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JULIE A. FREESE
FREMONT COUNTY CLERK
STATE OF WYOMING

FREMONT COUNTY

FLOODPLAIN ZONING REGULATIONS

Adopted by

FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

January 1979

Revised
January 1987

Revised
2002

Revised
2003

Revised
2005

Revised
2011

Revised
2012

Revised
2014

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CHAPTER I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section 1. Statutory Authorization.

The legislature of the State of Wyoming has in Wyoming Statutes Annotated, 2010 Edition, Title 18, Article 2. 18-5-201- 208 delegated the responsibility to boards of county commissioners to adopt regulations designed to promote the public health, safety, and general welfare of their citizenry. Therefore, the Board of County Commissioners of Fremont County, Wyoming does ordain as follows:

Section 2. Findings of Fact

a. The flood hazard areas of Fremont County are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstruction in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage use in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to flood loss.

c. The Fremont County Land Use Plan, adopted by the Fremont County board of County Commissioners, formally established goals, objectives, and policies calling for positive action to prevent and minimize damages to persons and property caused by flooding.

Section 3. Statement of Purpose.

It is the purpose of this resolution to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a. To protect human life and health.

b. To minimize expenditure of public money for costly flood control projects.

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

d. To minimize prolonged business interruptions.

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets, and bridges located in areas of special flood hazard.

f. To help maintain a stable tax base by providing for the second use of and development of areas of special flood hazard so as to minimize future flood blight areas.

g. To insure that potential buyers are notified that property is in an area of special flood hazard.

h. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 4. Methods of Reducing Flood Losses.

In order to accomplish its purposed, this resolution includes methods and provisions for:

a. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that serve such uses, be protected against flood damage at the time of initial construction.

b. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.

c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, that help accommodate or channel flood waters.

d. Controlling, filling, grading, dredging, and other development that may increase flood damage.

e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters of which may increase flood hazards in other areas.

CHAPTER II

DEFINITIONS

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

a. Appeal – Means a request for a review of the County Planning Departments interpretation of any provision of this resolution or request for variance.

b. Areas of Special flood Hazard – Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

c. "Base Flood" means the flood having a one percent chance of being equaled or exceeded each year. Also known as the "Regulatory Flood."

d. "Base Flood Elevation (BFE)" means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

e. "Basement" means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

f. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

g. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters; or

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

h. "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

i. "Flood Insurance Study (FIS)" means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

j. "Flood Protection Elevation" means the Base Flood Elevation plus locally adopted freeboard to which all new construction and substantial improvements must be protected.

k. "Floodplain" means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe.

l. "Floodway (Regulatory Floodway)" means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

m. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

n. "Manufactured Home" means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

o. Manufactured Home Park or Subdivision – Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

p. New Construction – Means structures for which the "start of construction" commenced on or after the effective date of this resolution.

q. "Recreational Vehicle" means a vehicle that is:
(a) Built on a single chassis,
(b) 400 square feet or less when measured at the largest horizontal projection,
(c) Designed to be self-propelled or permanently towed by a light duty truck, and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

r. "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

s. Start of Construction – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means 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 preparations, 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 excavation of temporary forms; nor does it include the installation on the property of accessory buildings.

t. "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

u. "Substantial damage" means 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 its market value before the damage occurred.

v. "Substantial improvement" means reconstruction, rehabilitation, addition, or other 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 market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:

(a) A 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

(b) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

w. Variance – Means a grant of relief from the requirements of this resolution which permits construction in a manner which would otherwise be prohibited by this resolution.

x. "Violation" is the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

CHAPTER III

GENERAL PROVISIONS

Section 1. Lands to Which This Resolution Shall Apply.

This resolution shall apply to all areas of special flood hazards within the jurisdiction of Fremont County.

Section 2. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Fremont County, Wyoming" dated September 16, 2011, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM). The Flood Insurance Study is on file at the Fremont County Planning Department, 450 N. 2nd St., Room 360, Lander, Wyoming 82520. This also includes the modified Flood Hazard Determinations for the Town of Shoshoni with revised Flood Insurance Rate Map and Flood Insurance Study report effective February 5, 2014

Section 3. Compliance.

No structure shall hereafter be constructed. Located, extended, converted, or altered without full compliance with the terms of this resolution and other applicable regulations.

Section 4. Failure to Comply.

Violation of the provisions of this resolution by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100.00 for each offense, and in addition shall pay all costs and expenses involved in the case. Each day continuation of such violation is a separate offense. Nothing herein contained shall prevent Fremont County from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 5. Abrogation and Greater Restriction.

This resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this resolution and another resolution, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 6. Interpretation.

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

a. Considered a minimum requirement.

b. Liberally construed in favor of the governing body.

c. Deemed neither to limit nor repeal any other powers granted under State Statutes.

Section 7. Warning and Disclaimer of Liability.

The degree of flood protection required by this resolution is considered reasonable for regulatory purposed and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This resolution 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 resolution shall not create liability on the part of Fremont County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this resolution or any administrative decision lawfully made there under.

CHAPTER IV

ADMINISTRATION

Section 1. Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within an area of special flood hazard established in Section 2, Chapter III of this resolution. Application for a Development Permit shall be made on forms furnished by the Fremont County Planning Department 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 or materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

b. Elevation in relation to mean sea level to which any structure has been floodproofed.

c. Certification by a registered professional engineer or architect that the floodproofing method used for any nonresidential structure meets the floodproofing criteria in Chapter V, Section 2, b.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 2. Designation of the County Planning Department.

