



600 9<sup>th</sup> Street · Wheatland, WY 82201 · (307)322-2962

### **NOTICE OF WORKSHOP**

Platte County Planning and Zoning will hold a public workshop on the Subdivision Rules and Regulations. The workshop will be held by Platte County Planning and Zoning on Tuesday, December 14, 2021, at 6 PM in the Town Hall Council Chambers at 600 9<sup>th</sup> Street, Wheatland, WY.

Any person(s) interested in having their opinions heard should attend the workshop or email

[planner@plattecountywyoing.com](mailto:planner@plattecountywyoing.com)

Included in the packet:

- I. Current State Statute
- II. Current County Subdivision Rules and Regulations
- III. Sample Large Acreage Subdivision regulations from around the state
- IV. Simple/Minor Subdivision regulations from around the state

Discussion will not be limited to the suggested topics below.

Topics to consider:

- Simple/Minor Subdivision update
- Addition of Large Acreage Subdivision regulations (35 to 140-acre parcels)
- Subdivision Exemptions
- Road width (60 feet)
- Fire barrier and on-site water storage for fire suppression
- Completion of roads before lots can be sold
- Penalty for illegal sales and splits
- Require a re-plat to join lots and be able to build over the property lines
- Property lines to go to the middle of the road as part of the design requirements

ARTICLE 3 - REAL ESTATE SUBDIVISIONS

**18-5-301. Authority vested in board of county commissioners.**

The regulation and control of the subdivision of land in the unincorporated areas in each county is vested in the board of county commissioners of the county in which the land is located. Nothing in this article shall contravene or limit the authority of any county to regulate and control the subdivision of land pursuant to the provisions of W.S. 18-5-201 through 18-5-207.

**18-5-302. Definitions.**

(a) As used in this article:

(i) Repealed by Laws 2019, ch. 186, § 2.

(ii) "Board" means the board of county commissioners of the county in which the land sought to be subdivided is located;

(iii) "Encumbrance" means a mortgage or other lien of record, securing or evidencing indebtedness and affecting land to be subdivided including liens for labor and materials. Taxes and assessments levied by public authority are not an encumbrance under this article except such taxes and assessments as may be delinquent;

(iv) "Person" means a natural person, firm, corporation, partnership, or association, or any combination of the above, or any other legal or commercial entity;

(v) "Sell" or "sale" includes sale as evidenced by the delivery of a deed, contract for deed, lease, assignment, auction or award by lottery concerning a subdivision or any part of a subdivision. "Sell" or "sale" does not include a contract to sell which is expressly contingent upon the recording of the final plat by the county clerk, if all funds paid by the buyer under the contract are escrowed with a financial institution located in this state or a title company licensed to do business in this state until the final plat is recorded and the seller tenders the deed or the contract to sell is cancelled or the buyer and seller agree otherwise in writing;

(vi) "Subdivider" means any person who lays out any subdivision or parts thereof either for the account of the subdivider or others;

(vii) "Subdivision" means the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land;

(viii) "Sewage system" means all pipelines, conduits, pumping stations, force mains and other constructions used for collecting or conducting wastes to a treatment plant or disposal system; any plant or other works used for the purpose of treating, stabilizing or holding wastes; and any system used for disposing of wastes, either by surface or underground methods, including any treatment plant, disposal wells and absorption fields;

(ix) "Water supply system" includes development of the source and all structures for conveyance of raw water to the treatment plant or delivery systems; all water treatment plants including disinfection facilities; water supply systems used for irrigation and stock water; and all finished water delivery systems including pipelines, pumping stations and finished water storage facilities;

(x) "Parcel" means a contiguous piece of property lawfully created or conveyed of record as a single piece of property.

### **18-5-303. Exemptions from provisions.**

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(i) A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

(A) A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;

(B) The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;

(C) The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period prior to the division of not less than five (5) years for land titled before February 27, 2019, or ten (10) years for land titled on or after February 27, 2019. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years, or for not less than one (1) year if the parcel was created before February 27, 2019, unless the parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;

(D) No parcel smaller than five (5) acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304;

(E) Where the landowner is a business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by, or in the name of a trust controlled by, individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift.

(ii) A division which may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state, except that this paragraph shall not exempt a partition of real property pursuant to W.S. 1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article;

(iii) A division which is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;

(iv) Lands located within incorporated cities or towns;

(v) A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;

(vi) A division which affects railroad rights-of-way;

(vii) A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;

(viii) A division which is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;

(ix) A division which creates cemetery lots;

(x) A division which is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this subsection as only one (1) interest;

(xi) A division of land creating a parcel five (5) acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations or similar unmanned facilities;

(xii) A division which creates a cluster development pursuant to and in accordance with article 4 of this chapter;

(xiii) The sale or disposition of separate parcels of land that were separate when lawfully created or conveyed and which have not been combined by a recorded instrument of conveyance signed by all of the owners.

(b) Except as provided in W.S. 18-5-316, this article shall not apply to the sale or other disposition of land where the parcels involved are thirty-five (35) acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than forty (40) feet in width

to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

**18-5-304. Subdivision permit required.**

No person shall sell land subject to subdivision regulation under this article, record a plat or commence construction of a subdivision without first obtaining a subdivision permit pursuant to W.S. 18-5-306 or, if applicable, W.S. 18-5-316 from the board of the county in which the land is located.

**18-5-305. Enforcement; rules and regulations.**

Each board shall enforce this article and in accordance with the Wyoming Administrative Procedure Act shall adopt such rules and regulations as necessary to implement the provisions of and to insure compliance with the intent and purposes of this article.

**18-5-306. Minimum requirements for subdivision permits.**

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section and may exempt from paragraph (xii) of this subsection the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(i) Evidence satisfactory to the board that the proposed subdivision complies with any applicable zoning or land use regulations;

(ii) A survey plat submitted by the subdivider containing the following:

(A) Date of preparation, scale and north arrow;

(B) The location of the subdivision including the section, township and range;

(C) The location and dimension of existing and proposed streets, alleys, roads, highways, public ways, utility rights-of-way, easements, parks and the location of proposed permanent buildings and structures if known.

(iii) Evidence satisfactory to the board that:

(A) The subdivider or his agent who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, may convey merchantable title subject only to noted reservations or restrictions of record and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or

(B) Binding arrangements have been made by the person or his agent who offers any part of the subdivision for sale, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which the sale may be legally effected.

(iv) A study evaluating the sewage system proposed for the subdivision and the adequacy and safety of the system. The study shall, at a minimum, include the following:

(A) Identification of the type of sewage system to serve the subdivision and identification of the entity or entities responsible for the design, construction, operation and maintenance of the proposed facility;

(B) For all types of sewage systems except individual on-lot sewage systems, a report submitted by the subdivider as to the adequacy and safety of the proposed sewage system. The report shall address, at a minimum, the following issues:

(I) An assessment of the adequacy of the proposed sewage system in relation to the proposed population density of the subdivision and any other existing or proposed land and water uses in the vicinity of the subdivision that may affect the adequacy of the system;

(II) An estimate of the total number of gallons per day of sewage generated by the proposed subdivision where a central sewage system is proposed;

(III) A demonstration that technical requirements and design standards of the department of

environmental quality applicable to central sewage systems can and will be met;

(IV) Where utilization of or connection to an existing private or public sewage system is proposed, documentation that application to such entity has been made and that the entity can and will provide service;

(V) A detailed demonstration that the proposed sewage system for the subdivision is compatible with the proposed water supply system for the subdivision. The study shall demonstrate that the operation of the sewage system will not affect the suitability or safety of the proposed water supply system and a determination of the potential impacts of downgradient use of groundwater;

(VI) Demonstration that the proposed sewage system will meet all county, state and federal standards. The demonstration shall address the relationship of the development to any local or state approved water quality management plans established pursuant to section 201 of the federal Clean Water Act, 33 U.S.C. section 1281 and demonstrate no conflict exists with any state approved local wellhead protection plan or local source water protection plan established pursuant to the federal Safe Drinking Water Act.

(C) Where individual on-lot sewage systems are proposed by the subdivider, a report submitted by the subdivider shall document the safety and adequacy of the proposed on-lot sewage systems including the following:

(I) Adequacy of separation distances;

(II) Separation of drainfield relative to groundwater and impervious soils;

(III) Suitability of the subdivision soil conditions;

(IV) Suitable topography;

(V) Proposed population density;

(VI) Protection of groundwater uses; and

(VII) Watersheds located on or draining into, under or over the proposed subdivision.

(D) Where individual on-lot sewage systems are proposed, the words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM," in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.

(v) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide:

(A) Copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend, except that the board may accept copies of binding easements of a width less than twenty (20) feet if the subdivider demonstrates to the board's satisfaction that the easement is adequate to protect the safety and health of the public and provides adequate access for the maintenance of the facilities;

(B) A minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways.

(vi) A study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study results shall, at a minimum, include the following:

(A) Identification of the type of water supply system proposed to serve the subdivision and identification of the entity or entities responsible for the design, construction, operation and maintenance of the proposed facility;

(B) For all water supply systems except individual on-lot wells, a report submitted by the subdivider demonstrating the adequacy and safety of the proposed water supply system. The report shall address, at a minimum, the following issues:

(I) The estimated total number of gallons per day for the subdivision water supply system;

(II) Documentation that the proposed water supply system will be compatible with and not adversely affected by the sewage system proposed for the subdivision or any other sources of pollution within a reasonable distance;

(III) List of all surface and groundwater rights which will be used or which will likely be affected, including state engineer application and permit numbers and description of expected effects identified by the study;

(IV) Plans for the mitigation of water right conflicts which will likely result from the use of water within the proposed subdivision, as identified by the study, unless such conflicts are deemed not to exist to the satisfaction of the board;

(V) When connecting to an existing water supply system, the report shall also contain:

(1) Documentation that public or private water suppliers can and will supply water to the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;

(2) Documentation concerning the potability of the proposed water supply for the subdivision.

(VI) Where a centralized water supply system is proposed containing a new source of water supply to be developed, the report shall also demonstrate that the water supply system is sufficient in terms of quality, quantity and dependability and will be available to ensure an adequate water supply system for the type of subdivision proposed. The report shall include a narrative summary of:

(1) Where the water supply system source is derived from groundwater, the geologic setting of the water supply system source and the area of influence such as nearby communities, sources of pollution, surface water bodies and aquifers described by a Wyoming registered professional geologist;

(2) The quantity, quality and source of the water to be used including proposed and existing surface and groundwater facilities and their locations. Where the proposed water supply system for the subdivision is from a groundwater source, a written report submitted by the subdivider demonstrating that the proposed source is sufficient in terms of quality, quantity and dependability for the type of subdivision proposed;

(3) The proposed disposal of water not consumed, including water obtained under permits, storm drainage, dewatering, sewage and other wastewater sources;

(4) A delineation of primary sources of water, secondary sources and occasional or seasonal sources;

(5) Graphic location of all water supply sources including wells, raw water intakes, treatment facilities, treated water storage facilities and ponds;

(6) Documentation of all data sources on the occurrence and availability of surface and groundwater;

(7) Historic stream flows and well levels;

(8) Senior water rights;

(9) Flood damage and flood protection;

(10) Impact of and protection from supply shortages.

(C) Where individual on-lot wells are proposed as the water supply system, a report submitted by the subdivider demonstrating the safety and adequacy of the water supply system shall address, at a minimum, the following:

(I) The estimated total number of gallons per day for the subdivision;

(II) Information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well;

(III) Documentation that the proposed water supply system will be compatible with and not adversely affected by the sewage system proposed for the subdivision or any other sources of pollution within a reasonable distance;

(IV) List of all surface and groundwater rights which will be used or which will likely be affected,

including state engineer application and permit numbers, and description of expected effects identified by the study; and

(V) Plans for the mitigation of water right conflicts which will likely result from the use of water within the proposed subdivision, as identified by the study, unless such conflicts are deemed not to exist to the satisfaction of the board.

(D) Where individual on-lot wells are proposed, the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.

(vii) Documentation satisfactory to the board that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the board and applied uniformly throughout the county which shall not in itself constitute consent of the board to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the board properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the board shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF STREETS OR ROADS";

(viii) Documentation satisfactory to the board that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water supply systems, sewage systems, streets and roadways. The applicant shall provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision will in fact be completed as proposed, or escrow sufficient monies out of land sales to guarantee that the above facilities are installed. The amount of any bond or other

financial commitment or escrow required under this paragraph shall reflect the estimated costs of providing the facilities;

(ix) Proof that the applicant has published notice of his intent to apply for a permit once each week for two (2) weeks within thirty (30) days prior to filing his application. The notice shall include the name of the subdivider and the general location of the land to be subdivided;

(x) Any other information consistent with this article and the board's published rules and regulations which the board deems pertinent or relevant to the evaluation of the application;

(xi) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter and prior to final approval of the subdivision the subdivider shall provide the following:

(A) The intended disposition of the water rights, by:

(I) Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the board of this action;

(II) Evidence that the subdivider has submitted to the state engineer the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

(III) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114.

(B) If the subdivision is located within lands, served by or crossed by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted, at least sixty (60) days prior to the

submittal of the application for the subdivision permit to the company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations;

(C) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river;

(D) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the application shall include a review and recommendations from the irrigation district regarding the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the applicant shall certify that it has met with and made a good faith effort to resolve any conflicts with the irrigation district; and

(E) If the subdivision will create a significant additional burden or risk of liability to the irrigation district, company, association or remaining appropriators including appropriators on an unorganized ditch, the applicant shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability.

(xii) Evidence that all parcels of land created by the subdivision will be subject to written and recorded covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision. The entities that may be used include, but are not limited to, special improvement districts, homeowners associations and mutual benefit corporations. The board shall not mandate the creation of an entity with the ability to interfere with any owner's ability to use his private property, except to collect any assessment. The entity shall have the ability to address the following topics:

(A) Maintenance and responsibility for common areas, roads and water supply systems and assessments against

all parcels of land in the subdivision to defray the costs thereof;

(B) Continued management of the entity.

(b) The board shall require the applicant to obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The review and recommendations shall be completed within sixty (60) days.

(c) Upon receipt of a subdivision permit application filed with a county and prior to subdivision permit approval, the county or subdivider shall send three (3) copies of the portions of the application prepared under this section to the department of environmental quality for review of the safety and adequacy of the proposed sewage system and proposed water supply system. The review shall be conducted in accordance with the following guidelines:

(i) The department may request assistance from the state engineer, the Wyoming water development office and any other state agency or local governmental entity in preparing its review. Any agency or entity requested to assist in the review shall fully cooperate to the extent possible with the department and shall furnish the information or recommendations requested within the time period specified by the department;

(ii) To the extent requested by a county government, the administrator of the water quality division, with the approval of the director of the department of environmental quality, shall delegate authority to the county to review any reports or studies required by this section directed at determining the safety and adequacy of the proposed sewage or water supply system contained as part of a subdivision application. Any authority delegated under this section shall be subject to the following conditions:

(A) The county entity shall demonstrate to the administrator of the water quality division that all sewage or water supply systems will be reviewed by a qualified professional with expertise in surface and groundwater protection from pollution and safe and adequate water supply systems;

(B) The local government shall demonstrate that the review of water supply and sewage systems will be in a

manner as stringent as the department of environmental quality would require under this section;

(C) The review of subdivisions with a proposed sewage system consisting of wastes requiring an underground injection control permit under department of environmental quality regulations or sewage systems with a proposed surface water discharge shall not be delegated to the county; and

(D) The administrator shall periodically review the administrative programs of each county governmental entity receiving a delegation of authority under this section and may, with the consent of the director, revoke or temporarily suspend the delegation agreement entered into with any entity which has failed to perform its delegated duties or has otherwise violated the terms of its agreement of delegation.

