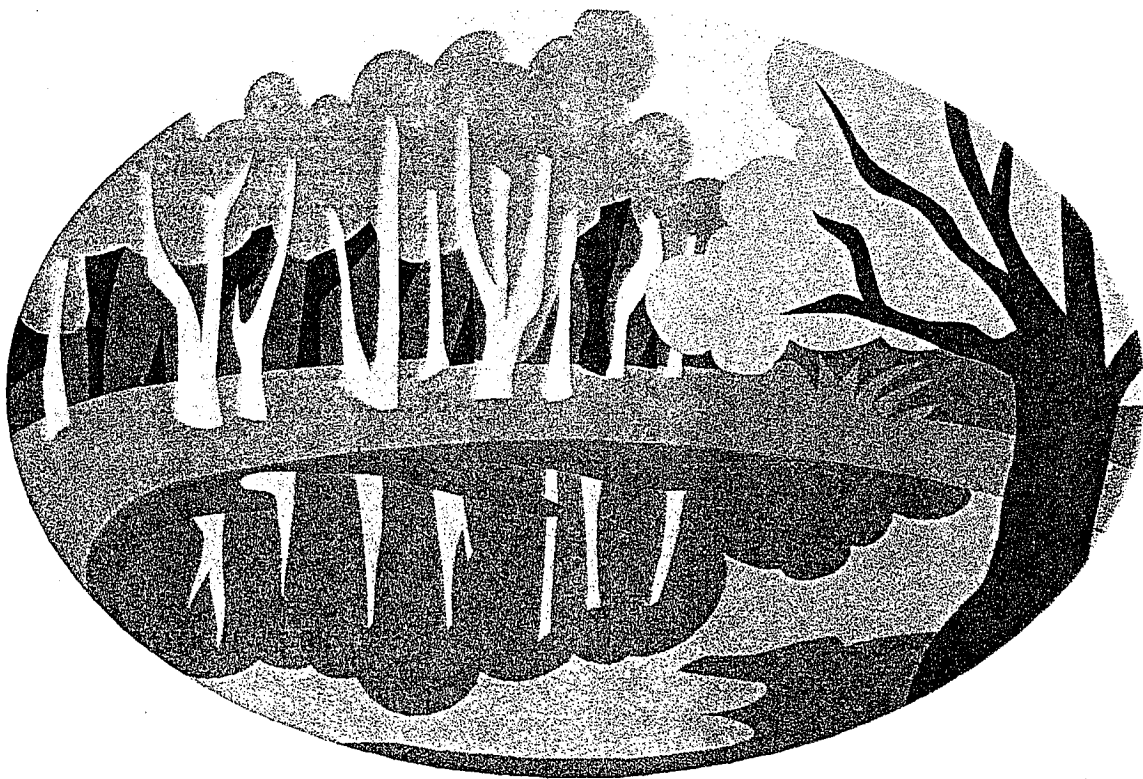


# CONVERSE COUNTY

## FLOOD DAMAGE PREVENTION

### REGULATIONS



# TABLE OF CONTENTS

<b>CHAPTER I - STATUTORY AUTHORIZATION, DEFINITIONS .....</b>	<b>2</b>
<b>SEC. 1. AUTHORITY.....</b>	<b>2</b>
<b>Sec. 2. Definitions .....</b>	<b>2</b>
 <b>CHAPTER II - FINDING OF FACT, PURPOSE AND OBJECTIVES.....</b>	<b>5</b>
<b>SEC. 1. FINDINGS OF FACT .....</b>	<b>5</b>
<b>Sec. 2. Statement of Purpose.....</b>	<b>5</b>
<b>Sec. 3. Methods of Reducing Flood Losses.....</b>	<b>6</b>
 <b>CHAPTER III - GENERAL PROVISIONS .....</b>	<b>7</b>
<b>SEC. 1. LANDS TO WHICH THIS ORDINANCE APPLIES.....</b>	<b>7</b>
<b>Sec. 2. Basis for Establishing the Areas of Special Flood Hazard .....</b>	<b>7</b>
<b>Sec. 3. Compliance.....</b>	<b>7</b>
<b>Sec. 4. Penalties for Non-Compliance .....</b>	<b>7</b>
<b>Sec. 5. Abrogation and Greater Restrictions.....</b>	<b>8</b>
<b>Sec. 6. Interpretation.....</b>	<b>8</b>
<b>Sec. 7. Warning and Disclaimer of Liability.....</b>	<b>8</b>
 <b>CHAPTER IV - ADMINISTRATION.....</b>	<b>9</b>
<b>SEC. 1. ESTABLISHMENT OF DEVELOPMENT PERMIT .....</b>	<b>9</b>
<b>Sec. 2. Designation of the City/County Planning Director .....</b>	<b>9</b>
<b>Sec. 3. Duties and Responsibilities of the City/County Planning Director.....</b>	<b>9</b>
<b>Sec. 4. Variance Procedure, Appeal Board.....</b>	<b>11</b>
<b>Sec. 5. Conditions for Variances .....</b>	<b>12</b>
 <b>CHAPTER V - PROVISIONS FOR FLOOD HAZARD REDUCTION.....</b>	<b>14</b>
<b>SEC. 1. GENERAL STANDARDS .....</b>	<b>14</b>
<b>Sec. 2. Specific standards .....</b>	<b>15</b>

