

FREMONT COUNTY

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION INFORMATION AND SUBMITTAL REQUIREMENTS

GENERAL INFORMATION

Due to routine flooding events, the Federal Emergency Management Association (FEMA) has defined and mapped Special Flood Hazard Area(s) (SFHA) in Fremont County.

The Regulations for development within the SFHA have been established within the County's Floodplain Zoning Regulations which are administered by the Fremont County Planning Department through the County Floodplain Administrator. These Regulations apply to all areas of special flood hazard within Fremont County (excluding incorporated areas or within city limits). Any development within the SFHA requires a Floodplain Development Permit.

Development (per the Fremont County Floodplain Zoning Regulations is defined as: **'any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.'**

Activities specifically exempt from the floodplain development permitting process shall be limited to routine maintenance of irrigation facilities. The act of maintaining shall be limited to preserving said facility to its original constructed state so that it may be kept in working order.

The Federal Government will provide low cost flood insurance provided local Governments adopt minimum Federal guidelines for development. Fremont County's participation in the National Flood Insurance Program (NFIP) is based upon a mutual agreement with FEMA. In return for Fremont County adopting the Floodplain Zoning Regulations that meet the minimum criteria of the NFIP, FEMA provides the availability of low cost flood insurance coverage within the County. In compliance with the NFIP, the Fremont County Floodplain Zoning Regulations require a permit for development within the 1-percent-annual-chance flood inundation area (aka 100-year floodplain). FEMA periodically evaluates the administration and enforcement of the local floodplain management program in relation to the NFIP regulations and has the authority to impose the penalties of probation and/or suspension to the County if the overall program is determined to be inadequately administered or enforced.

The 100-year flood is not a flood occurring only once in one hundred years; but the flood based on statistical probability of having a 1-percent chance of being equaled or exceeded in any given year. The terms 'Base Flood', '100-year flood' and '1-percent-annual chance flood' are often used interchangeably, however FEMA generally prefers to use the term '1-percent-annual-chance flood' to avoid confusion. **Statistically, over the life of a 30-year mortgage, a property located within the SFHA (100-year flood area) has a 26 percent chance (or one chance in four) of being flooded.**

Community flood insurance studies (FIS) and Flood Insurance Rate Maps (FIRMs) showing the SFHA and flood zones have been developed by FEMA in certain parts of Fremont County. The

SFHA is a high-risk area that identifies any land that would be inundated by the base flood i.e. (100-year flood).

FLOODPLAIN DEVELOPMENT PERMIT SUBMITTAL PROCESS

To initiate the floodplain development permit process, the applicant must submit a completed Floodplain Development Permit Application with the appropriate fee and supplemental information to:

Fremont County Planning Department
450 N. 2nd Street, Room 360 Courthouse
Lander, Wyoming 82520 (307) 332-1077
Business Hours: 8AM – 5PM, Mon – Fri.

Questions regarding the floodplain program, permit requirements, or fees should be directed to the Floodplain Administrator, (307) 332-1078.

Applications shall be reviewed for sufficiency within 7 working days. Once the application is determined to be sufficient, it shall be acted upon within 14 working days. Approved applications are valid for one year from the date of issuance of the **Authorization to Construct**. Upon request, the Floodplain Administrator may extend the duration an additional 6 months for good cause. No development work may commence until an Authorization to Construct has been issued.

FLOODPLAIN DEVELOPMENT PERMIT SUPPLEMENTAL DATA REQUIREMENTS

In addition to the completed Floodplain Permit Application and Fee, additional information is required to accompany the submittal based on the nature of the proposed development activities. All projects shall include:

1. A detailed Site Plan, drawn to scale including:
 - a) Property boundary lines of the subject property and those in the immediate vicinity of the project.
 - b) Approximate location of all floodplain boundaries (including 100-year, and Floodway) in the vicinity of the project as depicted on the FEMA Flood Insurance Rate Maps (FIRM) if known (the Floodplain Administrator can assist with this requirement).
 - c) Location of existing improvements in the project vicinity, such as driveways, roads, culverts, bridges, buildings, wells, septic systems, utilities, and other improvements.
 - d) Location of all existing physical features in the project vicinity, such as ponds, swales, rivers/streams, irrigation ditches, wetlands, etc.