(iii) The department shall file its written comments and recommendations on the application with the commission or board within thirty (30) days after receipt of the application. The department may extend its review period for an additional thirty (30) days if an extension is necessary to complete the review.

(d) If the permit is approved the board shall require the applicant to put a legend on the plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE".

**18-5-307. Planning commission may receive applications and make recommendations.**

The board may allow the county planning and zoning commission authorized under the provisions of W.S. 18-5-201 through 18-5-206 as the proper agency to receive and evaluate applications for subdivision permits. If so authorized the planning commission shall receive the materials required by this article and shall submit a copy of the application to the department of environmental quality for review as provided by W.S. 18-5-306(c) and, if applicable, to the fire protection district, fire protection authority or the nearest fire protection district as provided by W.S. 18-5-316(d). The commission shall make findings and recommendations to the board concerning an application within forty-five (45) days from the date the department of environmental quality submits its recommendation to the

commission or from the date when the recommendation is due if no recommendation is made, whichever is earlier. If no action is taken by the planning commission within that time the plat is deemed to be approved by the planning commission.

**18-5-308. Approval by the board.**

(a) The board shall approve or disapprove the subdivision application and issue a subdivision permit or ruling:

(i) Within forty-five (45) days after receiving a report from the planning commission; or

(ii) If no planning and zoning commission has been appointed, within sixty (60) days after the department of environmental quality submits its recommendation to the board or from the date when the recommendation is due if no recommendation is made, whichever is earlier.

(b) If any part of the subdivision lies within one (1) mile of the boundaries of an incorporated city or town the approval of the governing body of the city or town must also be obtained in accordance with W.S. 34-12-103.

(c) If a subdivision application is approved by the board notwithstanding an adverse recommendation by the department of environmental quality, the subdivider shall furnish to all potential purchasers a copy of the department's recommendation prior to sale. The subdivider need not furnish the potential buyer with a copy of the department's recommendation if the board in approving the subdivision enters a written finding that the subdivider has corrected the inadequacy set forth in the department's recommendation. Any person violating this subsection is subject to the penalty provided by W.S. 18-5-314.

**18-5-309. Permit fee.**

Each application for a subdivision permit shall be accompanied by a reasonable fee not to exceed the cost of processing the application as determined by the board. All fees collected shall be credited to the county general fund.

**18-5-310. Repealed By Laws 2001, Ch. 169, § 1, Ch. 208, § 2.**

**18-5-311. Investigatory powers.**

(a) If the board has reason to believe that a person has engaged in activity which violates any provision of this article it shall make an investigation and may administer oaths or affirmations and upon its own motion or upon request of any party may subpoena witnesses, compel their attendance, adduce evidence and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(b) If any person subject to the provisions of this article has records required in W.S. 18-5-311(a) located outside this state, the person shall either make them available directly to the board or pay the reasonable and necessary expenses for the board or its representative to examine them at the place where they are maintained. The board may designate representatives, including comparable officials of the state in which the records are located, to inspect them on the board's behalf.

(c) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the board may apply to any district court for an order compelling compliance.

#### **18-5-312. Enforcement.**

The provisions of this article are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus. Upon failure or refusal of any county attorney to act upon a violation of the provisions of this article, the attorney general at the request of the board shall initiate civil or criminal proceedings to enforce the provisions of this article.

#### **18-5-313. False statement or misrepresentation; penalty.**

Any person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circulation of any false statement or misrepresentation concerning any subdivision for sale in this or any other state, and every person with knowledge that any such advertisement, prospectus, pamphlet or letter concerning land or any subdivision thereof contains any

written statement that is false or fraudulent in any material part or who issues, circulates, publishes or distributes the same or causes the same to be circulated, published or distributed shall upon conviction be imprisoned for a period not to exceed thirty (30) days or be fined not to exceed five hundred dollars (\$500.00). Each day of violation constitutes a new offense.

**18-5-314. Penalties.**

Any person who willfully violates any provision of this article or any rule or order issued under this article shall upon conviction be fined not more than five hundred dollars (\$500.00) or imprisoned in a county jail for not more than thirty (30) days or both. Each day of violation constitutes a new offense.

**18-5-315. Provisions minimum.**

If any board has or enacts resolutions or regulations which impose requirements on subdividers or subdivisions which are more restrictive than the provisions of this article, the authority to enact such local resolutions or regulations being hereby granted, the local provisions are not superseded by the provisions of this article. Nothing in this section shall be deemed to allow any board to impose requirements that contravene the exemptions from this article as provided in W.S. 18-5-303.

**18-5-316. Requirements for large acreage subdivision permits.**

(a) Except as otherwise provided, a county may, by resolution, elect to apply the provisions of this article on a uniform basis to the sale or disposition of any land where the subdivision creates parcels that are thirty-five (35) acres or larger and up to one hundred forty (140) acres. Except as provided in this subsection, each lawfully recorded parcel of land on July 1, 2008 shall be exempted from all provisions of this section other than compliance with paragraphs (i) through (iii) of this subsection and W.S. 18-5-317 and shall be allowed to be divided into not more than ten (10) parcels of one hundred forty (140) acres or less in size, provided that each new or remaining parcel is no less than thirty-five (35) acres. Parcels created pursuant to this exemption may be created at any time and may be created over a period of years through separate transactions. In no case, however, shall this exemption be used to create more than ten (10) parcels of land from each original parcel and each parcel created after July 1, 2008 shall be

subject to this section and W.S. 18-5-317 as otherwise provided in this section. Boundary adjustments between or among parcels shall not be considered as a division of property subject to the limitations in this section. If a county elects to apply this article to sales or dispositions where the subdivision creates parcels that are thirty-five (35) acres or larger and up to one hundred forty (140) acres, unless the property is exempted under this subsection, the subdivider shall obtain a subdivision permit pursuant to this section. The provisions of W.S. 18-5-306 and 18-5-315 shall not be applicable to a subdivision of land under this section but nothing in this sentence shall prohibit application of lawfully adopted zoning provisions. Before granting the exemption provided in this subsection the board may require the person seeking the exemption to submit any or all of the following:

(i) A legal description or recordable survey containing the following:

(A) Date of preparation, scale and north arrow;

(B) The location of the subdivision units including the section, township and range;

(C) The location and dimension of access and utilities easements, which shall conform to the requirements of W.S. 18-5-303(b).

(ii) Evidence of compliance with paragraph (b)(ix) of this section;

(iii)(A) If a centralized water supply system is proposed for the subdivision, a study evaluating the water supply system proposed and the adequacy and safety of the system. The study shall include information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the subdivision indicating soil types, depth, quantity and quality of water produced in the test well;

(B) Where individual on-lot wells are proposed:

(I) The study under subparagraph (A) of this paragraph shall not be required and the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall

appear on all offers, contracts, agreements and plats relating to the subdivision; and

(II) The board may require a study relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well.

(b) The board may require any or all of the following information to be submitted with an application for a subdivision permit pursuant to this section:

(i) Evidence that the proposed subdivision complies with any applicable zoning regulations;

(ii) A survey plat submitted by the subdivider containing the following:

(A) Date of preparation, scale and north arrow;

(B) The location of the subdivision including the section, township and range;

(C) The location and dimension of existing and proposed lots, units, tracts, parcels, streets, alleys, roads, highways, public ways, utility rights-of-way, easements, parks and the location of proposed permanent buildings and structures if known.

(iii) Evidence that:

(A) The subdivider or his duly authorized agent who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, may convey merchantable title subject only to noted reservations or restrictions of record and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or

(B) Binding arrangements have been made by the person or his duly authorized agent who offers any part of the subdivision for sale, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject

only to noted reservations or restrictions of record and subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which the sale may be legally effected.

(iv) A study evaluating the sewage system proposed for the subdivision and the adequacy and safety of the system. Where individual on-lot sewage systems are proposed, the words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM," in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision;

(v) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend and shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways. Where no or limited on-lot utility connections are proposed, the words "NO PROPOSED UTILITY CONNECTIONS" or "LIMITED UTILITY CONNECTIONS," as appropriate, in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision. A permit shall not be denied for failure to provide on-lot utility connections;

(vi)(A) A study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study shall include information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well;

(B) Where individual on-lot wells are proposed:

(I) The words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision; and

(II) The board may require a study relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data,

including drilling logs from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well.

(vii) Documentation that adequate ingress and egress access has been provided to all proposed lots, units, tracts and parcels and that all proposed lots, units, tracts, parcels, streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the board and applied uniformly throughout the county which shall not in itself constitute consent of the board to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the board properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the board shall be under no obligation to repair, maintain or accept any dedication of these roads to the public use. If no such public maintenance is contemplated on any of the roads, the subdivider shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR ROADS";

(viii) Documentation that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water supply systems, sewage systems, streets and roadways. The applicant shall provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision will in fact be completed as proposed, or escrow sufficient monies out of land sales to guarantee that the above facilities are installed. The amount of any bond or other financial commitment or escrow required under this paragraph shall reflect the estimated costs of providing the facilities;

(ix) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision the subdivider shall provide the following:

(A) The intended disposition of the water rights by:

(I) Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the board of this action;

(II) Evidence that the subdivider has submitted to the state engineer the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

(III) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114.

(B) If the subdivision is located within an irrigation district or within lands, served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and

(C) Evidence that the subdivider will specifically state on all offers relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

(x) Evidence that all parcels of land created by the subdivision will be subject to written and recorded covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision. The entities that may be used include, but are not limited to, special improvement districts, homeowners associations and mutual benefit corporations. The board shall not mandate the creation of an entity with the ability to interfere with any owner's ability to

use his private property, except to collect any assessment. The entity shall have the ability to address the following topics:

(A) Maintenance and responsibility for common areas, roads and water supply systems and assessments against all parcels of land in the subdivision to defray the costs thereof;

(B) Continued management of the entity.

(c) The board shall require the applicant to obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The review and recommendations shall be completed within sixty (60) days.

(d) The board shall require the applicant to obtain review and recommendations from a fire protection district in which any portion of the subdivision lies, from the authority having jurisdiction over fire prevention and protection in the area or from the nearest fire protection district if no part of the subdivision lies within a fire protection district, regarding adequacy of fire protection measures. If the entire subdivision does not lie within a fire protection district and no city, town or fire protection district is obligated to provide fire protection pursuant to an agreement authorized by law the subdivider shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED".

(e) If the permit is approved the board shall require the applicant to put a legend on the plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE".

(f) Nothing in this section shall require the acquisition of a permit for the sale or disposition of lands that on or before July 1, 2008 have been developed and promoted as part of a large acre subdivision as evidenced by dated plat maps, sales brochures or other evidence acceptable to the board.

(g) If the lots, units, tracts or parcels created pursuant to a permit issued under this section are used for agricultural

purposes and otherwise qualify as agricultural land for purposes of W.S. 39-13-103(b)(x), the lots, units, tracts or parcels shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

**18-5-317. Subsequent sale of subdivided lots.**

If any lot, unit, tract or parcel is created pursuant to a subdivision and the lot, unit, tract or parcel is sold pursuant to a contract for deed, notice of the contract for deed shall be recorded with the county clerk within ten (10) days after the contract was executed.

**18-5-318. Large parcels used for agricultural purposes.**

If any lot, unit, tract or parcel thirty-five (35) acres or more in size is used for agricultural purposes within a platted subdivision and otherwise qualifies as agricultural land for purposes of W.S. 39-13-103(b)(x), the parcel shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

## PLATTE COUNTY SUBDIVISION REGULATIONS

INCLUDING:       THE APPLICATION AND REVIEW PROCESS

                          REGULATIONS

                          STANDARDS

                          GUARANTEE OF IMPROVEMENTS

The preparation of this Resolution was financed in part through an Urban Planning grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954, as amended March 1976, Wheatland, Wyoming

The preparation of these regulations was aided by a grant from the Old West Regional Commission authorized under the Wyoming Community Technical Assistance Program.

Approved by Platte County Planning Commission on February 19, 1976  
 Approved by Board of Commissioners on April 7, 1976  
 Adopted and in effect April 7, 1976  
 Revised October 1, 1985  
 Revised March 20, 2012

## **Chapter I – General Provisions**

### **Section 1. Preamble**

Resolutions of Platte County, Wyoming hereby establishing Subdivision Regulations and providing for the administration, enforcement, and amendments thereof, in accordance with the provisions of Wyoming Statutes. The title of these regulations shall be known and may be cited as “The Platte County Subdivision Regulations.”

### **Section 2. Authority and Jurisdiction**

These regulations are authorized by the Wyoming Statutes, as amended, and shall apply to all of the unincorporated land within Platte County, Wyoming, including State and State and Federal owned lands.

### **Section 3. Statement of Purposes**

The purposes of the regulations are to:

- A. Secure equitable handling of all applications by providing uniform procedures and standards.
- B. Plan for convenient and safe circulation.
- C. Provide adequate space to prevent and fight fires.
- D. Facilitate the adequate provision of transportation, water, waste-water disposal, schools, and other public facilities.
- E. Help prevent physical hazards for the community, such as flood damage, geologic and soil hazards.
- F. Conserve the environment from noxious and unhealthy abuse.
- G. Promote the public health, safety, and welfare of the residents and surrounding of Platte County.
- H. Specify the extent to which and manner in which roadways shall be graded and improved and to what extent water, wastewater, and other utilities shall be required and installed.
- I. Ensure that land is subdivided into lots that are of adequate size and configuration for the purpose of which they are intended to be used.
- J. Protect and conserve the natural resources, preserve the natural vegetation and promote the natural beauty of the land as much as is practical.

K. Protect, preserve and enhance private property rights.

#### **Section 4. Legal Status**

- A. Interpretation: Whenever the provisions of these regulations are found to be inconsistent with any other regulation, the regulation imposing the more restrictive standard shall control. The provisions of these regulations are minimum requirements that do not preclude imposition of more restrictive standards by agreement or by law.
- B. Severability: Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.
- C. Effective Date: These regulations shall be in effect from the date of adoption by the Board of County Commissioners.

#### **Section 5. Appeals**

Appeals from decision of the Board shall be as provided by Wyoming Statutes.

#### **Section 6. Rules of Language**

- A. The particular controls the general.
- B. The word “shall” is always mandatory and not directory. The word “may” is permissive. The word “should” is directory.
- C. Words used in the present tense include the future, unless the context clearly indicates the contrary.
- D. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- E. Any definition used in the applicable Wyoming Statutes may be used in these regulations, and if the Statutory definitions conflict, the Wyoming Statutory definitions shall govern.

#### **Section 7. Enforcement, Violation, and Penalty**

The provisions of these regulations enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

Any person who knowingly authorized, directs or aids in the publication, advertisement, distribution or circulation of any false statement or misrepresentation concerning any subdivision for sale, in this or any other state, and every person with knowledge that any such advertisement, prospectus, pamphlet or written statement that is false or fraudulent in any material part or who

issues, circulates, publishes or distributes the same, or causes the same to be circulated published or distributed, shall upon conviction be imprisoned for a period not to exceed thirty (30) days or be fined not to exceed five hundred (\$500.00) dollars. Each day of violation constitutes a new offense.

Any person who willfully violates any provision of this act or any rule or order issued under this act, and any person who, as an agent for a subdivider, developer or owner of subdivisions without first complying with the provisions of this act shall upon conviction be fined not more than five hundred dollar (\$500.00) or be imprisoned in a county jail for not more than thirty (30) days or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

## **CHAPTER II - DEFINITIONS**

**Board:** The Board of County Commissioners of Platte County.

**Cul-de-sac:** A street open at one end only and providing at the other end special facilities for the turning around of vehicular traffic.

**Easement:** An area which is reserved, conveyed or dedicated for a specialized or limited purpose without the transfer of fee title.