ADOPTED FEBRUARY 3, 1998 BY CONVERSE COUNTY RESOLUTION #5-88

# CONVERSE COUNTY FLOOD DAMAGE PREVENTION REGULATIONS

## CHAPTER I - STATUTORY AUTHORIZATION, DEFINITIONS

### **Sec. 1. Authority**

Board of County Commissioners, pursuant to Section 18-3-504, Wyoming Statutes, 1977 Republished Edition, as amended, is authorized to provide for the general welfare of the county.

### **SEC. 2. Definitions**

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

“Appeal” means a request for a review of the City/County Planning Director’s interpretation of any provisions of this ordinance or a request for a variance.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year.

“Base flood” means the flood having a one- percent chance of being equaled or exceeding in any given year.

“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 or drilling operations located within the area of special flood hazard.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood and the water surface elevation of the base flood.

“Lowest floor” means 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 to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“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. This term also includes part trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

“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.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

“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 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 foundation 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.

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or:
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this ordinance, which permits construction in a manner that would otherwise be prohibited by this ordinance.

## Chapter II - FINDING OF FACT, PURPOSE AND OBJECTIVES

### Sec. 1. *Findings of Fact*

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

### Sec. 2. *Statement of Purpose*

It is the purpose of these regulations 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 general undertaken at the expense of the general public;
- (d) To minimize prolonged business interpretation;
- (e) 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;
- (f) To help maintain a stable tax base by providing for the second use 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; and,

- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Sec. 3. *Methods of Reducing Flood Losses***

In order to accomplish its purposes, these regulations include methods and provisions for:

- a. 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;
- c. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- d. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- e. Preventing or regulating the construction of flood barriers which will naturally divert floodwaters or which may increase flood hazards in other areas.

## CHAPTER III - GENERAL PROVISIONS

### **Sec. 1. *Lands to which this Ordinance Applies***

These regulations shall apply to all areas of special flood hazards within the jurisdiction of Converse County, Wyoming.

### **Sec. 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 the unincorporated areas of Converse County, Wyoming: dated April 5, 1988, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Firm are on file at the Converse Area Planning Office, 107 N. 5<sup>th</sup> Street, Suite 140, Douglas, WY 82633.

### **Sec. 3. *Compliance***

No structure of land shall hereafter be constructed, located, extended, converted, or altered within the area of special flood hazard without full compliance with the terms of these regulations and other applicable county regulations.

### **Sec. 4. *Penalties for Non-Compliance***

Violation of the provisions of these regulations by failure to comply with any of these requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of the requirements shall, upon conviction thereof, be fined not more than \$300.00 or imprisonment for not more than 10 days, or both, for each violation, and in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Converse County from taking such other lawful action as is necessary to prevent or remedy any violation.



**Sec. 5.        *Abrogation and Greater Restrictions***

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and other regulations, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Sec. 6.        *Interpretation***

In the interpretation and application of these regulations, all provisions shall be:

- a.        Considered as minimum requirements;
- b.        Liberally construed in favor of the governing body; and,
- c.        Deemed neither to limit nor repeal any other powers granted under state statutes.

