

SHERIDAN COUNTY
FLOOD HAZARD RESOLUTION

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TABLE OF CONTENTS

Section No.	Subject	Page No.
1	Title	1
2	Statutory Authority	1
3	Statement of Purpose	1
4	Abrogation and Greater Restrictions	2
5	Warning and Disclaimer of Liability	2
6	Permit Requirements	2
7	Applications	3
8	Review of Applications	3
9	Federal and/or State Permitting	3
10	New Construction and/or Substantial Improvements	3
11	Subdivisions and New Development	4
12	Water Systems	5
13	Sewage Systems	5
14	Flood Elevation Information	5
15	Riverine Situations	5
16	Manufactured Homes	6
17	Recreational Vehicles	6
18	F.I.R.M. Maps	7
19	Definitions	7
20	Variance	9
21	Severability	11
22	Enforcement	12
	Approval & Adoption	12

SHERIDAN COUNTY

FLOOD HAZARD RESOLUTION

WHEREAS, Sheridan County wishes to establish eligibility in the National Flood Insurance Program and in order to do must meet the requirements of Part 60.3(b) of the National Flood Insurance Program (NFIP) Regulations.

NOW THEREFORE, the following measures shall be required within Zone A of the Flood Insurance Rate Map issued by the Federal Emergency Management Agency for this community.

SECTION 1. TITLE

This resolution shall be known, cited, and referred to as the "SHERIDAN COUNTY FLOOD HAZARD RESOLUTION."

SECTION 2. STATUTORY AUTHORITY

This resolution is adopted pursuant to, and in accordance with, the authority vested in the Board of County commissioners of Sheridan County by the statutes of the State of Wyoming.

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 to specific area by provisions designed:

1. To protect human life and health:
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions.
5. 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;

6. 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;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

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. 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 Sheridan County, Wyoming, 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.

SECTION 6. PERMIT REQUIREMENTS

No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No 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, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each manufactured

home from the designated responsible person.

SECTION 7. APPLICATIONS

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person.

SECTION 8. REVIEW OR APPLICATIONS

The County Engineer, hereinafter referred to as the responsible person, is appointed as the person responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document.

SECTION 9. FEDERAL AND/OR STATE PERMITTING

The responsible person shall review proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION 10. NEW CONSTRUCTION AND/OR SUBSTANTIAL IMPROVEMENTS

The responsible person shall obtain, review and reasonably utilized any base flood elevations and floodway data available from a Federal, State or other source as criteria for requiring within Zone A the following:

- A. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- B. New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - 1. Be flood proofed 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.
- C. Electrical, heating, ventilation, 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.
- D. 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.

SECTION 11. SUBDIVISIONS AND NEW DEVELOPMENT

The responsible person shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.

SECTION 12. WATER SYSTEMS

The responsible person shall require within flood prone area new and replacement water supply systems to be designed to minimize or eliminate infiltration of floodwaters into the system.

SECTION 13. SEWAGE SYSTEMS

The responsible person shall require within flood prone areas (i) new and replacement sanitary sewage system to be designed to minimize or

eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

SECTION 14. FLOOD ELEVATION INFORMATION

Where base flood elevation information is available, within Zone A on the FIRM the responsible person shall,

- A. Obtain or require the applicant to furnish, the elevation (in relation the MSL) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structure contains a basement.
- B. Obtain or require the applicant to furnish, if the structure has been flood proofed, the elevation (in relation to MSL) to which the structure was flood proofed.
- C. Maintain a record of all such information.

SECTION 15. RIVERINE SITUATIONS

The responsible person shall notify, in riverine situations, adjacent communities and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.

The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SECTION 16. MANUFACTURED HOMES

The responsible person shall require that all manufactured homes to be placed within Zone A of the FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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 other applicable State and/or local anchoring requirements for resisting wind forces.

- 1. All manufactured homes or those to be substantially improved shall conform to the following requirements:

- (a) Require that manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) on a new

manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured hoe is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (b) Required that manufactured homes to be place or sites in existing manufactured home parks or subdivisions that are not subject to the provisions in (a) above be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or *ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION 17. RECREATIONAL VEHICLES

Require that recreational vehicles either (i) be on the site for fewer than 1810 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevations and anchoring requirements for resisting wind forces.

SECTION 18. FIRM MAPS

The Flood Insurance Rate Maps (**FIRM**) issued by the Federal Emergency Management Agency for this community dated August 1, 1986 with Panel Numbers 3, 12, 13, 19, 20 and 26, any officially published revisions to these maps and/or subsequent additional map panels, are adopted as the official maps for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced.

SECTION 19. DEFINITIONS

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

"Base Flood" means the flood having a one percent chance of being equaled or exceeded 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.

"Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of this resolution.

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land area from:

- (1) the overflow of inland or tidal waters.
- (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 the risk premium zones.

"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 of the base flood.

"Flood Plain or Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of Flood).

"Flood Proofing" means any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the extremely hazardous area of the river channel and its adjacent land area, that due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than one foot.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but is not limited to, the definition of manufactured home as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a)).

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the original resolution, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreation Vehicles" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Structure" means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

"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, (a) before the improvement or repair is started, or (b) 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 by a community from the terms of a flood plain management regulation.

SECTION 20. VARIANCE

A. Appeals Board

1. The Board of County Commissioners, as established by Sheridan County, Wyoming, shall hear and decide appeals and requests for variances from the requirements of this resolution.
2. The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the responsible person in the enforcement or administration of this resolution.
3. Those aggrieved by the decision of the Board of County Commissioners, or any taxpayer, may appeal such decisions to the District Court as provided in the statutes of the State of Wyoming.
4. In passing upon such applications, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, standards specified in other sections of this resolution, and:
 - (i) the danger that materials may be swept onto 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 and the effect of such 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 that area;
 - (viii) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (ix) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and,
 - (x) the costs of providing governmental services during and after conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems streets and bridges.
5. Upon consideration of the factors of Section 19.A.4, and the purposes of this resolution, the Board of County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.
 6. The responsible person shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency (FEMA).

B. Conditions for Variances

1. 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 (i-xi) in Section 19.A.4 have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
2. 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.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. 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 would not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 19.A.4 or conflict with existing local laws or resolutions.

7. 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 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.

SECTION 21. SEVERABILITY

If any section of this resolution is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of this resolution, said section to be completely severable from the remaining provisions of the resolution and the remaining provisions of this resolution shall remain in full force and effect.

SECTION 22. ENFORCEMENT

The provisions of this resolution are enforceable for all appropriate legal remedies including, but not limited to, injunctive relief or a writ of mandamus. Any person who willfully violates or fails or refuses to comply with any provision of this resolution, including an officer or agent of a corporation or association who participates in or is an accessory to the violation, may be punished by a fine of not more than two hundred fifty dollars (\$250.00) for each offense. Each day that a violation exists shall constitute a separate offense.

APPROVED:

ATTEST

BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING

Melodie E. Reed, Deputy County Clerk

Kenneth D. Kerns, Chairman

Charles L. Whiton, Commissioner

B. Bradford Waters, Commissioner

THE STATE OF WYOMING)
) ss.
County of Sheridan)

On this 17th day of March, 1998, before me personally appeared Kenneth D. Kerns, Charles L. Whiton and B. Bradford Waters to me personally known, who being by duly sworn, did say that they are the members of the Board of County Commissioners of Sheridan County, Wyoming, and that the seal affixed to said instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority of its Board of commissioners and they acknowledge said instrument to be the free act and deed of said Board.

Given under my hand and official seal this 17th day of March, A.D. 1998.

Clerk of District Court

My term of office expires on the 4th day of January, A.D. 1999.