

RESOLUTION

WHEREAS, the Washakie County Board of County Commissioners (“the Board”) is charged under State law with promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Washakie County, Wyoming; and

WHEREAS, the Board is empowered to establish a surface water drainage system, utilities and drainage management pursuant to W.S. §18-2-101(a)(vi) and is otherwise empowered to adopt land use and control measures to reduce future flood losses pursuant to W.S. §18-5-201, *et seq.*; and

WHEREAS, the Board has consulted with the Federal Emergency Management Agency (“FEMA”) and the Wyoming Emergency Management Agency (“WEMA”); and

WHEREAS, the Board has determined that the best interests and the general welfare of this County will be served by providing the opportunity for relief to homeowners available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968 (“the Act”)

NOW THEREFORE;

Be it resolved and enacted; for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Washakie County, Wyoming, as follows:

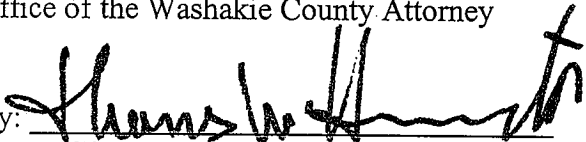
1. The Board assures FEMA, and its official authorized agent (“the Administrator”) that it will enact, as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with effective enforcement provisions consistent with the criteria set forth in Section 60.3 of the National Flood Insurance Regulations; and
2. Vests the Washakie County Planning Office (the “Local Administrator”) with the responsibility, authority, and means to:
 - (a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, mudslide (i.e. mudflow), or flood-related erosion hazards.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e. mudflow) or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e. mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

- (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
 - (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. (In order that all Flood Hazard Boundary maps and Flood Insurance Rate maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.); and
3. Appoints the Washakie County Planning Office to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, and if the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed; and
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of this Resolution, including but not limited to the adoption of rules and regulations in support of this Resolution.

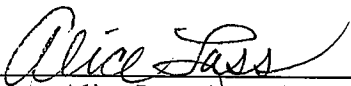
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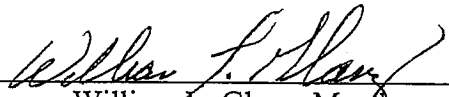
Office of the Washakie County Attorney

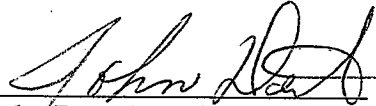
By:


Thomas W. Harrington
County Attorney

BY THE BOARD OF COUNTY COMMISSIONERS FOR WASHAKIE COUNTY:


Alice Lass, Board Chair


William L. Glanz, Member


John Dent, Member

FLOOD DAMAGE PREVENTION RULES AND REGULATIONS

SECTION A.

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

- 1.1 Statutory Authorization. The Legislature of the State of Wyoming has codified its delegation of authority and the responsibility for flood prevention and mitigation to local government units pursuant to W.S. §18-2-101 *et seq.* By this authority and in accordance with its responsibilities thereunder, and by Federal law, National Flood Insurance Act of 1968 (“the Act”), Washakie County, Wyoming adopts these rules and regulations, all of which are designed to promote the public health, safety, and general welfare of its citizenry.
- 1.2 Findings of Fact.
- (a) The flood hazard areas of Washakie County, Wyoming, 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 hazard, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately anchored damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- 1.3 Statement of Purpose. It is the purpose of these rules and regulations to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to 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 the sound 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 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.

1.4 Methods of Reducing Flood Losses. In order to accomplish its purposes, these rules and 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;
- (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 accommodate or channel flood waters;
- (d) Controlling filling , grading, dredging, and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION B.

DEFINITIONS

- 2.1 Descriptive Words. Unless specifically defined below, words or phrases used in these rules and regulations shall be interpreted so as to give them the meaning they have in common usage and to give these rules and regulations its most reasonable application.
- (a) “*Area of Special Flood Hazard*” means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.
 - (b) “*Base Flood*” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
 - (c) “*Basement*” means any area of the building having its floor subgrade (below ground level) on all sides.
 - (d) “*Development*” means any man-made change to improved or unimproved real estate located within the area of special flood hazard, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.
 - (e) “*Flood*” or “*Flooding*” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (i) the overflow of waters, and/or
 - (ii) the unusual and rapid accumulation or runoff of surface waters from any source.
 - (f) “*Flood Hazard Boundary Map*” means an official map adopted by Washakie County, Wyoming on which the Federal Emergency Management Agency (“FEMA”) has delineated areas of special flood hazard; referred to thereon as “Zone A”.
 - (g) “*Lowest Floor*” means the lowest floor of the lowest enclosed area (including the 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 any applicable non-elevation design requirements.
 - (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 attached to the required utilities. The term does not refer to, nor does it include a “recreational vehicle”.

- (i) “*Structure*” means 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 condition just prior to the Base Flood. Said damage is equal to or more than fifty percent (50%) of the market value of the structure before the damage occurred.
- (k) For purposes of these rules and regulations, the term “*adversely affects*” means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the corresponding overbank areas.
 - If it is determined that there is no adverse affect and the Development does not include a structure, then the development permit shall be granted without further consideration.
 - If it is determined that there is an adverse affect, then technical justification (i.e., a registered professional engineer’s certification) for the proposed Development shall be required.
 - If the proposed Development is a structure, then the provisions of these rules and regulations shall apply
- (i) “*Substantial Improvement*” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “Substantial Damage” regardless of the actual repair work performed. The term does not, however, include either:
 - Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified and which are the minimum necessary to assure safe living conditions; or
 - Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”

2.2 Designation of the Local Administrator. The Washakie County Board of County Commissioners (“the Board”) hereby declares and designates the Washakie County Planning Office as the designated and referred to hereinafter as the “Local Administrator”.

