective date of this section.
2. All additions to existing buildings or structures, regardless of size, constructed after the effective date of this section.
3. All buildings and structures which were in existence prior to the effective date of this section, when 25 percent or more of the roof is re-roofed. (Ord. 90-16 § 9, 1990).

14.12.100 Deleted

(Ord. 2007-29, 2007; Ord. 90-16 § 7 (attachment), 1990).