

CHAPTER XI - FLOODPLAIN MANAGEMENT

Section 1. Statutory Authorization: The Legislature of the State of Wyoming has in the Wyoming Statutes, 1977, [18-5-201 through 18-5-207](#) and as amended, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of County Commissioners to Sublette County, Wyoming does ordain as follows:

- a. Findings of fact. The flood hazard areas of Sublette County are subject to periodic inundation which results 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.

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

- b. Statement of purpose. The purpose of this resolution is 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 to accomplish the following:

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;
- 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) Minimize prolonged business interruptions;
- 5) 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) 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) Ensure that potential buyers are notified that property is in an area of special flood hazards; and,
- 8) Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

- c. Methods of reducing flood losses. In order to accomplish the purposes, this resolution includes methods and provisions for accomplishing the following shall be adopted:

- 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 flood waters or which may increase flood hazards in other areas.

Section 2. Definitions: Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common usage and to give this resolution its most reasonable application.

- a. 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.
- b. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- c. Basement: The lowest level of a building which must be located with the floor above the 100-year flood elevation. This does not include areas used exclusively for parking of vehicles, limited storage, or building access which meet the FEMA requirements as contained in 44 CFR 60.3.
- d. Development: 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, or drilling operations.
- e. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters, or 2) the unusual and rapid accumulation or runoff of surface waters from any source.
- f. Flood Hazard Boundary Map: The official map on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.
- g. 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 of this resolution.
- h. Manufactured Home: Means 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 connected to the required utilities. The term also includes park trailers; travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- i. Structure: A walled and roofed building or manufactured home that is principally above ground.
- j. 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 the market value of the structure before the damage occurred.

- k. Substantial Improvement: Any repair, 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 the construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.
The term does not, however, include either:
- 1) any project for improvement of a structure to comply with 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."

Section 3. General Provisions:

- a. Lands to which this chapter applies. This resolution shall apply to all areas of special flood hazard within *the* jurisdiction of Sublette County, Wyoming.
- b. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map (FHBM) dated November 15, 1977, *and as periodically updated*, are adopted by reference and declared to be a part of this resolution. The FHBM is on file at the Planning and Zoning office, Sublette County Courthouse, Pinedale, Wyoming.
- c. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this resolution and other applicable regulations.
- d. Abrogation and greater restrictions. This resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this resolution and another resolution, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- e. Interpretation. In the interpretation of this resolution, 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 Wyoming State statute.
- f. Warning and disclaimer of liability. The degree of flood protection required by this resolution 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 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 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 Sublette County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on the resolution or any administrative decision lawfully made thereunder.

Section 4. Administration:

- a. Establishment of development permit or building permit. A development permit or a building permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3 (a). Application for a development permit or a building permit shall be made on forms furnished by the Sublette County Planning and Zoning office.
 - 1) The following information shall be required:
 - a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - b) Elevation in relation to mean seal level to which any structure has been floodproofed;
 - c) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5 (b)(2); and
 - d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - 2) The following information may be required:
 - a) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; and
 - b) Existing or proposed structures, fill, storage of materials, and drainage facilities, and their location.
- b. Designation of the administrator of planning and zoning. The Administrator of Planning and Zoning is hereby appointed to administer and implement this resolution by granting or denying development permit applications in accordance with its provisions.
- c. Duties and responsibilities of the Administrator of Planning and Zoning. Duties of the Planning and Zoning Administrator shall include, but not be limited to:
 - 1) Permit review.
 - a) Review all development permits to determine that the permit requirements of this resolution have been satisfied.
 - b) Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
 - c) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of the resolution, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - i) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
 - ii) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional

- engineer's certification) for the proposed development shall be required.
- iii) If the proposed development is a building, then the provisions of this resolution shall apply.
- 2) Use of other base flood data.
- a) When base flood elevation data has not been provided in accordance with Section 3 (b), Basis for Establishing the Areas of Special Flood Hazard, the Planning and Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 5 (b), Specific Standards.
- 3) 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, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures: 1) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed. 2) Maintain the floodproofing certifications required in Section 4 (a) (1) (c).
- 4) 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 watercourse so that the flood-carrying capacity is not diminished.
- 5) Interpretation of FIRM boundaries.
- a) Make interpretations, where needed, as to the 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).

Section 5. Provisions For Flood Hazard Reduction:

General standards. In all areas of special flood hazards, the following standards are required:

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

- b) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and 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: 1) 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 50 feet long requiring one additional tie per side; 2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side; 3) all components of the anchoring system be capable of carrying a force of 4,800 pounds, and 4) any additions to the manufactured home be similarly anchored.

2) Construction materials and methods.

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c) 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 or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3) Utilities.

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) 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; and
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4) Subdivision proposals.

- a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d) Base flood elevation data shall be provided for subdivision proposals.

- b. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 4 (c) (2), Use of Other Base Flood Data, the following standards are required:
- 1) Residential construction.
 - a) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
 - 2) Nonresidential construction.
 - a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - i) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii) 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 the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 4 (c) (3) (b).
 - 3) Mobile and Manufactured homes.
 - (a) Mobile and manufactured homes shall be anchored in accordance with Section 5 (a) (1) (b).
 - (b) All new mobile and manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the mobile home or manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.
- c. Floodways. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