The Fremont County Planning Department is hereby appointed to administer and implement this resolution by granting or denying development permit applications in accordance with its provisions.

Section 3. Duties and Responsibilities of the Fremont County Planning Department.

The duties of the Fremont County Planning Department shall include, but not be limited to the following:

a. Permit Review

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Chapter V, Section 3 are met.

Section 4. Use of Other Base Flood Data.

When base flood elevation and floodway data has not been provided in accordance with Chapter III, Section 2, Basis for Establishing the Areas of Special Flood Hazard, the Fremont County Planning Department 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 Section 2, Specific Standards, Section 2a, Residential Construction, and Section 2b, Non-Residential Construction, Chapter V.

Section 5. Information to be Obtained and Maintained.

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

b. For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level).

(2) maintain the floodproofing certification required in Chapter IV, Section 1c.

c. Maintain for public inspection all records pertaining to the provisions of this resolution.

Section 6. Alteration of Watercourses.

a. Notify adjacent communities and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

Section 7. Interpretation of FIRM Boundaries.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (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 reasonable opportunity to appeal the interpretation as provided in Section 6a.

Section 8. Variance Procedure.

a. Appeal board

(1) The Fremont County Board of County Commissioners as established by Fremont County shall hear and decide appeals and requests for variances from the requirements of this resolution.

(2) The Fremont County Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Fremont County Planning Department in the enforcement or administration of this resolution.

(3) Those aggrieved by the decision of the Fremont County Board of County Commissioners, or any taxpayer, may appeal such decision to the District Court of Fremont County, Wyoming, Ninth Judicial district, as provided in Wyoming Statutes 1977 Annotated Republished Edition 18-5-106.

(4) In passing upon such applications, the County Commissioners (appeal board) shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this resolution, and:

(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 availability of alternative locations, for the proposed use that are not subject to flooding or erosion damage.

(f) The compatibility of the proposed use with existing and anticipated development.

(g) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.

(h) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(i) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(j) 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, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing item (4) in Section 8a, Chapter IV has been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

(6) Upon consideration of the factors of Section 8a (4) and the purposes of this resolution, the Fremont County Board of County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.

(7) The Fremont County Planning Department shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon receipt.

Section 9. Conditions for Variances.

a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create

(4) nuisances, cause fraud on or victimization of the public as identified in Section 8a. (4), or conflict with existing local laws or resolutions.

e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the const of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

CHAPTER V

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 1. General Standards.

In all areas of special flood hazard the following standards are required.

a. Anchoring

(1) all new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

(2) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and be capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

(a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.

(b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

(c) All components of the anchoring system to be capable of carrying a force of 4,800 pounds.

(d) Any additions to the manufactured home be similarly anchored.

b. 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 method and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water

(4) from entering and accumulating within the components during conditions of flooding.

c. Utilities

(1) All new replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development that contain at least 50 lots or five acres (whichever is less).

Section 2. Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Chapter II, Section 2, Basis for Establishing Areas of Special Flood Hazard or Chapter IV, Section 4, Use of Other Base Flood Data the following provisions are required:

a. Residential Construction – New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of 1 (one) foot above the base flood elevation.

b. Manufactured Homes.

(1) Manufactured homes shall be anchored in accordance with Chapter V, Section 1.

(2) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is I (one) foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.

(3) No manufactured home shall be placed in a floodway.

c. Non-Residential Construction.

(1) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated to 1 (one) foot above the base flood elevation, the level of the base flood elevation ; or, together with attendant utility and sanitary facilities, shall:

(2) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design methods of construction are in accordance with accepted standards of practice.

(3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwater. 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 o floodwater.

(4) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official set forth in Chapter IV, Section 1.

Section 3. Floodway.

Located within areas of special flood hazard established in Chapter III, Section2, are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, all encroachments including fill, new construction, substantial improvements and other developments are prohibited.

CHAPTER VI

AMENDMENTS

The Board of County Commissioners may amend these regulations from time to time as necessary and appropriate. Any such amendment shall be proposed by or submitted to the Planning Commission for approval, disapproval, or recommendation. The Planning Commission shall hold a public hearing in order to receive public comment on any amendment recommended to the Board of County Commissioners. The public hearing information shall be advertised for forty-five (45) days prior to the public hearing date. Before final adoption of any amendment, the Board of County Commissioners shall hold a public hearing preceded by a forty-five (45) notice to the general public in a newspaper of general circulation in the County.

CHAPTER VII

ADOPTION

This resolution providing regulations over the development of land within floodplain areas in Fremont County shall be in full force and effect after its adoption by the Board of County Commissioners and its proper filing with the Fremont County Clerk in accordance with the provisions of the Wyoming Administrative Procedures Act.

APPROVED AND ADOPTED THIS 3rd DAY OF June, 2014.

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, WYOMING

Douglas L. Thompson, Chairman

Keja Whiteman, Vice Chairman

Travis Becker, Commissioner

Stephanie Kessler, Commissioner

Larry Allen, Commissioner

ATTEST:

Julie Freese, County Clerk

FREMONT COUNTY COUNTY CLERK STATE OF WYOMING