**Flood Plain:** The relatively flat areas or lowlands adjoining a channel or stream or watercourse which are subject to flood water overflow.

**Half Street:** A roadway improved only on half its width, for only one direction of traffic, such as paved on one side and gravel on the other side.

**Improvements:** All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose.

**Lot:** See Parcel

**Newspaper:** The official newspaper as designated by the Board.

**Parcel:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel.

**Person:** Any natural person, firm, partnership, association or cooperation, but this definition does not include any governmental unit.

**Planning and Zoning Commission:** The entity appointed by the governing body as provided by Wyoming Statutes.

**Planning Office:** The Platte County Joint Planning Office.

**Plat:** A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk.

1. **Preliminary Plat:** A map or maps showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with the provisions of these regulations.

2. Final Plat: A map or maps indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation.
3. Vacation Plat: a map indicating a proposed vacation of a dedicated street, road or easement, or a vacation of a subdivision to raw acreage.

Public Access: A publicly dedicated, maintained road constructed into the integral network of town, city, county, state and federal roadways.

Right-of-way: The entire dedicated tract or strip of land that is to be used by the public for various road purposes. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way.

Road Assessment for Developers: Developer shall supply estimated traffic count for the residents of the subdivision for the impacted county roads.

Simple Subdivision: A simple subdivision is a subdivision of one unit/parcel of land into four (4) total pieces of land or less. No piece of land shall be smaller than 5 acres and each shall have a direct contiguous access to a publicly maintained road. All simple subdivisions require a subdivision permit and shall meet all requirements of this Section. A subdivision shall not be classified as a simple subdivision if any of the following conditions exist:

- a) The subdivision will be served by a central sewage disposal system or central water supply system which is not owned and operated by a public entity;
- b) The land to be subdivided is a parcel created by exempt division after July 1, 2001;
- c) The land to be subdivided is within a platted subdivision, or record of survey;
- d) The land to be subdivided is located within one mile of any municipal boundaries and has the municipality approval;
- e) The land to be subdivided is unsuitable for subdivision; or
- f) The land to be subdivided is contiguous to other land on which the same applicant has platted a subdivision.

Specification: A detailed technical description of the end product or products and the materials to be used in the development or construction of a project.

Standards: A set of standard designs governing development and construction parameters pertaining to specific elements of the development with which uniform compliance by all persons is mandatory.

Street: A road, highway, or other public or private thoroughfare which affords a primary means of an access to abutting property.

Subdivision: The creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word “subdivide” or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.

Utilities: Those elements of the community which are required to provide essential services and commodities. Utilities include but are not limited to water, sewer, electric, gas, telephone, storm sewers, solid waste collection and disposal and other like items.

## **CHAPTER III - PROCEDURES FOR PERMIT APPLICATIONS**

### **Section 1. When Required**

No person shall subdivide land or commence the physical layout or construction of a subdivision without first obtaining a subdivision permit from the Board, to include lot splits in existing platted subdivisions.

At the sole discretion of the applicant, the applicant may process for a rezoning permit and a preliminary subdivision plan simultaneously.

Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these regulations, this article shall not apply to any subdivision of land that: Is a division of land made outside of a platted subdivision for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

- A. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;
- B. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
- C. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
- D. No parcel smaller than five acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304.

Miscellaneous Exemptions: The following types of divisions of land shall be exempt from the subdivision permit required:

- 1) A division that may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state;
- 2) A division that is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
- 3) A division that concerns lands located within incorporated cities or towns;
- 4) A division that is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
- 5) A division that affects railroad rights-of-way;

- 6) A division that is a sale or other disposition of land for agricultural purposes;
- 7) A division that is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;
- 8) A division that creates cemetery lots;
- 9) Is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this exemption as only one interest.

The subdivision permit requirement shall not apply to the sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easement or not less than 40 nor more than 60 feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

- A. The subdivision permit requirement shall not apply to Records of Survey. By rule, hereby amended into the Platte County Subdivision Rules and Regulations, units of land in the Record of Survey's shall not be split or divided unless a subdivision application is submitted.
- B. Certification Required For All Instruments: The owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types instruments shall present to the County Clerk a certificate for recordation indicating whether the instrument creates any division or subdivision of land. The certificate shall further indicate that any division of land created by the instrument conforms to one or more of the subdivision exemptions of these regulations.
- C. Certification Required For Exempt Divisions: Whenever the owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments presents to the County Clerk a certification indicating that the instrument creates a division of land, the owner or agent shall present for recordation a certificate completed by the Planning Coordinator and sworn to under penalty of perjury indicating that the division is in fact exempt.
- D. Affidavits Of Family Exemption: The owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments that divide land pursuant to the family exemption, shall present to the County Clerk an affidavit of family exemption to be recorded with the instrument. Affidavits for family exemption shall conform to one of the Affidavits of Family Exemption.
- E. Resolution Of Non-Evasion: The original grantee of a family exemption parcel shall obtain a "Resolution of Non-Evasion Concerning Resale of Family Division Parcel" from the Planning and Zoning Commission prior to grantee conveying the parcel. The Commission

shall grant the resolution if it finds that the proposed conveyance would not violate these Subdivision Regulations. The grantee shall record the resolution with the deed of conveyance. If the conveyance would violate these Regulations, the Commission shall deny the resolution and require a subdivision permit to allow the conveyance.

- F. Requirements For Agricultural Divisions: The owners or agents of a purchaser seeking to record deeds, records of survey, contract for deeds, or other types of instruments that divide land pursuant to the agricultural purposes exemption, shall present to the County Clerk a covenant to be recorded with the instrument. The covenant shall conform to the Covenant for Agricultural Purposes Exemption.
- G. If any instrument is recorded without the affidavit, certificate, covenant or resolution as required by this subsection, the Planning Coordinator shall present to the Clerk and the Clerk shall record a Notice of Non-Filing. In addition, the Planning Coordinator shall give a copy of the notice to all persons known to have an interest in the property and all agents known to be involved in the conveyance.
- H. A purchaser seeking exemption pursuant to miscellaneous exemption (7) shall execute and file a Declaration of Exemption, Merger of Adjacent Parcels.
- I. A purchaser seeking exemption pursuant to miscellaneous exemptions (1) shall execute and file a Declaration of Exemption Pursuant to Court Order and attached a certified copy of the order.

## **Section 2. Pre-application Procedure (optional)**

- A. Prior to filing for a permit, the developer may submit to the Planning Office a conceptual plan or declaration of intent. This does not require a formal filing nor fee, nor does it require Planning Commission review.
- B. The Planning Office shall discuss with the applicant or his representative, the plans and shall recommend any possible changes, refer other public services, and provide aid in complying with these procedures.

## **Section 3. Administration Procedure**

### **A. Submission Deadline and Filing Fees**

- 1) No Preliminary Plan or Final Plats shall be heard by the Planning Commission unless it has been submitted at least forty (40) days prior to the regularly scheduled meeting date. All reports, documents, and other supplementary materials required by these regulations are included. If no preliminary plan is submitted all final plat requirements must be fulfilled before hearing.

As allowed by State Statute 18-5-306, the following subsections ii) a survey plat and ii)(B) covenants are exempted where (1) unit is divided into not more than a total of (5) units of land (note: this will include all simple subdivisions).

- 2) All filings require that the prescribed permit forms be filled out before the final submittal date. These are available in the Planning Office.
- 3) The subdivider shall be responsible for the cost of publication of the preliminary plan public notice.
- 4) All final plats submitted for approval shall be subject to fees per fee schedule in the Planning Department. These fees are necessary for administration mileage, and engineering-planning review by public agencies and the Planning Commission.
- 5) If the Planning Commission determines that changes are necessary in the plan submitted, the developer shall submit a revised plan to the Planning Office. If the Planning Office determines the changes in the plan are minor, the Planning Office may approve the modifications. If the Planning Office determines that the changes are significant, the Planning Commission shall review the revised plan in accordance with these procedures.

#### B. Minimum Requirements

- 1) Required number of prints: The developer shall submit ten prints of any plans required. The Planning Office may submit the plans to appropriate federal, state, and local agencies for their review and recommendations. In the case of subdivision, the Final Plat, supplemental requirements, and necessary recording fees shall be submitted to the Planning Office within one year after approval of the preliminary plan, for final approval and recording, or the permit shall be revoked.
- 2) Supplemental Information: The following items must accompany every submittal:
  - a. Completed Permit Application.
  - b. The purpose and intent of the development.
  - c. Adjoining property owners notification form (see Public Notice).
  - d. A plan of development, at a suitable scale to be easily viewed by a public audience, and illustrated by colors for ease of viewing.
  - e. Number and gross density of units; if applicable.
  - f. Acres set aside for recreation or open space, if applicable.
  - g. If phased development is proposed, a general phasing plan.

- h. Anticipated schedule of development.
- i. How utilities will be provided.
- j. Approval from the Wheatland Irrigation District (“District”) on a form adopted by the District regarding attached water rights, if applicable.

#### C. Public Notice

- 1) Posting – Plain notice, not less than two (2) square feet in size, of the date and place of hearing of all filings shall be posted in a conspicuous place on the property site by the Planning Office at least two (2) weeks prior to the Planning Commission meeting.
- 2) Adjoining Property Owners
  - a. Prior to submitting the filing, the developer shall either contact the adjoining property owners for their signatures on the notification form, or cause a certified letter to be sent to said owners by the Planning Office.  
  
The requirements for the letter may be obtained from the Planning Office.
  - b. The letter shall state that the adjoining property owner may appear in person at the Planning Commission hearing, or if unable, submit a statement further expressing his or her opinions and comments on the application.
- 3) Agenda – The agenda of the Planning Commission meetings shall be made available to the news media and public no later than three (3) days prior to the meeting.
- 4) Publication – The Planning Office shall cause the filing and description of the area to be published once each week for two (2) weeks within thirty (30) days of the hearing by the Planning Commission, unless previously advertised by the applicant, in the official county newspaper.

#### D. Action and Procedures of the Planning Commission

- 1) The Planning Commission shall review each application at a regularly scheduled public meeting. Prior to any action, the Planning Commission shall review the plans, reports, recommendations, and comments of the Planning Office. The developer or his representative must be present at the hearing.
- 2) Unless postponed at the request of the developer, the Planning Commission shall vote for or against the filing, and transmit both its vote and findings to the developer. The Planning Commission may postpone the decision, for reasonable cause, for a maximum of thirty-five (35) days; if action is not taken within thirty-five (35) days, the permit shall be issued or referred to the Board accordingly.

- 3) The Planning Commission action shall be based upon the purpose and intent of these regulations in addition to the fulfillment of the minimum requirements herein.
- 4) Upon any of the above actions, or at the expiration of the maximum period for taking action, the filing shall be placed on the agenda of the next regular scheduled meeting of the Board which allows for the proper notice requirements if Board action is required.

E. Action and Procedure of the Board of County Commissioners

- 1) The Board of County Commissioners shall hold a hearing on each appropriate plan at a regularly scheduled public meeting.
- 2) Upon receipt of a recommendation from the Planning Commission, the Board shall consider the matter and approve, approve subject to certain conditions, or disapprove the application.
- 3) A permit, to include conditions, shall be issued to the developer by the Planning Office within ten (10) working days of the hearing, except for a plat, which permit shall be issued upon recording of the final plat (see Chapter IV, Section 5 for specific regulations).

F. Ownership

- 1) All applications shall contain the signature(s) of each person possessing a present fee simple interest in the property and proof of such legal interest shall be required upon request of the Planning Office.

**Section 4. Appeal Procedure**

In the event of an adverse decision by the Board, further appeal shall be to the District Court.

## **CHAPTER IV - SUBDIVISION DEVELOPMENT REGULATIONS**

### **Section 1. Scope**

The following regulations shall be fulfilled for all new subdivisions, as defined in Chapter II, within the unincorporated land of Platte County. No construction of buildings or disturbance of land is allowed on subdivisions or land prior to its being recorded. If subdivisions are within one mile of the boundaries of an incorporated town or city, the plat may not be recorded or deemed reviewed without the review of the Council of that town or city.

### **Section 2. Acceptance of Public Lands and Utilities**

Approval of a subdivision by the Board shall not constitute an acceptance by the County of the roads, streets, alleys, or public lands for maintenance as these lands for public use of any nature within the County shall be accepted by the Board only by specific action of the Board.

### **Section 3. Subdivision Permit Required**

No construction shall commence within a subdivision before a permit is granted by the Board and the final plat thereof has been recorded by the Platte County Clerk.

### **Section 4. Preliminary Plan and Platting Procedures (also see Chapter III, section 3)**

Classification Of Sketch Plan: The Planning and Zoning Commission is authorized and designated to classify sketch plans as either simple or major subdivisions in accordance with these regulations. All subdivision applicants shall present a sketch plan application conforming to the requirements. The Commission shall classify sketch plans by resolution at a public meeting.

A. When required.

- 1) Preliminary Plan: The subdivider shall submit a preliminary plan, and its supplemental information detailed herein, for public review and hearing by both the Planning Commission and Board.
- 2) Final Plat: Within one year of approval of the preliminary plan, the subdivider shall submit the final plat to the Planning Commission for review and approval by the Planning Commission and the Board, after which he shall cause said plat and other necessary documents to be recorded by the Planning Office.

- 3) Vacation Plat: A vacation plat shall be submitted in order to vacate any tract of land created by a plat recorded in the County Clerk's Office; to vacate any tracts, lots, streets, or easements such vacation may be heard by submitted a vacation application to the Board for a formal resolution. When a vacation plat is not required, the review process for the application shall be the same as identified in this section for vacation plats.
- 4) If the subdivider wishes to amend the preliminary plan prior to recording a final plat, resubmittal of the revised preliminary plan is necessary but there shall be no public notice requirements for this additional submittal unless required by the Planning Commission.
- 5) The preliminary plan shall be valid for a period of one year after the Board approval, unless upon application by the subdivider, the Planning Commission grants an extension of time beyond such a period. If a final plat has not been approved and recorded as required by the provisions of these regulations within such 12 month period or any extension granted thereof, the preliminary plan must be resubmitted to the Planning Commission and Board as if such a plan had never been approved.
- 6) Referral and Review Requirements: Within five (5) days of the submittal of each plan, the Planning Office shall distribute copies of the prints of the plan together with accompanying data to the following agencies for their review and recommendations:

Relative School District

Town Clerk of a town within one mile

Platte County Conservation District

County Sanitarian

County Engineer

Local Post Office

Emergency Management Coordinator

Any other agencies deemed necessary by the Planning Department, such as REA, State Highway Department, The Platte County Parks and Recreation Board, relative irrigation district, fire marshal, etc.

The agencies shall be asked to submit their comments and recommendations to the Planning Office at least one week prior to the hearing date. If no comments have been received, the plan shall be deemed an approval by that agency.

- B. Simple Subdivision Review Process: The simple subdivision process shall be exempt from the requirements of W.S. 18-5-306(a)(i)-(ix) and sub-section (c). The simple subdivision process is relatively uncomplicated with a short application processing time. The process involves no public hearing.

C. Application Procedure:

- 1) Application Process: Applicants seeking approval of a subdivision shall present a sketch plan and an application for a subdivision to the Planning Department. If the proposed subdivision is located within the boundaries of the Wheatland Irrigation District

(“District”), the application shall include approval from the District on a form adopted by the District regarding attached water rights. The Planning Department will schedule a date with the Planning Commission for consideration of the applications.

- 2) Planning Commission Action: At the Planning Commission meeting, the applicant or a representative shall present the applications to the Planning Commission. At this time, the Planning Commission shall classify the proposed subdivision.
- 3) Review Of Simple Subdivisions: Upon classifying a sketch plan as a simple subdivision, the Planning Commission shall review the proposed simple subdivision for conformance with the approval standard of Simple Subdivision Approval Standard. The Planning Commission shall approve, or deny the application. The Planning Commission shall make its decision at the initial meeting or at its next scheduled meeting. This time limit may be extended with consent of the applicant to no more than 45 days from the initial meeting.

