

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE No. 2021- 010

AMENDING COUNTY CODE CHAPTER 14.08

WHEREAS: The purposes of Kittitas County Code Chapter 14.08 (Flood Damage Prevention) include administering the Washington State Floodplain Management Act (Chapter 86.16 RCW) and maintaining Kittitas County's eligibility to participate in the National Flood Insurance Program; and

WHEREAS: Staff from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office and Washington State Department of Ecology Floodplain Management Program have advised Kittitas County on required and recommended code revisions to ensure compliance with Title 44 Code of Federal Regulations (CFR) Section 60.3(d); and

WHEREAS: Kittitas County staff prepared proposed amendments to Kittitas County Code Chapter 14.08 for consideration by the Board of County Commissioners at a public hearing; and

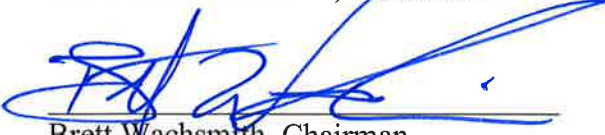
WHEREAS: Notice for a public hearing to consider the amendments was provided in the North Kittitas County Tribune on July 8, 2021, July 15, 2021, July 22, 2021; July 29, 2021; August 5, 2021 and August 12, 2021; and

WHEREAS: The Board of Kittitas County Commissioners did hold a public hearing on Tuesday, August 17, 2021 to hear public testimony regarding the proposed amendments;

NOW, THEREFORE BE IT ORDAINED That the Kittitas County Board of County Commissioners, after due deliberation and in the best interest of the public, does hereby amend Kittitas County Code Chapter 14.08 as shown in the attached Exhibit A, effective August 17, 2021.

ADOPTED this 17th day of August 2021.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Brett Wachsmith, Chairman

ABSENT

Laura Osiadacz, Vice-Chairman



Clerk of the Board- Julie Kjorsvik

Deputy Clerk of the Board- Mandy Buchholz

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Cory Wright, Commissioner

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, or 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:
2. The overflow of inland or tidal waters.
3. The unusual and rapid accumulation or runoff of surface waters from any source.
4. 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.

5. 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 the 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. 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 unincorporated 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 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 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. 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.

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.

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

14.08.115 Elevation certificates.

Flood elevation certificates will be required to be submitted to and be permanently maintained by the Public Works 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. 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. 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. 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. 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.

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. 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. 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. 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.

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. 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 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 100-year floodplain and floodway. (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. 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.

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. 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.
 7. 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 .
 8. 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. 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 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. 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. 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.

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.

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.

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, or
 - 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. 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. 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. 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 floodway 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. 2012-009, 2012)