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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 Section 18-5-201, Wyoming Statutes 1977 as amended, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of County Commissioners of Uinta County, Wyoming, does resolve as follows:

Section 2. Findings of Fact:

- a. The flood hazard areas of Uinta 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 effective 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 floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

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 and sewer lines, streets and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that the 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.

Section 4. Methods of Reducing Flood Losses: In order to accomplish its purposes, this resolution includes 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;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accomodate or channel flood waters;
- d. Control of filling, grading, dredging, and other development which will unnaturally divert flood water or which may increase flood hazards in other areas; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or which may increase flood hazards in other areas.

CHAPTER II DEFINITIONS

Section 1. 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. "APPEAL" means a request for review of the County Planning Director and/or County Engineer of any provision of this resolution or a request for a variance.
- b. "AREAS OF SHALLOW FLOODING" means a designated A0 or V0 zone on the Flood Insurance Rate Map (FIRM). The base flood depths 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.
- c. "AREAS 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.
- d. "BASE FLOOD" means the flood having a one percent chance of being

equalled or exceeded in any given year.

- e. "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 operation located within the area of special flood hazard.
- f. "FLOOD" or "FLOODING" means a general or 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 of runoff of surface waters from any source.
- g. "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 the risk premium zones applicable to the community.
- h. "FLOOD INSURANCE STUDY" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway map, and the water surface elevation, if known, of the base flood.
- i. "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 one (1.0) foot.
- j. "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 as to render the structure in violation of the applicable nonelevation design requirements of this resolution.
- k. "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. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.
- l. "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.
- m. "MEAN SEA LEVEL" means, for purposes of the National Flood Insurance

Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

- n. "MOBILE HOME" means manufactured home. See definition of "manufactured home."
- o. "START OF CONSTRUCTION" includes substantial improvement and means the date the Use Certificate 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 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 only 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.
- p. "STRUCTURE" means a walled and roofed building or manufactured home that is principally above ground.
- q. "SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (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 as it was before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when 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. This term does not, however, include either:

- (3) 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
 - (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- r. "VARIANCE" means a grant of relief from the requirement of this resolution, which permits construction in a manner that would otherwise be prohibited by this resolution.

- s. "WATER SURFACE ELEVATION" means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

CHAPTER III GENERAL PROVISIONS

Section 1. Lands to Which This Resolution Applies: This resolution shall apply to all areas of special flood hazard within the jurisdiction of Uinta 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 Uinta County, Wyoming, Unincorporated Areas" dated June 1978, is hereby adopted by reference and declared to be part of this resolution. The Flood Insurance Study is on file at the Uinta County Complex, 225 Ninth Street, Evanston, Wyoming 82930.

Section 3. Compliance: No structure or land located within an identified area of Special Flood Hazard shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this resolution and other applicable regulations.

Section 4. Abrogation and Greater Restrictions: 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 5. Interpretation: In the interpretation and application of this resolution, 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.

Section 6. 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 area 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 Uinta County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

CHAPTER IV
ADMINISTRATION

Section 1. Establishment of Use Certificate Permit: A Use Certificate shall be obtained before construction or development begins within any area of special flood hazard established in Chapter III, Section 2. Application for a Use Certificate shall be made on forms furnished by the Uinta County Planning Department and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions and elevation 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 will be or has been floodproofed;
- c. Certification by a registered professional engineer, architect or other individual deemed by the County Planning Commission to be qualified by education and/or experience, that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Chapter V, Section 2.b(1).
- 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 Director and County Engineer: The County Planning Director and the County Engineer are 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 County Planning Director and County Engineer: Duties of the County Planning Director and the County Engineer shall include, but not be limited to:

- a. Permit Review
 - (1) Review all development permits to determine that the permit requirements of this resolution 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 Section 5.3(1) are met.

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 County Planning Director and/or County Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer Chapter V, Section 2.b, c, and d.

c. Information to be Obtained and Maintained

(1) In Zones A and A1-30, 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 floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level) and;

(b) Maintain the floodproofing certifications required in subsection 2.c.(3) on page 18.

(3) Maintain for public inspection all records pertaining to the provisions of this resolution.

d. Alteration of Watercourses:

(1) Notify adjacent communities, the Office of the State Planning Coordinator, 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.

(2) Require that maintenance is provided within the altered or re-located portion of said watercourse so that the flood carrying capacity is not diminished.

e. 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 in Section 4.

Section 4. Variance Procedure:

a. Appeal Board

(1) The County Planning and Zoning Commission, as established by Uinta County, shall hear and decide appeals and requests for variances from the requirements of this resolution.

- (2) The County Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Planning Director or the County Engineer in the enforcement or administration of this resolution.
- (3) Those agrieved by any decision upon appeal to the County Planning and Zoning Commission may appeal further to the Board of County Commissioners. Such appeal shall be made within sixty (60) calender days of the decision of the County Planning and Zoning Commission.
- (4) Those agrieved by the decision of the Board of County Commissioners, or any taxpayer, may appeal such decision to the Third Judicial District Court, as provided in W.S. 16-3-114.
- (5) In passing upon such applications, the Planning and Zoning Commission and Board of County Commissioners shall consider all technical evaluations, all relevant factors, 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 owners;
 - (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 flood plain management program for that 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 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, streets and bridges.

- (6) 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 items (a-k) in Section 4.a(5), abovementioned, have been fully considered. As the lot size increases the variance increases.
- (7) Upon consideration of the factors of Section 4.a(5), abovementioned and the purposes of this resolution, the County Planning and Zoning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.
- (8) The County Planning Director shall maintain the records of all such appeal actions and report any variances to the Federal Emergency Management Agency upon request.

b. Conditions for Variances

- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) 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 (as identified in Section 4.a(5) above) or conflict with existing local laws or resolutions.
- (5) 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 cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

CHAPTER V
PROVISIONS FOR FLOOD REDUCTION

Section 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.
- (2) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement, by providing over-the-top and frame ties to ground anchors or bolting to a permanent foundation by:
 - (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; or
 - (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side; and
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (d) Any additions to the manufactured home shall 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) Electrical, heating, ventilaton, plumbing and air-conditioning equipment, and other service facilities shall be 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 systems shall be designed to minimize or eliminate infiltration of flood waters into the systems 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) 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; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.

Section 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, 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 to or above 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 floodproofed so that below the base flood level 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 standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Chapter IV, Section 3.c.
- (4) Where a nonresidential structure is intended to be made watertight below the base flood level, 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 and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section.

c. Manufactured Homes

- (1) Manufactured homes shall be anchored in accordance with Section 1.a. as aforementioned.
- (2) All manufactured homes to be placed or substantially improved within Zone A1-30 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 be securely anchored to an adequately anchored foundation system in accordance with the provisions above.
- (3) No manufactured home shall be placed in a floodway.

Section 3. Floodways: Located within areas of special flood hazard established in Chapter III, Section 2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- a. Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If Section 3.a, aforementioned, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter V, PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c. The placement of any manufactured homes is prohibited.