### **Section 5. Preliminary Plan and Platting Requirements**

A. Preliminary Plan: The following information shall be included, as a minimum, on the preliminary plan:

- 1) Drawn to scale (a scale adequate to illustrate the required information, and show necessary features in a hearing room).
- 2) Name of the subdivision, except for simple subdivisions, when the subdivision is platted for more than 10 lots, which shall be different from that of any existing subdivision previously recorded in Platte County.
- 3) General legal description including approximate acreage and an approximate survey tied to an accepted survey monument.
- 4) Name and address of the person, firm, or organization preparing the preliminary plan.
- 5) Name and address of the subdivider.
- 6) The names of adjacent subdivisions and property owners and the respective existing zoning.
- 7) A vicinity map to locate the tract.
- 8) Boundary lines of the proposed subdivision showing approximate length of boundaries.
- 9) The location, width, and names of streets and other public ways, easements, irrigation ditches, railroad and utility rights-of-way, section lines and any municipal, county and/or district boundaries such as: sere, school, fire, etc.

- 10) Approximate length of street center lines and radii of curves.
- 11) The approximate location of major watercourses, existing water bodies, and other natural and historical features.
- 12) The approximate location of all existing structures that will remain on the property after the final plat is recorded.
- 13) The approximate location of land if any intended to be conveyed or reserved for public use or reserved in deeds for the use of all existing or proposed utilities, bridges and culverts and intersections.
- 14) The approximate widths, locations, and uses of all existing or proposed utilities, bridges and culverts and intersections.
- 15) The approximate lot layout, approximate dimensions of each lot, and approximate acreages of the lots.
- 16) Notes on the plan sheet stating the disposition and maintenance responsibility of common areas and parks.
- 17) If the proposed subdivision is within the boundaries of the Wheatland Irrigation District and the subdivider is not detaching the District's water rights, the plan must show the following after receiving the written approval of the District:
  - a. Location of all water rights;
  - b. How the water is delivered from the source to the proposed subdivision (means of conveyance);
  - c. How much of each water right is to remain appurtenant to each subdivision lot.

**B. Supplemental information to submit with the Preliminary Plan**

- 1) Drainage report, prepared and signed by a registered professional Engineer licensed in Wyoming. This report shall show flow direction and quantity based on the engineer's preferred methodology, non-buildable flood plain areas, and erosion prevention measures recommended to the developer; and additional information which will help to prevent drainage and erosion problems as a result of the development. The conservation plan should be a team effort of the developer, Conservation District, and the County Engineer.
- 2) Proposed covenants, for Planning Commission and Board review, if available.

**C. Final Plat**

1) The final plat shall be drawn with permanent India ink or produced by a photographic process (silver image) on linen or polyester film based material. The overall plat(s) dimension shall be thirty (30) inches in length by twenty-one and a half (21½) inches including one-half inch borders.

2) Information Required in Final Plat

- a. Scale: The final plat shall be drawn to a scale that will show all the details clearly.
- b. Title or name of the subdivision. The title shall appear on all sheets of the final plat.
- c. Statement, executed by the owners of all legal and equitable interests in the property being subdivided; if said description contains references to recorded documents said information shall be properly indicated on the graphic portion of the plat.

Name of the persons or entities executing the plat.

Description of the property being subdivided; if said description contains references to recorded documents said information shall be properly indicate on the graphic portion of the plat.

Formal and complete statement of the title or name of the plat.

Dedication and acceptance statement regarding all public rights-of-way or land to be dedicated for public use.

Proper signatures of the subscribing persons and entities affirming the execution of the plat; in the event of execution by a corporation, the corporate seal must be affixed to the plat. All signatures shall be made with permanent India ink.

- d. Notarial Acknowledgment: Proper statutory acknowledgment by the owner or owners of legal or beneficial interests of their approval of the plat and the dedication of streets and other public areas.
- e. Date of preparation, north point, written scale and graphic scale.
- f. A vicinity map to locate the subdivision.
- g. Locations of land intended to be conveyed or reserved for public use if any or reserved in the deeds for the use of all property owners in the proposed subdivision. Public tracts shall be dedicated by a statement on the plat; responsibility of maintenance of all other tracts shall be noted.
- h. All monuments shall be placed and set in accordance with the requirements of Wyoming Revised Statutes. Monuments found and new monuments set shall be

differentiated and described on the final plat in accordance with the requirements of Wyoming Revised Statutes.

- i. A statement by land surveyor explaining how bearings were determined must be included. The point of beginning must be called out on the description.
- j. Surveyor's Certification: Certification by a Registered Land Surveyor of the State of Wyoming, to the effect that the layout represents a survey made by him and that all dimensional and other details are correct.
- k. Certificates for execution by each of the following or their duly appointed representatives, in the following order:

County Engineer  
 Chairman of the Planning Commission  
 Chairman of the Board of County Commissioners  
 County Clerk

- l. Layout
  - i. The exact layout must be neatly drawn to scale, and shall include the boundary lines with accurate distance and either bearings or internal angles, and the exact location and width of all existing or recorded streets adjacent to the boundary of the tract. Minimum relative error of closure to one in five thousand.
  - ii. The central angles, radii, and arc lengths of all curves or portions thereof, length of tangents, location of points of curvature and intersections.
  - iii. Easements shall be designated on the plat as to use and size. They shall be represented by a fine dashed line or indicated by appropriate statements.
  - iv. Lots and Blocks: All lines of lots, blocks, and other parcels of land shall have accurate dimensions in feet and hundredths with bearing or angles to street and alley lines. Lots must close to one in five thousand and must be surveyable by the information given on the plat alone. Acreages of all lots shall be shown.
  - v. Identification System: All lots and/or blocks in the subdivision shall be numbered consecutively throughout the tract with no omissions or duplications.
  - vi. Streets: The plat shall show the right-of-way lines, widths, locations and names of all existing and proposed streets or roads within the proposed subdivision. The center line data or right-of-way data of all curves shall be on the plat.

m. If the proposed subdivision is within the boundaries of the Wheatland Irrigation District and subdivider is not detaching the District's water rights, the plan must show the following, after receiving the written approval of the District:

- i. Location of all water rights;
- ii. How water is delivered from the source to the proposed subdivision;
- iii. How water is delivered to each lot within the proposed subdivision;
- iv. How much of each water right is to remain Appurtenant to each subdivision lot.

3) Supplemental Information to submit with the Final Plat:

- a. Subdivision Boundary Closure Sheets (DMD or equivalent)
- b. A title insurance commitment or policy issued by a title insurance company or an attorney's opinion of title, certified to a date not more than thirty (30) days prior to the submittal of the final plat to the Planning Office, showing the name of the owner(s) of the land and all other persons who have an interest in, or an encumbrance on, the property described on the final plat. Upon request of the Planning Commission, the subdivider shall cause to be joined on said filing plat those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.
- c. As the alternative, such other parties any subordinate their interest to the dedication of public rights-of-way contained therein by a notarized Ratification Statement.
- d. Where school or park land is dedicated a partial release of interest shall be required of any and all lienholders, to accompany deeds to the School Districts or the county in order that unencumbered title is transferred to said district.
- e. School Districts or the county in order that unencumbered title is transferred to said district.
- f. Street Plans and Profiles: Plans and profiles shall be submitted which consist of centerline and flowline (gutter flow line) profiles of existing surface together with the proposed flow line grade of both sides of the street and a typical cross-section.
- g. If applicable, water and sewer pipe profiles (flow line) shall be included in the road plans and profiles, with manholes, cleanouts, hydrants, etc.
- h. Construction plans: If any structures (bridges, culverts, channelization, etc.) are required within the area to be platted construction plans shall be submitted.

- i. Itemization of public improvements and collateral agreement once itemization is approved. (See Section 6., c., Improvement Guarantee.)

#### D. Vacation Plat

- 1) The vacation plat shall be drawn with permanent India ink or produced by a photographic process (silver image) on linen or polyester film base material. The overall plat(s) dimension shall be thirty (30) inches by twenty-one and a half (21½) inches including a one-half inch border. A vacation and replat may be submitted as one application and may be drawn onto one plat if convenient. The lots, blocks, rights-of-way, or easements shall be titled "To be vacated:", and the description shall be titled "As Re-platted". (All requirements of a replat and of a vacation shall be fulfilled.)
- 2) Information Required on a Vacation Plat
  - a. Scale: The vacation plat shall be drawn to scale that will show all details clearly.
  - b. The name of the vacation plat must begin with the following words: "A Vacation Plat of \_\_\_\_" or "A Vacation and Re-plat of \_\_\_\_".
  - c. Statement, executed by the owners of all legal and equitable interests in the property being vacated, which shall contain the following:
    - i. Name of persons or entitles executing the plat.
    - ii. Description of the property being vacated; if said description contains references to recorded documents and/or instruments, said information shall be properly indicated on the graphic portion of the plat.
    - iii. Proper signatures of the subscribing persons and entities affirming the execution of the vacation plat. In the event of execution by a corporation, the corporate seal shall be affixed to the plat.
  - d. Notarial Acknowledgement: Proper statutory acknowledgement by the owner or owners of legal or beneficial interests or their approval of the plat.
  - e. Date of preparation, north point, and written and graphic scales.
  - f. A vicinity map to locate the vacation plat.
  - g. Surveyor's Certificate: Certification by a registered Land Surveyor of the State of Wyoming to the effect that the plat to be vacated is a recorded plat.
  - h. Certificate of execution by each of the following or their duly appointed representative, in order:
    1. County Engineer

2. Planning Director
  3. Chairman of the Planning Commission
  4. Chairman of the Board of County Commissioners
  5. County Clerk
- i. Layout: The exact layout including:
- i. Boundary Lines: Pertinent boundary information with accurate distances and either bearing or internal angles.
  - ii. Easements: If easements are not to be vacated, a note so stating shall be on the plat.
  - iii. Lots, blocks, identification systems and other parcels of land as recorded.
  - iv. Streets: The plat shall show any right-of-way lines and names of streets adjacent to the property being vacated.
- 3) Supplemental Information to Submit with Vacation Plat: A title insurance commitment of policy issued by a title insurance company or an attorney's opinion of title, certified to a date not more than thirty (30) days prior to the submittal of the vacation plat to the Planning Office showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the vacation plat; and signing of the plat or ratification of the vacation is required by all such persons having interest in the land.

## **Section 6. Subdivision Standards**

### **A. General Standards**

- 1) Conformity: The subdividers should study any adopted land use plans and regulations, and design the subdivision to comply with those policies. The Planning Commission and Board will study the plans as they relate to such adopted policies.
- 2) Building Lots: All subdivision should result in the creation of lots which are developable and which have adequate building sites.
- 3) Access to Public Streets: The subdivider shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways.
- 4) Land Unsuitable For Subdivision: Land unsuitable for subdivision shall mean land that, if subdivided, would be detrimental to the health, safety, or general welfare of existing or future residents because of potential hazards such as flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features. The presence of these features does not preclude subdivision approval; provided the

subdivision is reviewed as a major subdivision and the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.

- 5) Matters of historical, archeological, or geologic significance shall be identified sites and landmarks shall be considered in subdivision plans in accordance with adopted State preservation plan.
- 6) Circulation: Automobile, transit and pedestrian circulation should be designed to provide safe, convenient access to schools, shops, parks, transportation facilities, and other community facilities.

## B. Design Standards

### 1) Lots

- a. Widths and depths of lots shall be designed for the type of land use contemplated for the development.
- b. Corner lots should be wide enough to permit building sites which could have orientation from either street and allow good traffic site distance.
- c. Each lot shall have access to a public dedicated street in the continuous integrated network of county, city, state, and federal roadways. A statement dissolving right of access from individual lots to arterial streets may be required on the final plat.
- d. Each lot should have an adequate building area with consideration of poor soils, high water tables, flooding possibilities, or other limiting hazards to building sites, access, or sanitary sewage facilities. Adequate area for fire protection vehicles to turn around on the developed lot should be considered.
- e. Lots shall be numbered beginning at Lot #1 and numbered consecutively upward for each filing. Lots in re-plats generally shall be alphabetically identified to avoid numerical confusion. Block numbers are discouraged in order to prevent confusion.
- f. Reserve Strips controlling access to streets shall be prohibited except where their control is given to the county under conditions approved by the Board.
- g. Lot splits in a platted subdivision shall be done with consideration of access, building area, and capability of the soil with respect to wells and wastewater disposal.

### 2) Easements

- a. Public Utility Easements: The subdivider should discuss utility easements required with local utilities. Utility easements shall not be less than fifteen (15) feet in width on each lot where utilities require them, and providing easements shall be the

responsibility of the subdivider. Irrigation Districts are considered to be public utilities.

- b. Drainage Easements: If a subdivision is traversed by a watercourse, drainage way, or channel, then a storm water easement shall conform to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access to and maintenance thereof. Drainage areas generally should be left in a natural state unless channelization is recommended by the County Engineer.

### 3) Street Plan

- a. The street pattern shall be in conformity with any municipal major street plans. Location of existing, planned, or platted streets shall be considered in street layout. Centerlines of streets not in alignment shall be offset by a minimum of 135 feet.
- b. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography of other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary for the connection of the subdivision with the existing thoroughfare layout or is not the most advantageous future development of adjacent tracts.
- c. In the case of stub-end streets which shall continue with future development, a temporary turnaround easement, being one hundred (100) feet in diameter, will be indicated at the end of the stub-street. A note limiting the life of this easement shall be put on the final plat.
- d. Proposed streets and rights-of-way should intersect one another at right angles. The intersection of more than two streets is not permitted.
- e. Half streets are not permitted.
- f. Streets shall have the following minimum right-of-way widths when public:
 

Major collector streets:	80 feet
Minor collector streets:	60 feet
Local streets:	60 feet
- g. Cul-de-sacs: Permanent cul-de-sacs may serve no more than twenty (20) lots and must be provided with a right-of-way at the turnaround of fifty-five (55) feet in radius or more and the outside curb or pavement edge radius shall be forty-five (45) feet or more.
- h. Street Names: Names and numbering shall be subject to approval by the Planning Office. Street names shall not be duplicated and shall not be too closely similar phonetically to any name of an existing street in an adjacent municipality in Platte

County. Any street, which is continuation or an approximate or logical continuation of any existing dedicated street, shall bear the same number as the existing street. Street name designation shall be as follows:

Street, Avenue, or Road: Shall be reserved for principle or minor arterial streets, in conformance with the major street plan.

Street, Circle, Lane, Way, or Drive: Shall be reserved for collector or local street with continuity.

Court, Place, Square, or Terrace: Shall be reserved for streets with no continuity, such as cul-de-sacs.

- C. Improvement Standards: In order to provide for the orderly construction of public improvements as areas are built and developed and to promote the public health, safety and welfare and to ensure a serviceable and healthy living environment, the subdivider shall provide the following:
- 1) Water and wastewater systems: The subdivider shall install water and wastewater systems with connections to all lots being platted smaller than one acre. If either a water system or wastewater system is proposed the lot size shall be determined by the physical capability of the soils to contain the development.
  - 2) Underground Utilities: All utility services may be placed overhead or underground, at the discretion of the developer. Transformers, switching boxes, terminal boxes, meter boxes, pedestals, and other facilities appurtenant to underground facilities may be placed above ground.
  - 3) Street name signs: The subdivider shall install street name signs in accordance with county specifications.
  - 4) Erosion Control Measures: The subdivider shall grade, develop and/or install improvements based on a rational plan for preventing erosion and undue sedimentation, and return topsoil to graded areas.
  - 5) Minimum Street Improvement:
    - a. For all subdivisions, the subdivider shall install gravel roadways in compliance with the Wyoming Highway Department minimum specifications, and necessary drainage facilities in compliance with the approved drainage report.
    - b. Dedication: The subdivider shall dedicate the entire right-of-way for public streets to Platte County.
  - 6) Acceptance of Improvements: Upon completion of all improvements within the subdivision, or portion thereof, as mutually agreed upon the subdivider and the Engineer,

the subdivider may request acceptance of public improvements for maintenance by the County.