**Sec. 7.        *Warning and Disclaimer of Liability***

The degree of flood protection required by these regulations 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. These regulations do 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. These regulations shall not create liability on the part of Converse County, any officer or employee thereof, or the Federal Insurance Administration, for flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

## CHAPTER IV - ADMINISTRATION

### **Sec. 1.     *Establishment of Development Permit***

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter III, Section 2. Application for a Development Permit shall be made on forms furnished by the Converse Area Planning Office 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 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 flood proof;
- c.     Certification by a registered professional engineer or architect that the flood proof methods for any non-residential structure meet the flood proof criteria in Chapter V, Section 1.h; and,
- d.     Description of the extent to which any watercourse will be altered or relocated as the result of proposed development.

### **Sec. 2.     *Designation of the City/County Planning Director***

The City/County Planning Director is hereby appointed to administer and implement these regulations by granting or denying development permit applications in accordance with their provisions.

### **Sec. 3.     *Duties and Responsibilities of the City/County Planning Director***

Duties of the City/County Planning Director or his designee shall include, but not be limited to:

- a.     Permit Review
  - (1)    Review all development permits to determine that the permit requirements of these regulations 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 adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affects" means that the cumulative affect 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.

b. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Chapter III, Section 2, Basis for Establishing the Areas of Special Flood Hazard, the Converse Area Planning Office shall obtain, review and reasonably utilize any flood elevation and floodway data available from the federal, state, or other source, in order to administer Chapter V, Section 2, Specific Standards.

c. Information to be Obtained and Maintained.

- (1) 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.
- (2) For all new or substantially improved flood proof structures:
  - a. Obtain and record the actual elevation (in relation to sea level) to which the structure has been flood proof.
  - b. Maintain the flood proof certifications required in Chapter IV, Section 1.
- (3) Maintain for public inspection all records pertaining to the provisions of these regulations.
- (4) Alteration of Watercourses.
  - a. Notify adjacent communities and 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 be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries.

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). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided.

**Sec. 4. Variance Procedure, Appeal Board**

- a. The Board of Converse County Commissioners as established by the resolution, shall hear and decide appeals and request for variances from the requirements of this ordinance.
- b. The Board of Converse County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City/County Planning Director in the enforcement or administration of this ordinance.
- c. Those aggrieved by the decision of the Board of Converse County Commissioners or any taxpayer, may appeal such decisions to the Wyoming District Court, as provided in Wyoming.
- d. In passing upon such applications, the Board of Converse County Commissioners shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and,
  - (i) The danger that materials may be swept into other lands to the injury of others;
  - (ii) The danger to life and property due to flooding or erosion damage;
  - (iii) The susceptibility of the proposed facility and its contents to flood damage on the individual owners;
  - (iv) The importance of the services provided by the proposed facility to the community;

- (v) The necessity to the facility of a waterfront location, where applicable;
  - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) The compatibility of the proposed use with the existing and anticipated development;
  - (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
  - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effect of wave action, if applicable, expected at the site; and,
  - (xi) 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 system, streets and bridges.
- e. Upon consideration of the factors of Chapter IV, Section 4, and the purposes of this ordinance, the Board of Converse County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
  - f. The City/County Planning Director shall maintain the records of all appeal actions, including technical information, and report any variance to the Federal Emergency Management Agency.

**Sec. 5. Conditions for Variances**

- a. 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 level, providing items (i-xi) in Chapter IV, Section 4-d, have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increase.
- b. 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.

- c. Variances shall only be issued upon a determination that the variances is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
  - (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be build with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

## CHAPTER V - PROVISIONS FOR FLOOD HAZARD REDUCTION

### Sec. 1. *General Standards*

In all areas of special flood hazards, 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 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:
  - (j) 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.
  - (ii) 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.
  - (iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - (iv) Any addition 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 methods 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 from entering or accumulating within the components during conditions of flooding.

c. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

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

d. Subdivision Proposals.

(1) Converse County Subdivision Regulations do not allow subdivisions in the 100-Year Floodplain.

e. Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

**Sec. 2. Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Chapter III, Section 2, Basis For Establishing The Areas of Special Flood Hazard, or Chapter IV, Section 3-b, Us of Other Base Flood Date, the following provisions are required:

a. Residential Construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.



b. Nonresidential Construction.

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:

- (1) Be flood proof so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) 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 Chapter IV, Section 3-c- (2).

c. Openings in Enclosures Below the Lowest Floor.

For all new construction and substantial improvements, fully closed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood 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:

- (1) 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;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater

d. Manufactured Homes.

- (1) Manufactured homes shall be anchored in accordance with Chapter V, Section 1-a.
- (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 at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.