

## General Floodplain Development Guidance Vernon County, Wisconsin

Vernon County participates in the National Flood Insurance Program. This participation accommodates individuals seeking flood insurance, federally affiliated loans, and the County's ability to obtain federal grants and assistance with repairs to our dams and infrastructure (roads, bridges, etc.) relative to flood events. In addition, many of the farm programs available through our Land Conservation Department are also predicated on the county being in compliance with the National Flood Insurance program. Floodplains are delineated on the NFIP maps provided by FEMA and fall under the regulation of the Vernon County Floodplain Ordinance of 2012 codified as Chapter 26 of Vernon County Ordinances and the 2016 Vernon County Shoreland Ordinance Chapter 50 of Vernon County Ordinances. These ordinances are available for review at <http://www.vernoncounty.org>.

**Floodplain:** There are two categories of the floodplain: floodway and flood fringe. Mapping provided by FEMA and WI DNR designate flood zones by letter. Floodplain regulation is based on the relationship between the ground elevation and the base flood elevation. Zone AE is an area that is associated with a detailed flood study and has base flood elevations assigned. Zone A is floodplain delineated by FEMA, but does not have a detailed study associated with it. Zone A is regulated as floodway. Wisconsin has an additional flood protection "layer" that accommodates a freeboard depth associated with wave action and influence by gathering debris. The flood protection elevation is two feet above the regional flood elevation.

**Hydraulic Shadow/Breach Route:** Vernon County has 22 flood control dams created as a protection measure from uncontrolled floodwaters. Each dam has a Dam Hazard Study done in 1998 by Ayers and Associates to establish in compliance with DNR to establish a Dam Hazard Rating that calculates the potential for loss of life in the event of a dam break. NR116 requires all municipalities to regulate development downstream of dams. The studied areas below the dams are regulated as floodway. Legal non-conforming uses are regulated the same as the FEMA floodway areas. To maintain the assigned hazard ratings, no new construction is allowed in the hydraulic shadow/breach route. The hydraulic shadow/breach route is regulated as floodway.

### Floodway restrictions/considerations:

1. A Land Use Permit is required
2. Improvements to legal non-conforming structures are limited to 50% of the Assessed Fair Market Value
3. Structural improvements require that the first floor elevation be raised to the flood protection elevation
4. An elevation certificate is required for the project
5. Certification is required by a Professional Engineer stating the foundation will withstand the flood forces
6. The Cost of Compliance to accomplish the flood protection elevation does not count against the 50%.
7. Floodplain/Shoreland Affidavit required to be filed with the Register of Deeds.
8. No fill is allowed in the floodway
9. No new structures are allowed in the floodway
10. No new septic systems are allowed in the floodway

Homes/structures as they existed (and any permitted improvements) prior to Vernon County adopting the floodplain ordinance in 1973 are considered Legal Non-conforming uses.

**Shoreland:** The Vernon County Shoreland Ordinance regulates all properties within 300 feet of a navigable waterway and 1,000 feet of a lake or flowage (Mississippi River is a flowage). Navigability is determined by Vernon County Zoning personnel or the Department of Natural Resources.

### Shoreland restrictions/considerations:

1. A Land Use Permit is required
2. Shoreland ordinances were first adopted in 1986.
3. Structures in place prior to 1986 that don't meet the code requirements are legal non-conforming uses
4. There are shoreland setback rules of 35' and 75' from the Ordinary High Water Mark with possible consideration of setback averaging based on neighboring properties.
5. Expansion of a legal non-conforming use is allowed as follows: Horizontal (landward) or Vertical Expansion – only if principal structure is at least 35' from the Ordinary High-Water Mark (generally the river bank). The expanded area must be beyond the 75' setback from the Ordinary High-Water Mark. Expansion is Limited to 200 square feet over the life of the structure.
6. Vertical expansion is limited to a height of 35' from the adjacent ground elevation.
7. Expansion requires the installation of a code complying septic system/holding tank.
8. Total impervious surface on a lot within the shoreland protection area is limited to 15% of the lot size. There may be mitigation efforts available to offset (mitigate) such as rain gardens.
9. Floodplain/Shoreland Affidavit required to be filed with the Register of Deeds

**Wetland:** Areas of wetland (determined by County or DNR Staff) are restricted from filling, draining or dredging.

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