- 7) The Board will consider each request individually, and base the decision to maintain the improvements on the County's financial ability, the need (demand), and location.
- 8) Improvement Guarantee
  - a. Submission of Estimate: The subdivider shall submit an "Estimate of Guarantee Funds" with the final plat if any public improvements are necessary. This form is available at the Planning Office. An administrative cost of 5% of estimated costs shall be added to the letter of credit to cover inspection, mileage, contingencies, administration costs, unknowns, etc., by the Engineer.

After the "Estimate of Guarantee Funds" has been checked and approved by the County Engineer, the subdivider shall submit in favor of Platte County a Corporate Completion Bond, or an irrevocable Letter of Credit, or a Cashier's Check or an Escrow Account, or other collateral acceptable to the Board to secure to the County the actual construction of the improvements within a period of eighteen (18) months of the approval of the plat, a revised cost estimate must be submitted for approval in order to have the approved final plat recorded. If the collateral has not been submitted within six (6) months of the approval of the plat, a revised cost estimate must be submitted for approval in order to adjust to price and materials changes.

Recall of funds, if necessary will be at the discretion of the Board and by written request. Recalled funds may be credited to a special account and an accurate accounting of the cost incurred in the completion of defaulted work will be maintained.

As an alternative to the preceding method of handling defaulted work, the County Engineer may elect to make contractual agreements wherein defaulted work will be completed under his supervision by contracts with payment to contractor direct from guarantee funds by order. Administrative expenses of up to 5% of contract amounts will be paid to the County upon order. Any residue of guarantee funds will be returned to the proper source.

Performance guarantees may be extended beyond the 18-month period with the following conditions:

- i. That the request for extension is made by the grantor at least thirty (30) days prior to the terminating date of the active guarantee;
- ii. That a schedule of completion be approved by the County Engineer (priority for construction of arterial streets shall be a policy in evaluating a satisfactory schedule);

- iii. And that the request be approved by the Board.
- b. Partial Release: Upon a satisfactory completion of a phase of work or a portion thereof, the subdivider may make a request in writing for a partial release of funds. Amounts, so released, will be calculated on the same basis as used in the original estimate of funds. Any costs billed to the County by the County Engineer for his inspection and mileage shall be withheld by the County, up to a maximum of 5% of the guarantee funds.
- c. Upon the completion of all improvements to the satisfaction of the County Engineer (as determined by final inspection and corrections of listed deficiencies) a release of the funds may be made by the Board on recommendation of the County Engineer, except for those funds withdrawn for inspection and mileage.
- d. Real Estate Disclosure Laws
  - i. Wastewater Disposal: If no public sewage disposal system is proposed by the subdivider, the words “NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM”, in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements, and plats relating to the subdivision.
  - ii. Water Supply: If no domestic water is proposed by the subdivider, the legend “NO PROPOSED WATER SOURCE” shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.
  - iii. Road Maintenance: If no public maintenance of streets, alleys, or roadways is contemplated by the subdivider, the legend “NO PUBLIC MAINTENANCE OF STREETS OR ROADS” shall appear on the plat of the subdivision, on the advertisements for the subdivision and on the contracts or agreements for the sale or purchase of lots within the subdivision showing the streets, alleys and roadways.
  - iv. Only normal rural fire protection and ambulance service can be expected.
  - v. All owners of lots in this subdivision shall abide by the policies of the Wheatland Irrigation District as adopted by the Platte County Planning Commission relating to assessment and administration of water to said subdivision.
  - vi. High winds may cause blowing of farm residue on to the subdivision.

Other disclosure statements may be required on the final plat as deemed necessary by the Board, upon recommendations of the Planning Commission and hearing of the proposed subdivision. These statements shall also appear on all offers, solicitations, advertisements, contracts, and agreements relating to the subdivision.

**SKETCH PLAN REQUIREMENTS**

- A. An U.S.G.S. topographic map at 1:24,000 scale showing the general location of the subdivision, the property boundaries of the subdivision, topographic contours, and the North arrow.
- B. A map or survey showing the lot layout and indicating the approximate dimensions and acreage of lots. This map shall be prepared using a tax map or previous survey as a base.
- C. A description of the type of domestic water system proposed and information pertinent to the proposed water system (such as water rights and available data on quality of water).
- D. Any known information concerning flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features on the property.
- E. A copy of the review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The applicant is responsible for requesting this report. The local conservation district may require up to 60 days to prepare the report.
- F. Proof of ownership.
- G. Any requests for variances from the standards of these Regulations.

## DISCLOSURE STATEMENT

The applicant shall submit a full disclosure statement for review and approval by the Planning Commission and Board of County Commissioners prior to approval of a final plat. Copies of the approved disclosure statement shall be recorded with the plat in the office of the County Clerk and will be available on request to the public. The subdivider must give a copy of the disclosure statement to each purchaser of a lot in the subdivision prior to the close of the sale on that lot.

Disclosure statements shall clearly and concisely present all the facts related to the following as applicable:

- A. Identification of entities responsible for road construction and maintenance including snow removal.
- B. Description of the domestic water supply including identification of entities responsible for maintenance of any water supply system(s); Statement that wells are required to be registered with the State Engineer.
- C. Description of sewage disposal methods and permits required; Identification of entities responsible for maintenance of the sewage disposal system(s).
- D. Statement concerning the existence of subdivision covenants including where copies of the covenants may be obtained; Statement that Platte County does not enforce private subdivision covenants.
- E. Information on the homeowners association, if applicable; This shall include identification of all of the association's maintenance responsibilities and how the association is funded.
- F. Garbage disposal availability.
- G. Fire protection availability.
- H. Statement if any of the land is subject to flooding.
- I. Identification of any codes or covenants relating to construction in the subdivision.
- J. Postal service availability and mail delivery points.
- K. Statement of status of any water rights in the subdivision; Statement that subdivision purchasers are not allowed to use water out of any ditch or stream without a water right.
- L. Statement concerning the plans for disposal of irrigation wastewater.

M. Identification of service providers for cable TV, telephone, gas and electricity with addresses and phone numbers; Statement indicating which of these services have been extended to the lots in the subdivision.

Park County **NON-EXEMPT LARGE ACREAGE SUBDIVISION**

A subdivision permit will be required where 11 (eleven) or more parcels are created of 35 acres up to 40 acres ([see Chapter III, Section 7b](#)). The following requirements shall apply:

(1) A survey plat containing the following:

- A. Date of preparation, scale and north arrow;
- B. The location of the subdivision including the section, township and range;
- C. The location and dimension of existing and proposed lots, units, tracts, parcels, streets, alleys, roads, highways, public ways, utility rights-of-way, easements, parks and the location of proposed permanent buildings and structures if known.

(2) Where individual on-lot sewage systems are proposed, the words **“NO PROPOSED CENTRALIZED SEWAGE SYSTEM”** in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision. For centralized waste disposal systems, documentation is required evaluating the adequacy and safety of the system;

(3) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend and shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways. Where no or limited on-lot utility connections are proposed, the words **“NO PROPOSED UTILITY CONNECTIONS”** or **“LIMITED UTILITY CONNECTIONS”** as appropriate, in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision. A permit shall not be denied for failure to provide on-lot utility connections;

(4) Where individual on-lot wells are proposed, the words **“NO PROPOSED CENTRAL WATER SUPPLY SYSTEM”** in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision. For central water supply systems, documentation is required to evaluate the adequacy and safety of the system. The study shall include information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well.

(5) Documentation that adequate ingress and egress access has been provided to all proposed lots, units, tracts and parcels and that all proposed lots, units, tracts, parcels, streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the Board. If the subdivider proposes to make any streets, alleys or roadways private, a properly acknowledged written certification that declares certain streets, alleys or roadways within the subdivision shall remain private, and the board shall be under no obligation to repair, maintain or accept any dedication of these roads to the public use. If no such public maintenance is contemplated on any of the roads, the subdivider shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters **“NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR ROADS”** ;

(6) Documentation there are adequate financial resources to develop and complete any facility that is the responsibility of the developer, including but not limited to water supply systems, sewage systems, streets and roadways. The applicant shall provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision will in fact be completed as proposed, or escrow sufficient monies out of land sales to guarantee that the above facilities are installed. The amount of any bond or other financial commitment or escrow required under this paragraph shall reflect the estimated costs of providing the facilities;

(7) Obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The review and recommendations shall be completed within sixty (60) days.

(8) Obtain review and recommendations from a fire protection district in which any portion of the subdivision lies, or from the nearest fire protection district if no part of the subdivision lies within a fire protection district, regarding adequacy of fire protection measures. If the entire subdivision does not lie within a fire protection district and no city, town or fire protection district is obligated to provide fire protection pursuant to an agreement authorized by law, the subdivider shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters **"LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED"**.

(9) A legend shall be placed on the plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters **"THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE"**.

(10) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision the developer shall provide for state requirements for disposition of water rights (Ch.III Sec.3 e).

(11) Evidence the parcels comply with zoning requirements, including roads that access more than 4 (four) parcels are built to county standards.

(12) Public hearing (s) with the Planning & Zoning Commission and Board of County Commissioners.

**CHAPTER 5**  
**MAJOR LAND DIVISION**

1. Major Land Divisions pursuant to W.S. 18-5-316

a. Original parcels of land **lawfully recorded on or before July 1, 2008** shall be divided into not more than ten (10) sub-parcels of one hundred forty (140) acres or less in size, provided that each new or remaining sub-parcel shall be no less than thirty-five (35) acres in size.

b. Sub-parcels created from original parcels of land lawfully recorded on or before July 1, 2008 may be created at any time and may be created over a period of years through separate transactions.

c. Boundary adjustments between or among sub-parcels hereunder shall not be considered as a distinct division of property.

2. The subdivider of an original parcel of land lawfully recorded on or before July 1, 2008 shall furnish the following information to the Natrona County Development Department prior to commencing any development activity:

a. A legal description or recordable survey of the original parcel of land and any defined sub-parcels. Such description or survey shall include the following:

I. Date of preparation, scale and north arrow;

II. Location of all known subdivision units, including section, township and range; and,

III. Location and dimensions of binding and recordable access and utilities easements of not less than forty (40) feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

b. With respect to any water rights appurtenant to lands to be subdivided:

i. Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the Board of this action; or

ii. Evidence that the subdivider has submitted to the state engineer the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

- iii. A plan, a copy of which was submitted to and approved by the state engineer prior to commencement of any development activity, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W. S. 41-3-103, W. S. 41-3-104 or W. S. 41-3-114;
  - iv. If the subdivision is located within an irrigation district or within lands served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and
  - v. Evidence that the subdivider will specifically state on all offers relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.
3. Nothing in this section shall require the acquisition of a permit for the sale or disposition of lands that on or before July 1, 2008 were developed and promoted as part of a large acreage subdivision as evidenced by dated plats, sales brochures or other evidence acceptable to the Natrona County Board of County Commissioners.
4. If the lots, units, tracts, or parcels created pursuant to a subdivision permit hereunder are used for agricultural purposes and otherwise qualify as agricultural land for purposes of W. S. 39-13-103 (b) (x), the lots, units, tracts or parcels shall be deemed not to be part of a platted subdivision for purposes of W. S. 39-13-103 (b) (x) (B) (II).

“subdivide” or any derivative thereof shall have reference to the term subdivision including mobile home courts, the creation of which constitutes a subdivision of land.

av. **Urban Services Area.**

A boundary delineating the existing and planned water and sewer service area of the City of Sheridan, outside of which sewer services will not be extended. (See the Urban Services Area map in Appendix H.)

aw. **Water supply system.**

Includes the development of the source and all structures for conveyance of raw water to the treatment plant or delivery systems; all water treatment plants including disinfection facilities; water supply systems used for irrigation and stock water; and all finished water delivery systems including pipelines, pumping stations and finished water storage facilities.

**Section 2.1. Classification of Subdivisions.** Following are the classification of subdivisions:

- a. A Minor Subdivision:
  - i. Creates five or fewer lots;
  - ii. Is in a previously platted subdivision or an unplatted parcel of land;
  - iii. Does not create or extend any new public water system, public sewer system, or street; and
  - iv. Is not classified as a Large Acreage Subdivision.
- b. A Parcel Division:
  - i. Applies to unplatted parcels of land that have not been divided after March 10, 1975; and
  - ii. Creates two parcels of land; and
  - iii. Is not classified as a Large Acreage Subdivision.
- c. A Replat:
  - i. Reconfigures and vacates pre-existing lots;
  - ii. Does not increase density;
  - iii. Does not substantially alter the original exterior subdivision boundary;

- iv. Cannot be classified as a Corrected Plat; and
  - v. Is required when changes are made to a Final Plat that has been approved by the Board whether or not the Final Plat has been recorded.
- d. A Corrected Plat is a plat that corrects an error contained in a previously filed plat.
- e. A Major Subdivision is any subdivision that does not fall into any of the above classifications, and is not classified as a Large Acreage Subdivision.
- f. A Cooperative Subdivision is a subdivision that requires approval by both Sheridan County and a city or town and has been previously approved by that city or town. A Cooperative Subdivision may include any of the classifications of subdivision listed in this section. The Cooperative Subdivision process is available only when Sheridan County and the city or town have in place an agreement addressing each entity's responsibilities for review of Cooperative Subdivisions.
- g. A Large Acreage Subdivision:
- i. Is a division of land which creates parcels that are no greater than 80 acres and no less than 35 acres in size.
- h. Conservation Design Subdivision.  
A Conservation Design Subdivision is a division of land that permanently sets aside open space or a conservation area on a parcel while maintaining overall density by creating lots that are smaller than the minimum lot area permitted by the Rules and Regulations Governing Zoning. The conservation area can then be used for a variety of purposes, such as agriculture, open space, wildlife habitat protection, and non-motorized outdoor recreation, but it cannot be developed for home sites.

**Section 2.2. Requirements.**

Following are the requirements for the different classifications of subdivisions. The requirements for a Cooperative Subdivision supersede the other classification requirements.

## What is a Subdivision?

A subdivision is the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The process for subdividing depends on the number of lots being created, the size of the lots being created and the type of subdivision. We encourage landowners to become familiar with the [Subdivision Regulations](#) prior to submitting an application for a subdivision.

The Big Horn County Subdivision Regulations were modeled directly from the [Wyoming State Statutes, Title 18, Chapter 5, Article 3](#) and customized to meet the specific needs of our county. They were last amended in April of 2012. We anticipate significant revisions in the coming year to provide better clarification of the legal language, process maps to guide landowners through the subdivision process and affidavits for exemptions.

## Types of Subdivisions

### Exempt Subdivisions

## Important Update:

In 2019, The State of Wyoming Legislature passed House Bill 196. This bill changed the requirements for Subdivisions using the family exemption portion of Wyoming State Statue 18-5-303. The 5 and 1 year requirements have changed. Under the revised 18-5-303 (a) (i) (C) adopted on 02/27/2019, any Subdivision of land using the family exemption must now be titled in the name of the grantor for a period of not less than 10 years prior of the division of land and the creation of a new parcel. The Immediate family member gaining title must now remain the titled owner for a period of not less than 5 years, unless one of the conditions set in 18-5-303 (a) (i) (C) are met.