- e) Location and dimensions of all proposed improvements, including driveways, roads, culverts, bridges, ponds, buildings, wells, and other features. Indicate lowest floor elevations for all proposed structures.
 - f) Location and quantity of fill that will be placed within the floodplain (along with calculations).
2. Two (2) sets of drawings, one preferably on 11"x17" paper and another as a PDF file submitted via email to the Floodplain Administrator.
 3. Depending on the project additional permits may be required as warranted by the Army Corp of Engineers or any other Regulatory agency.

RESIDENTIAL STRUCTURE ADDITIONAL ITEMS TO INCLUDE AND/OR CONSIDER

1. Plans and details shall show the existing ground elevations in and around the property and specifically around the proposed structure. (The Base Flood Elevation (BFE) at the structure will be determined by the Floodplain Administrator)
2. Be prepared to discuss with the Floodplain Administrator whether potential alternative locations not subject to flooding for the proposed use have been considered, as well as safety issues regarding access to the property during flooding for both ordinary and emergency vehicles.
3. For Residential structures proposed to be constructed on fill with a permanent foundation:
 - a) The fill should be adequately designed, installed in lifts and compacted. (it is recommended that a structural engineer be hired to ensure proper design of the proposed fill)
 - b) The fill should also be properly sloped and protected from erosion and scour during flooding.
 - c) It is recommended that the fill extend 10-15 feet beyond the structure foundation (in all directions) before dropping below the BFE.
4. New construction and substantial improvement of any residential structure for residential purposes shall have the lowest floor (including residential basement), elevated ONE foot above the BFE. If the proposed structure has a crawlspace or basement, refer to the Floodplain Zoning Regulation requirements.
5. A surveyed elevation of the lowest floor is required upon completing construction for verification purposes and must be submitted to the Floodplain Administrator. This

Elevation Certificate must be completed by a licensed surveyor or engineer.
(Intermediate inspections may be required during construction)

6. All questions pertaining to on-site waste/septic disposal systems shall be directed to the Fremont County Small Wastewater Specialist located in the Planning Department. In conversation you will be asked to provide acknowledgement of this requirement.

NON-RESIDENTIAL STRUCTURE ADDITIONAL ITEMS TO INCLUDE AND/OR CONSIDER

1. Non-residential buildings including commercial, industrial, or other structures (i.e. walled or roofed building including a gas or liquid storage tank or a manufactured home) must be elevated or floodproofed.
2. Be prepared to discuss with the Floodplain Administrator whether potential alternative locations not subject to flooding for the proposed use have been considered, as well as safety issues regarding access to the property during flooding for both ordinary and emergency vehicles.
3. Provide a statement indicating which of the two development conditions apply:
 - a) The lowest floor has been elevated ONE foot above the BFE, or:
 - b) The structure has been designed such that the portion below the BFE plus ONE foot is watertight/flood proof. The walls are substantially impermeable to the passage of water and contain structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
4. A **Floodproofing Certificate** is to be completed by a registered professional engineer or architect documenting the design, and submitted with the permit application.

ROAD(S) ADDITIONAL ITEMS TO INCLUDE AND/OR CONSIDER

1. Description of existing conditions including the scope and objectives of the project.
2. Alignment plan and profile, cut and fill quantities.
3. Be prepared to discuss with the Floodplain Administrator whether potential alternative locations not subject to flooding for the proposed use have been considered, as well as safety issues regarding access to the property during flooding for both ordinary and emergency vehicles.

MAPPING DESIGNATIONS AND FEMA REQUIREMENTS

INTERPRETATION OF FLOODPLAIN BOUNDARIES

The boundaries of the 100-year floodplain shall be determined by scaling distances on the Official Floodplain Maps and using the floodway data table contained in the flood insurance study report (FIS).