- (a) The Local Administrator is authorized and empowered to administer and implement these rules and regulations in support of the Board’s Resolution No. ___ duly passed and approved by the Board on

- (b) The Local Administrator is authorized and empowered to furnish application forms for development permits to applicants, to grant or deny the same and to inform FEMA of any enforcement action resulting from non-compliance of the terms and conditions of a development permit issued by the Local Administrator.
- (c) Specifically, it shall be the duty of the Local Administrator to review development permit applications and grant or deny the same based on the following criteria:
- Review all development permit applications to determine that the permit requirements of these rules and regulations have been satisfied;
 - Review all development permit applications to determine whether prior approval by other governmental authorities has been obtained, as necessary and appropriate to each permittee;
 - Review all development permit applications to determine if the proposed Development adversely affects the flood carrying capacity of the Area of Special Flood Hazard.

SECTION C.

GENERAL PROVISIONS

- 3.1 Lands to which these Rules and Regulations Apply. These rules and regulations apply to any Area of Special Flood Hazard” within the jurisdictional boundaries of Washakie County, Wyoming.
- 3.2 Basis for Establishing an Area of Special Flood Hazard. The Area of Special Flood Hazard is identified by FEMA as documented and represented in its Flood Hazard Boundary Map.
- (a) Said Map, dated _____, is made a part of these rules and regulations by reference and shall be on file with the Washakie County Planning Office as public document.
 - (b) The Local Administrator is authorized to make interpretations, as needed, concerning the exact location of the boundaries of any Area of Special Flood Hazard, including but not limited to resolving and apparent conflict between a mapped boundary and actual field conditions.
- 3.3 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these rules and regulations and such other or additional law which may be applicable.

- 3.4 Abrogation and Easement Restrictions. These rules and regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these rules and regulations conflict or overlap, then the more stringent law shall prevail and shall be imposed.
- 3.5 Interpretation. In the interpretation of these rules and 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 statute.
- 3.6 Warning and Disclaimer of Liability. The degree of flood protection required by these rules and regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Washakie County recognizes and serves notice that:
- (a) Larger floods can and will occur on rare occasions.
 - (b) Flood heights may be increased by man-made or natural causes.
 - (c) These rules and regulations do not imply that land outside the Area of Special Flood Hazard or that uses permitted within such an Area will be free from Flooding or Flood Damage.
 - (d) These rules and regulations shall not create liability on the part of Washakie County, Wyoming, any officer or employee thereof, or FEMA for any Flood Damage that results from reliance on these rules and regulations or any administrative decision lawfully made pursuant thereunder.

SECTION D.

ADMINISTRATION

- 4.1 Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any Area of Special Flood Hazard established in Section 3.2.
- 4.2 Permitting Process. Application for a development permit shall be made on forms furnished by the Washakie County Planning Office, submitted in duplicate, and may include, but not be limited to receiving the following information from the applicant:
- (a) Development plan drawn to scale showing the nature, location, dimensions, and elevations of the site for development;

- (b) Existing or proposed structures, fill, storage materials, drainage facilities and the location of the foregoing on the development site; and
- (c) The following specific information:
 - Elevation in relation to mean sea level of the lowest floor (including the basement, if any) in any structure;
 - Elevation in relation to mean sea level to which any structure has been flood-proofed;
 - Certification by a registered professional engineer that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 5.2(b); and
 - Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 Use of other Base Flood Data.

- (a) If the application does not include base flood elevation data in accordance with Section 3.2, the Local Administrator is authorized to obtain, review, and rely on any base flood elevation and floodway data available from Federal, State or other reliable source as criteria for requiring that new construction, substantial improvement, or other Development within an Area of Special Flood Hazard is administered in accordance with Section 5.2, hereof.
- (b) The Local Administrator shall obtain and record the actual elevation (in relation to the lowest floor (including the basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (c) For all new or substantially improved flood-proofed structures, the Local Administrator shall:
 - Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 - Maintain the flood-proofing certifications required in Section 2.2.

4.3 Alteration of Watercourses.

- (a) The Local Administrator shall notify adjacent downstream communities and the Wyoming Emergency Management Agency (“WEMA”) in the event a Development plan includes any alteration or relocation of a

watercourse. Proof that this notification has taken place shall be provided to FEMA.

- (b) The Local Administrator shall require proof that the altered or relocated portion of said watercourse is maintained in a manner that will not diminish the flood carrying capacity of said watercourse.

SECTION E.

PROVISION FOR FLOOD HAZARD REDUCTION

5.1 General Standards. In all areas of special flood hazard, the following standards are required:

(a) Anchoring.

- 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.

- 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:

- * Over-the-top ties be provided at each of the four corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- * 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 (4) additional ties per side.
- * All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- * Any additions to the manufactured home be similarly anchored.

(b) Construction Materials and Methods.

- All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 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.

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

(d) Subdivision Proposals.

- All subdivision proposals shall be consistent with the need to minimize flood damage;
 - All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (i) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(e) Encroachments. Encroachments, including fill, new construction, substantial improvements, and other Development shall be prohibited in any Area of Special Flood Hazard 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.

5.2 Specific Standards. In any Area of Special Flood Hazard where base flood elevation data has been provided as set forth in Section 4.3(b), the following standards are required:

- (a) Residential Construction. New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement, if any) elevated to or above the Base Flood Elevation.
- (b) Non-residential Construction. New construction and Substantial Improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement, if any) elevated to the level of the Base Flood Elevation; or, together with attendant utility and sanitary facilities, shall:
 - (i) be flood-proofed 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 certification shall be provided in accordance with Section 4.2(c).