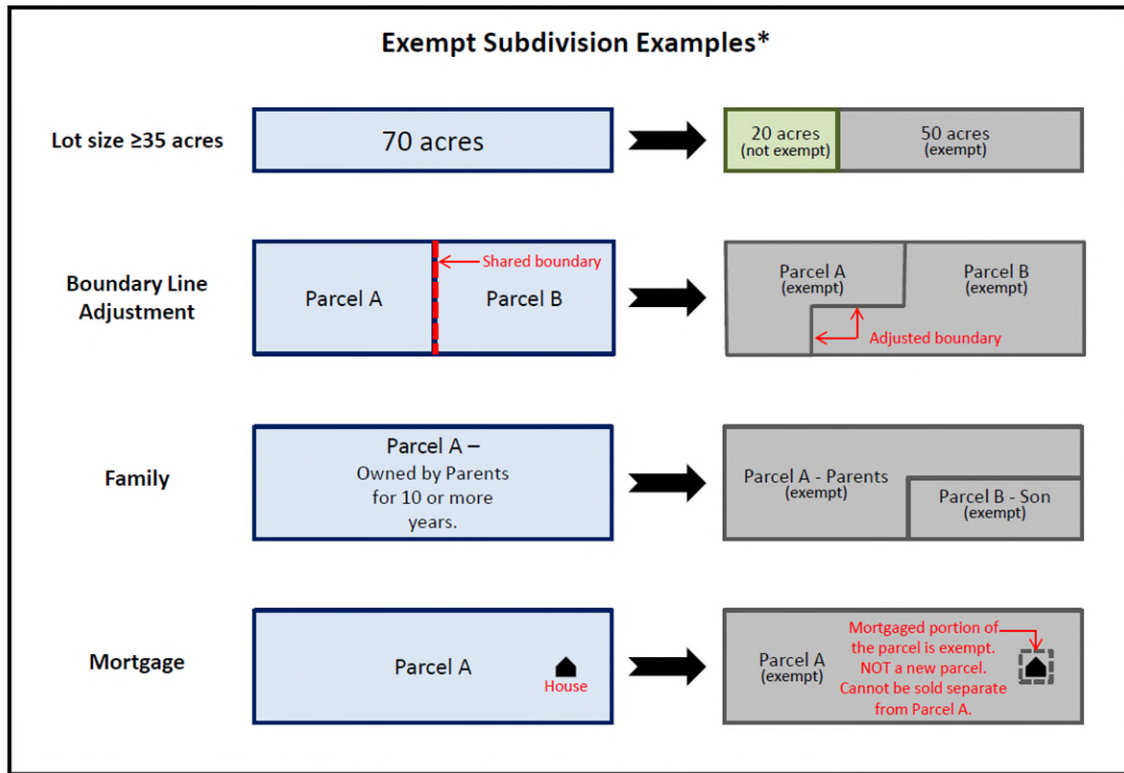
Our policy is, any Subdivision using the Family exemption filed with the County Clerk on or before 02/26/2019 will use the 5 and 1 year requirements, and filings on or after 02/27/2019 will use the 5 and 10 year requirements. If you have any questions regarding this change please contact the Big Horn County Land Planner.

Use the following link to see the bill: [Wyoming State Legislature 2019 House Bill 196](#) (will open in new window with state website)

A land division that is not required to go through the formal subdivision process with oversight by the Land Planning Department. The most common exemptions seen in Big

Horn County are >35-acre parcel splits, boundary line adjustments, family exemptions and mortgages.

Click on the image below to see a graphic that shows some examples of exempt subdivisions:

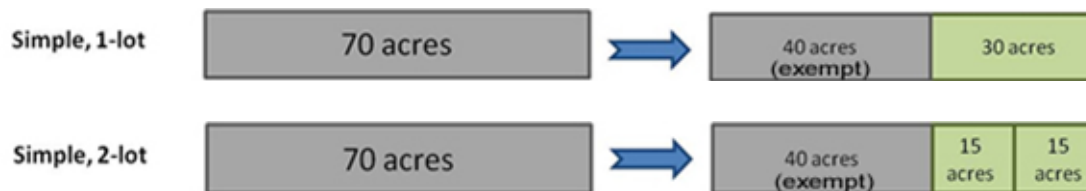


\*See Subdivision Regulations for a complete list of exemptions and conditions.

Note: Not all exemptions are cut and dry; special conditions apply in most cases. All exemptions and conditions for exemptions are explained in Chapter III, Section 3 of the Big Horn County [Subdivision Regulations](#).

### Simple Subdivision

A division of one unit of land into one or two lots, each smaller than 35 acres. Parcels greater than or equal to 35 acres that are created as part of land division are exempt from the subdivision process.

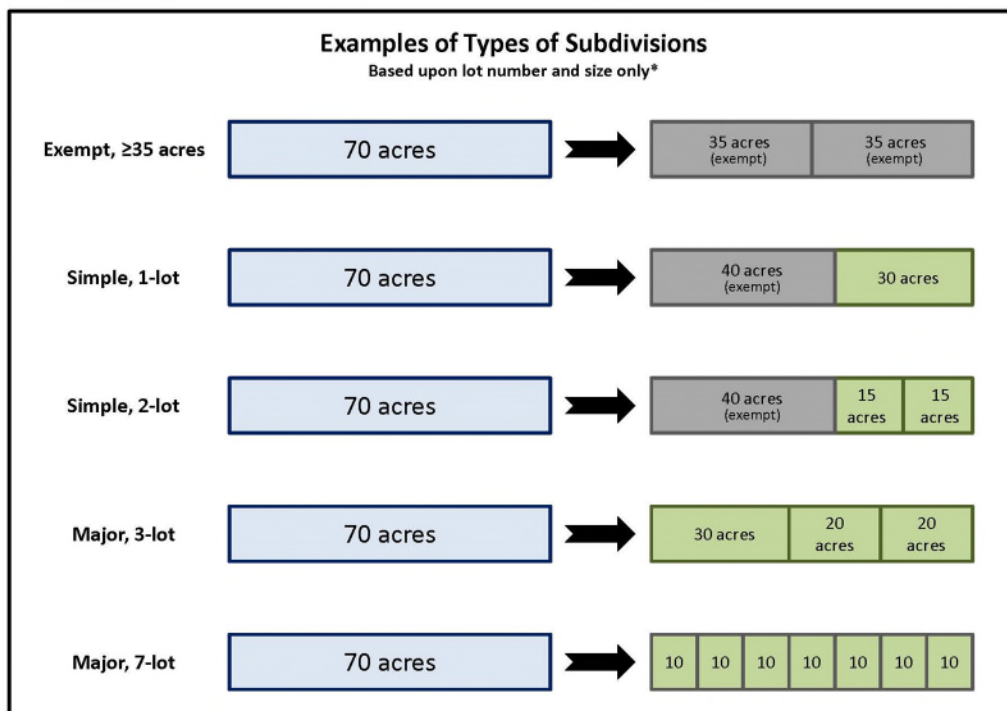


## Major Subdivision

A division of one unit of land into three or more lots, each smaller than 35 acres. A major subdivision includes any subdivision that does not qualify as a simple subdivision.



Click on the image below to see a graphic that shows various types of subdivisions by lot number/size:



\*Various other conditions and exemptions may apply (e.g. family, ag, boundary line adjustment, mortgage, etc.). See the Subdivision Regulations for details.

Big Horn County, WY, Land Planning Department

Revised 3-12-2013

## Process Checklists

We have developed a few checklists to help our customers visualize and keep track of all the moving pieces throughout the process.

[Basic Simple Subdivision Process Checklist](#)

[Detailed Simple Subdivision Process Checklist](#)

## 7.1.2. Rural Area Planned Residential Development (Rural PRD) (7/18/18)

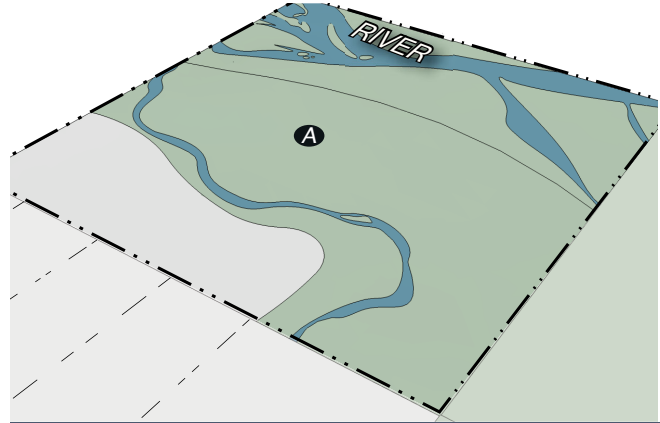
### A. Intent

1. **Purpose.** The purpose of the Rural PRD is to encourage conservation of open space and clustering of development by granting more density in exchange for clustering and permanently conserved open space. The goal of the Rural PRD is to provide a rural area landowner with a subdivision option that is better for wildlife, scenery, and/or agriculture than just selling individual 35 acre tracts.
2. **Location.** Each Rural PRD includes a conservation area and one or more development areas that are entirely outside the conservation area. The Rural PRD is the appropriate tool when locating both the conservation area and clustered development area(s) in a rural area of the community, as identified in the Illustration of Our Vision chapter of the Comprehensive Plan.
3. **Comprehensive Plan.** The Rural PRD is primarily based on the Comprehensive Plan direction of Policy 1.4.c.
4. **Applicable Zones.** The Rural PRD may be used in the R-1, R-2, and R-TC zones.

### B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3, in addition to the standards of this Section.

#### 1. Scale



#### Minimum Gross Site Area

Conservation area GSA (min)	Greater of: <b>A</b>
Conservation area GSA	49 ac
PRD GSA in conservation area	OR 70%

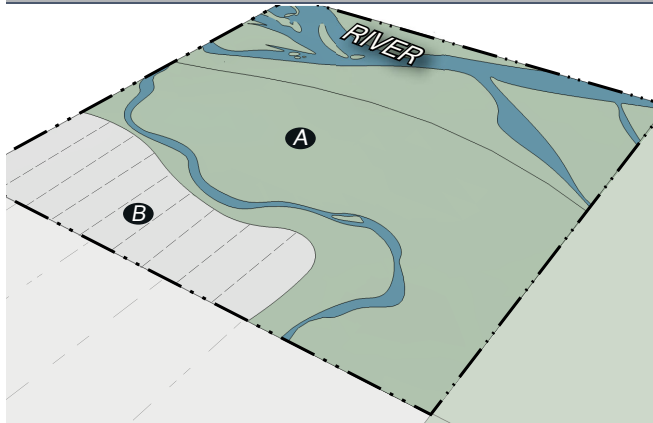
2. **Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A.
  - a. Wildlife
  - b. Scenic
  - c. Agriculture
3. **Noncontiguous PRD.** The site of a Rural PRD may be noncontiguous pursuant to the rules for measurement in Section 9.4.4.
4. **Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of allowed dwelling units per PRD GSA in Subsection C.1. unless the dwelling units are already allowed by the conservation easement.

**EXAMPLE:** A 1970s conservation easement reserves 2, 3-acre homesites on 55 acres. The base R1 zoning does not allow 2 units without approval of a PRD. The existing conservation easement may be used in a PRD application for the 2 units allowed by the easement, but may not be used to propose more than 2 units.

**C. Development Area Standards**

Nothing in this Section shall preclude the permanent reduction, through conservation easement, of the development potential allowed in a development area.

**1. Scale**



Development Area	
Development Area (max)	Lesser of: <b>B</b>
Development Area GSA	PRD GSA minus 49 ac.
PRD GSA in development area	OR 30%
# of development areas : PRD GSA (max)	1 : 70 ac
Dwelling units : PRD GSA (max)	3 : 35 ac
Dwelling Unit Within a Rural PRD	
Floor area (max)	10,000 sf
Site Development (max)	25,410 sf
Lot Within a Rural PRD	
Street setback (min)	
Public Road	50'
Private Road	30'
Non-street setback (min)	
Structure	30'
Site Development	15'

**EXAMPLE:** A Rural PRD on 100 acres would require a minimum of 70 acres of conservation area and be allowed a maximum of 30 acres of development area (30:70 = 3:7). Eight principal residential units (3 \* 100 / 35 = 8.57) would be allowed in the development area.

**2. Location.** The development area shall be located adjacent to existing development when existing development abuts the Rural PRD site, unless better protection of the conservation value(s) would be achieved in another location.

- 3. Access across conservation area.** Access to a development area that crosses a conservation area shall be counted as conservation area in calculation of the maximum development area.
- 4. Physical Development Standards.** Except as modified in this Section, the physical development standards applicable in the zone shall apply in a Rural PRD development area.
- 5. Use Standards.** Except as modified in this Section, the use standards applicable in the zone shall apply in a Rural PRD development area.
  - a. Allowed Uses.** In addition to the uses allowed in the zone of the Rural PRD, on lots in the development area of a Rural PRD all residential uses are allowed.

**EXAMPLE:** The 8 units allowed in the previous example could be any combination of residential uses defined in Section 6.1.4, so long as each unit has only one kitchen.

- b. Maximum Scale of Residential Use.** A residential unit shall not exceed 8,000 square feet of habitable floor area.
- 6. Development Option Standards.** Except as modified in this subsection, the development option and subdivision standards applicable in the zone shall apply in a Rural PRD development area.
  - a. Condominium/Townhouse.** Condominium or townhouse subdivision is a permitted subdivision option as part of a Rural PRD.
  - b. Density Allowed without Subdivision.** The density allowed by a Rural PRD does not have to be subdivided into separate lots. However, approval of a Development Plan for a Rural PRD shall vest subdivision of the allowed density once the conservation easement is recorded.

### 7.1.3. Urban Cluster Development (UCD) (1/1/15)

[Section number reserved, standards only apply in Town]

### 7.1.4. Mobile Home Park (1/4/21)

Mobile Home Parks shall meet the following standards. Mobile Home Parks may be proposed in the MHP-TC or as a Planned Residential Development. Existing Mobile Home Parks proposed for expansion or redevelopment in the MHP-TC zone, shall only be required to comply with 7.1.4.A.

**A. Existing Mobile Home Parks in the MHP-TC.** Existing mobile home parks within the MHP-TC zone shall be allowed to continue, expand, and redevelop, provided the standards in this Subsection are met.

1. **Density.** The number of units in an existing mobile home park in the MHP-TC shall not be limited.
2. **Area.** Each mobile home within an expansion area or redeveloped park shall have a lot or pad land area that equals or exceeds the average size of a mobile home lot or pad in the existing mobile home park, not including open space areas clearly heretofore undeveloped. Land that typically serves as yard area between mobile homes shall be included in the existing land area per individual mobile homes, unless the area between two particular mobile homes is clearly in excess of the average, to the extent that another mobile home could be located there.
3. **Impervious Surface.** The impervious coverage per mobile home lot or pad in the expansion area or redeveloped park shall be equal to or less than the average amount of impervious coverage per mobile home lot or pad in the existing park.
4. **Yards.** Each mobile home within the expansion area or redeveloped park shall have yards that equal or exceed the average yards for the mobile homes in the existing park. Street, side, and rear yards in the expansion area or redeveloped park shall equal or exceed the average street, side, and rear yards respectively.

**B. General Mobile Home Park Dimensional Requirements**

1. **Area Requirements.** A lot for a single wide unit shall be at least 3,300 square feet in area and a lot for a double wide unit shall be at least 5,000 square feet in area if common recreational open area is provided pursuant to this Section. If no common recreational open area is to be provided, the above stated area requirements shall be increased to 3,800 and 5,500 square feet respectively.
2. **Replacement of Single Unit Lot with Doublewide Unit.** If any lot in a Mobile Home Park is initially designed to accommodate a single unit, it shall not be replaced by a doublewide unit unless all applicable setbacks and spacing between units are met, and the stand is modified to accept the double wide unit.
3. **Side to Side Spacing.** There shall be a minimum 20 feet side-to-side spacing between units.