The maps may be used as a guide for determining the 100-year floodplain boundary, but the exact location of the floodplain boundary shall be determined where the base flood elevation intersects the natural ground.

Where interpretation is 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 Floodplain Administrator shall make the necessary interpretation. The Floodplain Administrator may request information from the developer to aid in the interpretation.

BASE FLOOD ELEVATIONS (BFE)

Flood profiles should be used with topographic surveys and the flood insurance maps showing surveyor cross-sections to most accurately determine the base flood elevation (BFE) for a particular location.

FLOODWAY

Fremont County Floodplain Zoning Regulations prohibit encroachments including fill, new construction, and substantial improvements within the floodway.

For development to be permitted within the floodway a Variance to the Floodplain Zoning Regulations is required. To allow a Variance, it must be demonstrated through a Hydrologic and Hydraulic analyses (H&H Study) that the proposed encroachment will not increase flood levels within the community. Known as the No-Rise requirement, it means zero 0.00' increase in the BFE from the proposed development is allowed.

LETTER OF MAP AMENDMENT (LOMA)

A LOMA is an official revision by letter to an effective NFIP map. A LOMA results from an administrative procedure that involves the review of scientific or technical data submitted by the owner or lessee of property who believes the property has incorrectly been included in a designated SFHA. A LOMA amends the currently effective FEMA map and establishes that a specific property is not located in an SFHA.

The LOMA process is outlined in Part 70 of the NFIP regulations. To qualify for a LOMA, the lowest ground touching the structure (defined as the Lowest Adjacent Grade (LAG)) must be at an elevation equal to or higher than the BFE.

LOMA submittal data requirements include:

1. Completed FEMA MT-1 Form 1 (or MT-EZ Form)
2. Copy of NFIP Map indicating the subject property location
3. Copy of recorded Deed or Plan map
4. Copy of certified site survey showing property and structure location
5. Completed FEMA MT-1 Form 2 (Elevation Form) or a completed Elevation Certificate
6. Metes & bounds description and map, if request if for portion of property

LETTER OF MAP REVISION BASED ON FILL (LOMR-F)

A LOMR-F is an official revision by letter to an effective NFIP map. A LOMR-F states FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and is, therefore, excluded from the SFHA.

The LOMR-F process is outlined in Part 65 of the NFIP regulations. To qualify for a LOMR-F, both the LAG and the Lowest Floor of the structure must be at an elevation equal to or higher than the BFE, and a Wyoming licensed Engineer must approve the design and construction of the fill. In addition to the LOMA data requirements (listed above), the applicant will also need:

1. Completed MT-1 Form 4 (Community Acknowledgement Form)
2. In certain instances, additional data that is not referenced within the MT-1 or MT-EZ package may be required.

LETTER OF MAP REVISION (LOMR)

A LOMR is an official revision to the currently effective FEMA maps used to indicate changes in BFEs, floodplains, and floodways.

A LOMR is utilized for revisions relating to new or more detailed analyses (such as updated hydrology or topographic data), physical changes (such as bridges/culverts, channelization, and flood control structures), natural changes (such as channel migration or erosion), and corrections to map errors.

A LOMR is required for any change (increase or decrease) in Base Flood Elevations resulting from physical changes. Per the Chapter 44 of the Code of Federal Regulations, Chapter I, Section

65.3, communities have 6 months after the change occurs to submit the data to FEMA. Therefore, A LOMR is submitted to FEMA after construction is complete.

It should be noted that a floodplain analysis, typically involving hydraulic modeling/analysis, is generally necessary to determine if the BFE's will be impacted from proposed physical changes or fill placement.

CONDITIONAL LETTER OF MAP REVISION (CLOMR)

A CLOMR is used for proposed projects to receive FEMA's review and comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective base flood elevations. If approved by FEMA, the project must be followed by a LOMR request after completion.

A CLOMR is required for proposed projects that encroach upon the floodway and cause an increase > 0.00 ft. An increase is determined through comparison of the pre-project (existing conditions) and post-project (proposed conditions) models.

This request may require development of a hydraulic model.