

Title 11 Flood Damage Mitigation

(Ord. 2011-09; 1/1/2012)

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11.01.010 Statutory Authorization

The Legislature of the State of Wyoming has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

Therefore, the governing body of Star Valley Ranch, Wyoming does ordain as follows:

11.01.020 Findings of Fact

- A. Some areas in the Town of Star Valley Ranch may be subject to periodic inundation (flood-prone areas) which could result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are increased by the cumulative effect of obstructions in flood-prone areas which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.
- C. The Town of Star Valley Ranch includes alluvial fans, one of which contains numerous abandoned drainageways and a perennial stream. The parcels occurring on these features may be subject to alluvial fan flooding.

11.01.030 Statement of Purpose

It is the purpose of this title to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood-prone areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;
- G. Provide mapping information for buyers and owners to determine if property is in a potential flood-prone area; and
- H. Provide available information so that persons occupying potential flood-prone areas can take precautions that minimize potential impacts.

11.01.040 Methods of Reducing Flood Losses

In order to accomplish its purposes, this title uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural flood-prone areas, drainageways, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- F. Regulate new construction in flood-prone areas so that it complies with this title.

Chapter 2 – Definitions

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11.02.010 Definitions

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

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SPECIAL FLOOD HAZARD - is the land in the flood-prone area 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 exceeded in any given year.

DRAINAGEWAY – A natural or artificial depression that contains or may contain under flood conditions a flow of water. They include but are not limited to natural stream channels, abandoned stream channels, irrigation ditches, gullies, and swales.

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 waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any natural source.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the administrator where the boundaries of the flood-prone, and/or mudslide (i.e., mudflow) related areas having special hazards have been designated in the appropriate hazard zones.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, 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.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any natural source. The term floodplain is used as a generic term for flood-prone.

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY (REGULATORY 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 a designated height.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Town of Star Valley Ranch and the start of construction of any improvements to structures.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include 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 by the local code enforcement official and which are the minimum necessary conditions.

VARIANCE - is a grant of relief to a person from the requirement of this title when specific enforcement would result in unnecessary hardship.

VIOLATION - means the failure to be fully compliant with the community's floodplain management regulations

Chapter 3 – General Provision

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11.03.010 Lands to Which this Title Applies

The title shall apply to all flood prone areas within the jurisdiction of Star Valley Ranch, Wyoming.

11.03.020 Basis for Establishing the Areas of Special Flood Hazard

- A. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) has completed a re-evaluation of flood hazards in the Town of Star Valley Ranch and produced a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Lincoln County and Incorporated Areas. The Firm and FIS report for Lincoln County which included Star Valley Ranch show no known special flood hazard areas to exist within the corporate limits of Star Valley Ranch. Special Flood Hazard Areas are areas subject to inundation by a flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The base flood is the national standard on which the flood insurance and floodplain management requirements of the National Flood Insurance Program (NFIP) are based.
- B. Since areas of special flood hazard have not been identified, water surface elevations have not been provided, nor has sufficient data identifying the floodway been provided by any source, the Town of Star Valley Ranch obtained, reviewed, and reasonably utilized data available from Federal, State and other sources.
- C. The Town of Star Valley Ranch considers the potential area of special flood hazard as occurring within Alluvial Fan Flood Overlay areas.
- D. Land features within the Alluvial Fan Flood Overlay areas that the Town recognizes to have a greater potential of becoming floodways include these features and nearby areas:
 1. The natural channels of the North, Middle, and South Branches of Cedar Creek.
 2. The natural and artificial channels of Prater and Green Creeks.
 3. Traces of abandoned drainageways of Cedar Creek.

11.03.030 Compliance

No structure or land shall hereafter be altered or have its use changed without compliance with the terms of this title and other applicable regulations.

11.03.040 Abrogation and Greater Restrictions

This Title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11.03.050 Interpretation

In the interpretation and application of this title, 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.

11.03.060 Warning and Disclaimer or Liability

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This title does 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. This title shall not create liability on the part of the Town of Star Valley Ranch or any official or employee thereof for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder.

Chapter 4 – Administration

Sections:

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11.04.010 Designation of the Floodplain Administrator

The Star Valley Ranch Town Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this title and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

11.04.020 Duties and Responsibilities of the Floodplain Administrator

The Flood Plain Administrator shall, if requested, assist in the delineation of areas having special flood hazards.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following for all areas lying partially or wholly within identified flood-prone areas:

- A. Assist, if requested, in the delineation of the limits of the areas having special flood hazards.
- B. Provide, if requested, information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or related erosion areas.
- C. Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM, any certificates of floodproofing, 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 include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed;
- D. Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e. mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to same in order to prevent aggravation of existing hazards.
- E. Upon occurrence, notify the FEMA 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 FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of the 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.

- F. Submit an annual report to FEMA concerning the community's participation in the program, including, but not limited to the development and implementation of floodplain management measures.
- G. Maintain and hold open for public inspection all records pertaining to the provisions of this title.
- H. Review with the assistance of the Star Valley Ranch Planning and Zoning Board permit application to determine whether proposed construction or other development, including the placement of manufactured homes, will be reasonably safe from flooding.
- I. Coordinate with the Star Valley Ranch Planning and Zoning Board the review, approval, or denial of all applications for building permits or other developments as required by adoption of this title.
- J. Review applications and plans for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies.
- K. Where interpretation is needed as to the exact location of the boundaries of the Alluvial Fan Flood Overlay (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- L. Implement the components of FEMA's Community Rating System such that the property owners can take advantage of insurance discounts.

11.04.030 Permit Procedures

Applications for a building permit or development plans for parcels wholly or partially within the Alluvial Fan Flood Overlay shall include the following additional items:

- A. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of natural and artificial drainageways, proposed landscape alterations, existing and proposed structures.

- B. A description of the extent to which any watercourse, abandoned channel, or natural drainage will be altered or relocated as a result of proposed development.

11.04.040 Variance Procedures

The existing process for obtaining a building permit within the boundaries of the Town of Star Valley Ranch have been established and include a process for hearing and rendering judgment on requests for variances.

Chapter 5 – Provisions for Flood Hazard Reduction

Sections:

[11.05.010 General Standards](#)

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11.05.010 General Standards

In all flood-prone areas the following provisions are required for all new construction and substantial improvements.

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or 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.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
- G. On-site waste disposal systems shall be located to minimize impairment to them or contamination from them during flooding.
- H. In addition, all new construction or substantial improvements shall be located and constructed so as to minimize intrusion of said construction into a drainageway and meet the requirements of section 11.01.040

11.05.020 Standards for Subdivision proposals

For proposed subdivisions falling wholly and partially within the Alluvial Fan Flood Overlay area or its extension toward the Salt River, shall include the following additional information:

- A. A statement that the subdivision proposal and Master Plan are consistent with all aspects of this title.
- B. The subdivision proposal shall have drainage easements along potential floodways and adequate drainage to reduce exposure to flood hazards.
- C. The subdivision proposal shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Chapter 6 – Penalties for Noncompliance

Sections:

[11.06.010 Penalties for Noncompliance](#)

11.06.010 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Violation of the provisions of this title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$750.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Star Valley Ranch, Wyoming from taking such other lawful action as is necessary to prevent or remedy any violation.