4. **End to Side Spacing.** There shall be a minimum 15 feet end-to-side spacing between units.
5. **End to End Spacing.** There shall be a minimum ten 10 feet end-to-end spacing between units.
6. **Contiguous to Other Lot of Record.** On any lot in a Mobile Home Park site which is contiguous to another lot of record not in the Mobile Home Park, the unit shall be set back a minimum of 25 feet from the boundary line contiguous to the other lot of record.
7. **Contiguous to Internal Streets.** A unit shall be set back a minimum of 25 feet from an internal street or road.
8. **Additions and Alterations.** Any additions or alterations made to a mobile home unit, including porches, awnings, and overhangs, shall not exceed an area of one hundred 160 square feet, shall be set back a minimum distance of fifteen 15 feet from an adjacent mobile home, conform in color with the existing unit, and be of suitable material.
9. **Limits of Mobile Home Space.** The limits of each mobile home space shall be marked on the ground with monuments placed at each corner.
10. **Adequate Support for Placement.** The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.
11. **Skirting.** Skirting of mobile homes is mandatory and shall be accomplished within 60 days of placement and installation of the mobile home.
12. **Height.** Mobile homes, including any additions, shall not exceed 18 feet in height.
13. **Accessory Structures.** Accessory structures, such as storage buildings, shall not exceed one story or fifteen 15 feet in height, whichever is greater.
14. **Storage Buildings.** Storage buildings and structures may be provided adjacent to individual mobile homes to accommodate seasonal equipment, outdoor furniture, and other large or bulky possessions not normally stored within the mobile home unit. Such structures shall not be used as a living unit and shall not exceed two hundred fifty 250 square feet of space.

### C. Access, Traffic Circulation, and Parking

1. **Internal Streets.** Internal streets and walkways within the mobile home park shall be privately owned, built, and maintained, and shall be designed for safe and convenient access to all stands and parking spaces, and to facilities for common use of Mobile Home Park residents.
2. **Internal Streets to Each Stand.** An internal street shall be provided to each stand. The street shall be a minimum of 24 feet in width. The internal street shall be continuous and connect with other streets in the Mobile Home park or with public streets or shall be provided with a cul-de-sac having an outside roadway diameter of at least 100 feet, and a street property line diameter of at least 125 feet. No cul-de-sac shall exceed 500 feet in length.

## 7.1.4. Mobile Home Park (1/4/21)

3. **Drives.** All drives, including the private access to the site, shall be surfaced with a minimum of 4 inches of crushed aggregate.
4. **Parking Lot.** The common parking lot or guest parking lot shall be surfaced with a minimum of 4 inches of crushed aggregate.
5. **Lot.** Each mobile home lot shall be provided with two parking spaces thereon.
6. **Guest Parking Space.** A minimum of 1 guest parking space shall be maintained for every 3 mobile home lots for the purpose of guest parking. No mobile home lot shall be more than three 300 feet from such guest parking lot.
7. **Internal Streets.** Internal streets shall be maintained free of cracks, holes, and other hazards.
8. **Street Intersections.** Street intersections generally shall be at right angles for a distance of 75 feet from the point of intersection of the centerlines of intersecting streets; a right angle shall be maintained as nearly as possible with consideration for topography and the Mobile Home Park design. There shall be no intersections of streets at angles of less than 60 degrees.
9. **Intersecting Streets form Jog.** Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the centerlines of the offset intersecting streets shall be 100 feet.
10. **Alignment and Grade of Streets Adapted to Topography.** The alignment and grades of all internal streets shall be properly adapted to the topography of the Mobile Home Park and shall provide for safety of traffic and pedestrian movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.
11. **Access to Public Street.** A Mobile Home Park shall have an entrance drive from a public street or highway and access to individual homes shall be from the internal roadway.
12. **Entrance in Relation to Public Street Intersection.** Mobile Home Park entrance drives shall not be located closer than 150 feet to intersections of public streets or highways. The entrance drive shall be at least 30 feet in width, except that the minimum width shall be at least 40 feet if the drive is divided by a landscaped median.
13. **Right of Way for Public Street.** Where a public street is planned, a 60 foot right-of-way shall be maintained.

**D. Common Recreational Open Area Standards**

Mobile Home Parks shall comply with the standards below:

1. **Common Recreational Open Area.** A minimum of 300 square feet of recreational open area per mobile home unit shall be provided on portions of the Mobile Home Park site, which are free from hazards that are incompatible with the purposes of recreational areas. The common recreational open area shall be located so as to minimize hazards to users from traffic and drivers and shall be located so as to be conveniently accessible to all residents of the Mobile Home Park.

2. **Permitted Uses.** Common recreational open area shall not include drives, parking areas, storage areas, service areas, or areas required for setbacks, but may include playgrounds, swimming pools, tennis courts, pathways, and other outdoor recreation facilities.
3. **Location and Minimum Size.** The common recreational open area shall be provided in one or more locations within the Mobile Home Park, unless the individual lots meet the larger lot sizes as stated in this Section. The minimum size of each required common recreational open area, if applicable, shall be 5,000 square feet.
4. **Maintenance.** Maintenance of common recreational open area shall be the responsibility of the manager.
5. **Landscaping.** All common recreational open area and other common open area shall be landscaped.

#### E. Landscaping Standards

1. **Setbacks and Landscaping.** Where a Mobile Home Park is contiguous to a public street, there shall be a minimum setback of 25 feet from the right-of-way line that shall be landscaped in accordance with the requirements of Div. 5.5.
2. **Landscape Area.** There shall be a landscape area of 10 feet along all other boundaries to be landscaped according to the requirements of Div. 5.5.

#### F. Landscaping of Unpaved Areas

Unpaved areas between mobile homes shall be landscaped with lawns or other appropriate ground cover, and shall be maintained.

1. **Watering Systems.** Sprinklers, hose bibs, or other suitable types of watering systems shall be provided for all landscaped open spaces.
2. **Hose Bibs.** Each mobile home space shall be provided with hose bibs.

#### G. Maintenance

Maintenance of all landscaping, except that on individual mobile home spaces, shall be the responsibility of the management in rental Mobile Home Parks.

#### H. Water and Sewer Connections

If a proposed Mobile Home Park will generate over 2,000 gallons of wastewater per day, or require over 2,000 gallons of water per day, as determined by the County Engineer, approval is required from the Wyoming Department of Environmental Quality. If the wastewater generated or water required will be less than 2,000 gallons per day, approval of the County Engineer is required.

7.1.5. Floor Area Option (7/18/18)

## 7.1.5. Floor Area Option (7/18/18)

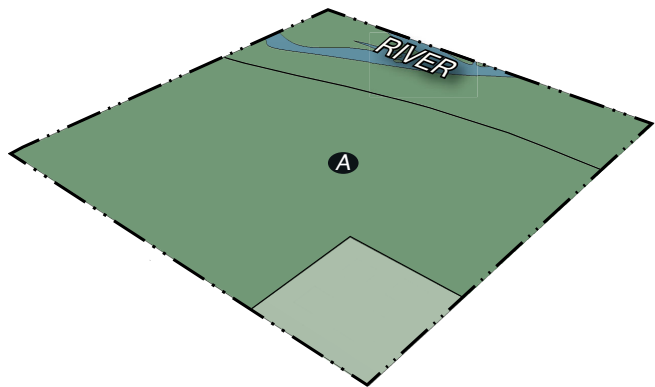
### A. Intent

1. **Purpose.** The purpose of the Floor Area Option is to achieve conservation and stewardship of rural parcels on which landscape level clustering is not achievable, or whose owners are willing to relinquish subdivision rights in exchange for additional floor area. The intent of the Floor Area Option is that the stewardship, permanence, and additional limitations on development and use of the conservation area are of greater benefit to the conservation goals of the community than the impacts of the additional floor area.
2. **Location.** The Floor Area Option is primarily intended for use on properties that cannot be subdivided but are large enough to provide conservation value to the community.
3. **Comprehensive Plan.** The Floor Area Option is primarily based on the Comprehensive Plan direction of Policy 1.4.c.
4. **Applicable Zones.** The Floor Area Option may be used in the R-1, R-2, and R-TC zones.

### B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3, in addition to the standards of this Section.

#### 1. Scale



Minimum Gross Site Area	
Project GSA (min)	35 ac
GSA in conservation area (min)	90% <b>A</b>

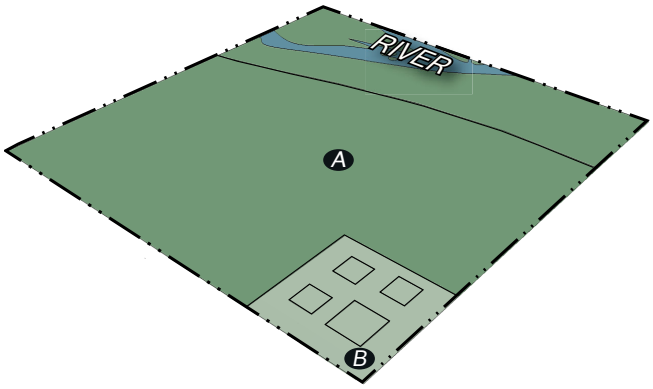
2. **Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A.
  - a. Wildlife
  - b. Scenic
  - c. Agriculture
3. **Noncontiguous Floor Area Option.** The site of a Floor Area Option may be noncontiguous pursuant to the rules for measurement in Section 9.4.4.
4. **Development Area Included.** The reserved development area may be included in the conservation easement, as determined by the holder of the conservation easement. However, the standards of Div. 7.3, shall only apply outside of the development area. Allowances within the development area are established in Subsection C.
5. **Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of additional floor area or ARUs per GSA in Subsection C.1. unless the development is already allowed by the conservation easement.

**EXAMPLE:** A 1970s conservation easement reserves a 8,000 sf home and 5,000 sf guesthouse on 55 acres. The base R1 zoning does not allow the reserved development without approval of a Floor Area Option. The existing conservation easement may be used in a Floor Area Option application for the development reserved by the easement, but may not be used to propose additional development.

**C. Development Area Standards**

Nothing in this Section shall preclude the permanent reduction, through conservation easement, of the development potential allowed in a development area.

**1. Scale**



Development Area		
GSA in development area (max)	10%	<b>B</b>
Development area GSA : Conservation area GSA (max)	1 : 9	<b>B : A</b>
Additional Floor Area		
Additional floor area (max)	10,000 sf per 35 ac GSA	(C.3.a.)
Additional ARUs		
Additional ARUs (max)	2 ARUs per 35 ac GSA	(C.4.b.)

**EXAMPLE.** A 40 acre site utilizing a Floor Area Option can reserve a maximum of 4 acres in development area ( $40 * 10\% = 4$ ,  $4:36 = 1:9$ ).

2. **Access across conservation area.** Access to a development area that crosses a conservation area shall be counted as conservation area in calculation of the maximum development area.
3. **Physical Development Allowance.** Except as modified in this Section, the physical development standards applicable in the zone shall apply to the Floor Area Option development.
  - a. **Additional Floor Area.** Allowed additional floor area is in addition to the floor area allowed on the site in the absence of an approved Floor Area Option.

**EXAMPLE.** A 40 acre site in the R-2 zone is allowed 13,000 sf of floor area by-right. With approval of a Floor Area Option the same site would be allowed 24,428 sf ( $13,000 + 10,000 * 40/35$ ).

- b. **Construction.** Best practices shall be utilized to minimize the impact of construction within the development area on the protected conservation value(s) of the conservation area.
4. **Use Allowance.** Except as modified in this Section, the use standards applicable in the zone shall apply to the Floor Area Option development.
    - a. **Conditional use of additional floor area.** The amount of additional floor area that can be used by a conditional use shall be established through the CUP in order to consistently limit intensity through the use and development option permits.
    - b. **Additional Accessory Residential Units.** Allowed additional ARUs are in addition to the ARUs allowed on the site in the absence of an approved Floor Area Option. However, all ARUs on a site with an approved Floor Area Option shall be subject to the following standards:
      - i. The maximum scale of an ARU, including basement, shall be 5,000 square feet of gross floor area.
      - ii. The floor area of an ARU in a Floor Area Option shall not be included in the maximum scale of the detached single-family unit to which it is accessory.

**EXAMPLE.** A 40 acre site in the R-2 zone is allowed 1 ARU, which may not exceed 1,000 sf, within an allowance of 13,000 sf of gross floor area of which 8,000 may be habitable. With approval of a Floor Area Option the same site would be allowed 3 ARUs ( $1 + 2 * 40/35$ ), none of which may exceed 5,000 sf, within an allowance of 24,428 sf of gross floor area.

5. **Development Option Standards.** Except as modified in this Section, the development option standards applicable in the zone shall apply to the Floor Area Option development.
6. **Affordable Workforce Housing.** An ARU of greater than 1,000 square feet of habitable floor area shall be subject to the affordable workforce housing requirements of Div. 6.3.

## 7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD) (1/4/21)

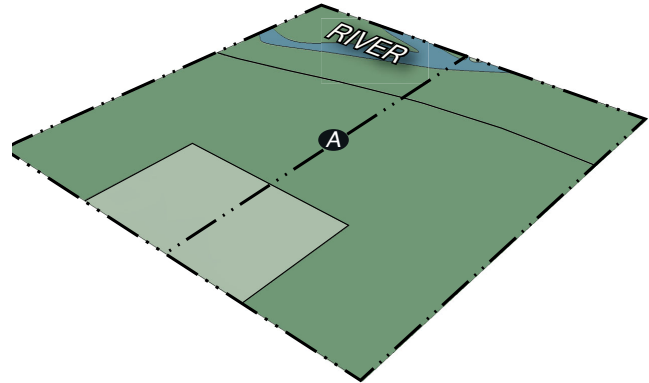
### A. Intent

1. **Purpose.** The purpose of the CN-PRD is to encourage conservation and preservation of rural areas of the community in exchange for additional development in complete neighborhood areas identified as appropriate for growth. The goal of the CN-PRD is to provide a conservation incentive that conserves rural areas while also reducing the amount of development potential in those areas.
2. **Location.** Each CN-PRD contains a rural area that includes the required conservation area and may also include reserved rural development areas. Each CN-PRD also contains one or more development areas in a complete neighborhood. Rural areas and complete neighborhoods are identified in the Illustration of Our Vision chapter of the Comprehensive Plan.
3. **Comprehensive Plan.** The CN-PRD is primarily based on the Comprehensive Plan direction of Policies 1.4.a. and 1.4.c.
4. **Applicable Zones.** The CN-PRD may be used in the R-1, R-2, R-TC, S-TC, and PR zones as further defined in this Section.

### B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

#### 1. Scale



#### Minimum Gross Site Area

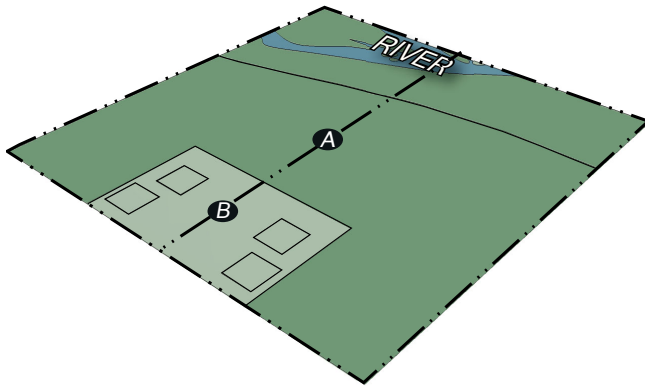
Rural GSA (min)	
East of Teton Range (JH)	105 ac
West of Teton Range (Alta)	70 ac
Rural GSA in conservation area (min)	90% <b>A</b>

2. **Location.** The conservation area shall be located in the R-1, R-2, or R-TC zone.
3. **Noncontiguous PRD.** The conservation area may be noncontiguous pursuant to the rules for measurement in Section 9.4.4..
4. **Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A.
  - a. Wildlife
  - b. Scenic
  - c. Agriculture
5. **Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of allowed CN dwelling units per Rural GSA in Subsection D.1.; and shall not count toward the calculation of allowed Rural dwelling units per Rural GSA in Subsection C.1. unless the dwelling units are already allowed by the conservation easement.

### C. Reserved Rural Development Area

The following standards apply to development areas reserved within the rural area of a CN-PRD. Nothing in this Section shall preclude the permanent reduction, through conservation easement, of the development potential allowed in a development area.

#### 1. Scale



#### Reserved Rural Development Areas

Rural GSA in development area (max)	10%	<b>B</b>
Rural development area GSA : Conservation area GSA (max)	1 : 9	<b>B</b> : <b>A</b>
Detached single-family unit : Rural GSA (max)	1 du : 35 ac	

**EXAMPLE.** A CN-PRD with 665 acres of rural area could reserve a maximum of 66.5 acres of development area ( $665 * 10\% = 66.5$ ) for development of a maximum of 19 units ( $665/35 = 19$ ) in the rural area.

2. **Access across conservation area.** Access to a development area that crosses a conservation area shall be counted as conservation area in calculation of the maximum rural development area.
3. **Development areas included in easement.** Any development area reserved in the rural area may be included in the conservation easement, as determined by the holder of the conservation easement. However, the standards of Division 7.3 shall only apply outside of the reserved rural development area.
4. **Clustering.** Development areas do not have to be on the same lot of record, but shall be located to maximize the conservation value of the conservation area as a whole.

**EXAMPLE.** The 19 units from the previous example could be distributed among 19 lots of record, or all included within a single lot of record. The location of the reserved development areas would be designed as a whole to provide better functioning conservation area than development of each of the 19 units individually; however this does not necessarily mean that all development areas must be contiguous.

5. **Physical Development Allowance.** The physical development standards applicable in the zone shall apply in a reserved rural development area.
6. **Use Allowance.** Except as modified in this subsection, the use standards applicable in the zone shall apply in a reserved rural development area.
  - a. **Allowed Uses.** Allowed uses in a reserved rural development area are listed in this subsection; all other uses are prohibited.
    - i. Agriculture
    - ii. Detached Single-Family Unit
    - iii. Accessory Residential Unit
    - iv. Home Occupation

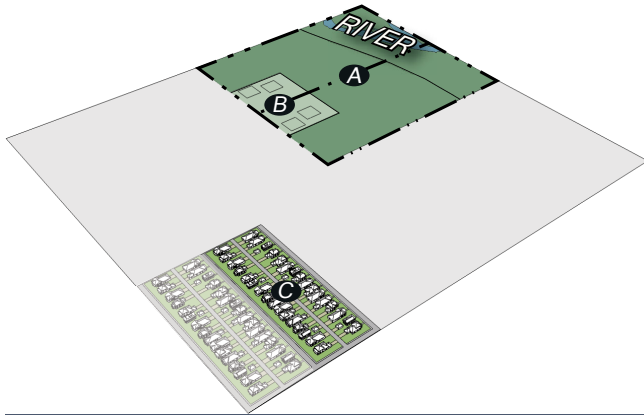
**EXAMPLE.** Each of the 19 units from the previous examples would be allowed accessory residential unit and home occupation uses consistent with the standards of the zone, but other accessory uses otherwise allowed in the zone would be prohibited.

7. **Development Option Standards.** Except as modified in this Section, the development option and subdivision standards applicable in the zone shall apply to the reserved development area.
  - a. **Timing of Affordable Workforce Housing.** The housing required by Div. 6.3 shall not be required prior to development of the reserved rural development area, but shall be fulfilled in full at the time the complete neighborhood development area is developed.

**D. Complete Neighborhood Development Area**

The following standards apply to development areas located in a complete neighborhood as part of a CN-PRD.

**1. Scale of CN Development Area**



**Complete Neighborhood Development Areas**

CN development area GSA :	1 : 19	<b>C</b> : <b>A</b>
Rural GSA (max)		
CN dwelling units :	1 du :	
Rural GSA (max)	4.375 ac	

2. **Additional Density.** The density allowed in the complete neighborhood development area shall be in addition to the base density allowed in the complete neighborhood development area.

**EXAMPLE.** A CN-PRD with 665 acres of rural area could identify a maximum of 35 acres in a complete neighborhood ( $665/19 = 35$ ) for development of a maximum of 152 units ( $665/4.375 = 152$ ) in addition to the units allowed in the complete neighborhood by base zoning.

3. **Location.** The complete neighborhood development area shall be located in an area identified in the Illustration of Our Vision chapter of the Comprehensive Plan as a Stable or Transitional subarea.

4. **Assurance.** Concurrent with the recording of the conservation easement for the conservation area of the CN-PRD, the additional density to be located in a complete neighborhood by approval of the CN-PRD shall be described and quantified in a notarized document signed by the Planning

Director and recorded with the County Clerk. Upon recordation of such document the development rights identified therein shall become vested.

**E. Sketch Plan.**

The Sketch Plan application required for a CN-PRD shall meet the following standards.

1. **Conservation design.** It shall include conceptual design of the conservation area, including the location of any reserved rural development areas.
2. **Development area location.** It shall identify the boundaries of the complete neighborhood development area.
3. **Density.** It shall identify the density assigned to the development area(s) as a result of the CN-PRD.
4. **CN development area design.** It may, but does not have to, include conceptual design of the complete neighborhood development area.
  - a. If it does not, a separate Sketch Plan for the complete neighborhood development area shall be required prior to submittal of a Development Plan for that area.
  - b. Whenever the Sketch Plan application for development of the complete neighborhood development area is submitted it shall meet the following standards.
    - i. The applicant shall concurrently propose a rezone of the development area, pursuant to Section 8.7.2., to a zone that currently exists in the Town or County or a new zone proposed pursuant to Section 8.7.1. as an amendment to the text of the LDRs.
    - ii. Future physical development, use, development options, and subdivision in the complete neighborhood development area will be reviewed subject to the standards of the proposed zone. The zone shall be consistent with the density of the complete neighborhood development area.

## Div. 7.2. Subdivision Standards

This Division contains the development standards required for subdivision, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure. See Sec. 8.5.3 for the procedure to subdivide property.

### 7.2.1. Subdivision Types Schedule (5/3/21)

The tables below establish the subdivision types allowed in each zone. The standards for all subdivisions and each subdivision type are established in this Division. The density and intensity requirements for each subdivision type are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed subdivision are also established by zone.

County Character Zones - Subdivision Types							
	Complete Neighborhood Zones			Rural Area Zones			
	NR-1			R-1	R-2	R-3	Standards
Land Division	P			P	P	P	<u>7.2.3.</u>
Condominium/Townhouse	--			--	--	--	<u>7.2.4.</u>

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

County Legacy Zones - Subdivision Types														
	Complete Neighborhood Zones					Rural Area Zones					Civic Zones			
	AC-TC		AR-TC	WC	OP-TC	BC-TC	MHP-TC		NC-TC	S-TC	R-TC	P/SP-TC	P-TC	Standards
Land Division	P	P	P	P	P	P	--	P	P	P	P	P	P	<u>7.2.3.</u>
Condominium/Townhouse	P	P	P	P	P	P	--	--	P	--	P	P	P	<u>7.2.4.</u>

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

## 7.2.2. Standards Applicable to all Subdivision (1/1/15)

All subdivision shall comply with the following standards.

### A. Subdivision Improvements

#### 1. Developer Responsibility

The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a Subdivision Improvements Agreement, which shall be approved with each plat. The Subdivision Improvements Agreement shall be provided in a manner which is consistent with adopted standards. No improvements shall be made until required plans, profiles, and specifications are submitted and approved for the following:

- a. Roads, streets, alleys, sidewalks, and pathways, in accordance with the adopted standards;
- b. Street signs and street lights;
- c. Community wastewater treatment system or connection to an existing community wastewater treatment system, if proposed;
- d. Community water supply, storage and distribution system or connection to an existing community water supply system, if proposed;
- e. Water supply for firefighting purposes;
- f. A storm drainage system and/or irrigation system, as required;
- g. Utilities, such as telephone, cable TV, electric and gas services. All utilities shall be installed underground. Where applicable, utilities shall be in place prior to street or alley surfacing. Aboveground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be allowed;
- h. Permanent reference monuments and monument boxes;
- i. Park improvements to include parking, lawns, sprinkler/watering systems, and landscaping; and
- j. Landscaping, screening, and parks improvements.

#### 2. Permits Required

No construction of required improvements shall commence until after approval of all required physical development permits.

#### 3. Installation

The time specified for the completion of the required improvements shall not exceed 12 months from the date the subdivision was approved or as specified in a phasing plan reviewed and approved by as part of the plat application.

#### 4. Professional Engineer

All improvements shall be designed by a professional engineer licensed to do such work in the State of Wyoming.

#### 5. Oversize and Off-Site Improvements

The Board of County Commissioners may require installation and construction of utilities, pavement and other land improvements in excess of subdivision design needs, to assure adequate service to future development areas. Such oversize improvement requirements shall be determined by the Board of County Commissioners. Such requirements shall be subject to the following standards:

- a. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers or water lines that are necessitated by and are serving the proposed subdivision, as determined by the County Engineer. The County Engineer and subdivider shall mutually establish a proportionally distributed cost sharing arrangement that considers other persons who will benefit from such oversized improvements constructed to ultimately service the surrounding area.
- b. If streets or utilities are not available or adequate for services at the boundary of a proposed subdivision, the subdivider may be required to obtain necessary easements or rights-of-way and construct and pay for any extensions necessary to connect the proposed subdivision to adequate utility lines.

#### 6. Certificate of Completion and Release of Responsibility

- a. **Prior to Acceptance.** The County shall not have any responsibility with respect to any road, or other improvement, notwithstanding the use of the same by the public, unless the road or other improvement has been formally accepted by the County in the manner required by law.
- b. **Request for Certification.** Upon completion of the improvements, the subdivider may request, in writing, a certificate of completion and release of responsibility from the Planning Director.
- c. **Responsibility to Maintain.** Upon issuance of the certificate and release, all responsibility for the improvements shall be assumed by the maintaining party.
- d. **Record Drawings.** Prior to the approval of any completed improvements, record drawings and specifications for streets, water, sewer, drainage, and other facilities must be submitted to the County Engineer. The plans shall be submitted on 24 inches by 36 inches mylar and shall be accompanied by two sets of prints. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet. The plans shall also be submitted electronically utilizing Autocad® or a compatible dxf format file.

## 7.2.3. Land Division Standards (1/1/15)

- e. **Certification.** The following certification by the project engineer shall appear on the face of the record drawings:

I certify that these plans were prepared under my direct supervision and control, that they accurately represent the referred to improvements as they have been constructed in the field, and that the improvements as installed conform to the requirements of the Department of Environmental Quality, the State Highway Department, Teton County, and other applicable agencies.

Engineer \_\_\_\_\_

Wyoming P.E. No. \_\_\_\_\_

### 7.2.3. Land Division Standards (1/1/15)

All divisions of land shall comply with the standards of this Section in addition to the standards applicable to all subdivision. Except that, condominium and townhouse subdivisions shall be subject to the standards of Sec. 7.2.4.

### 7.2.4. Condominium and Townhouse Subdivisions (1/1/15)

Condominium and townhouse subdivisions shall comply with the following standards in addition to the standards applicable to all subdivision.

#### A. Final Plat Required.

Condominium and townhouse subdivisions shall require approval of a Subdivision Plat pursuant to Sec. 8.5.3.

#### B. Site Compliance

Conformity of the physical development and use of a lot of record to be subdivided into townhouse or condominium lots will continue to be determined based on the boundary of the site to be subdivided, not the boundaries of the resultant townhouse lots or condominium units.

#### C. Townhouse Subdivision

Townhouse subdivision is the subdivision of land around the base of a unit that is intended to separate ownership of the units in a development while still retaining the character of a single, integrated development. A Townhouse subdivision shall be exempt from the minimum lot size requirement if the following standards are met.

1. **Common Element Interest Required.** A lot of record may be subdivided into lots of less than the minimum lot size for the zone if each resultant lot retains an undivided interest in common elements of the lot of record.
2. **Maximum Lot Size.** A townhouse lot shall not exceed 125% of the area of footprint of the approved unit.
3. **Building Official Review.** The building official shall review and approve the proposed location of the townhouse lots.

## Div. 7.3. Conservation Area Standards

### 7.3.1. Purpose and Applicability (4/1/16)

#### A. Purpose and Intent

The purpose of this Division is to establish standards for required conservation areas. The intent is to prioritize the use of certain best practices to ensure that a required conservation area achieves the community's goals for ecosystem stewardship identified in the Comprehensive Plan.

#### B. Applicability

This Division shall apply to any physical development, use, or development option that requires a conservation area.

#### C. Coordination

The prospective conservation easement holder should be involved in the process of conservation value identification and establishment of baseline inventory so that the conservation area configuration and inventory meets the needs of the easement holder as well as the requirements of these LDRs.

**EXAMPLE:** The land trust that will hold the conservation easement for a conservation area with wildlife value should be involved in the EA pre-application conference and alternatives analysis to ensure the habitat inventory and development area location meets its requirements as well as the standards of these LDRs.

### 7.3.2. Conservation Value Identification (4/1/16)

#### A. Conservation Values

Any of the conservation values listed below that are present in the conservation area shall be identified and protected by the conservation easement recorded pursuant to Sec. 7.3.4.

- a. **Wildlife.** Where wildlife habitats identified by Sec. 5.2.1. or Sec. 5.1.1. exist, protection of wildlife, wildlife habitat, and wildlife permeability shall be a conservation value.
- b. **Scenic.** Where scenic vistas identified by Sec. 5.3.2. exist, protection of those scenic vistas shall be a conservation value.
- c. **Agriculture.** Where active agriculture exists, protection of agricultural use of the site shall be a conservation value.
- d. **Recreation/Access.** If no other conservation value exists on the site, provision of public access and recreation shall be a conservation value. Granting of public access to a conservation area is not required when public access is not a protected conservation value.

## B. Baseline Inventory

A baseline inventory of the conditions, features, and characteristics that define each of the identified conservation values shall be established. The baseline inventory shall be established by submittal of one of the following studies for each conservation value identified; however the options of this Subsection do not exempt analysis required by these LDRs. The study establishing the baseline inventory shall be submitted as part of the application requiring a conservation area.

1. **Wildlife Values.** When wildlife is a conservation value:
  - a. The Environmental Analysis required by Subsection 8.2.2.B.; OR
  - b. A habitat inventory as described in Subsection 8.2.2.F.2., prepared by an environmental professional.
2. **Scenic Values.** When scenic is a conservation value:
  - a. The visual resource analysis required by Subsection 5.3.2.D.; OR
  - b. A visual resource analysis volunteered by that applicant prepared pursuant to Subsection 5.3.2.F.
3. **Other Value.** When agriculture or recreation/access is a conservation value: a baseline analysis of the values of the conservation area provided by the applicant.

## 7.3.3. Conservation Area Configuration (4/1/16)

### A. Conservation Value Prioritization

1. When configuring a required conservation area, the identified conservation values shall be prioritized in the order listed in Subsection 7.3.2.A. with wildlife as the highest priority.
2. The prioritization of values used to configure a required conservation area is not required to be included or enforced in the conservation easement recorded pursuant to Sec. 7.3.4.

### B. Configuration

A conservation area, and the associated development areas, shall be configured to meet the following standards.

1. **Configuration.** The perimeter to area ratio of the conservation area shall be minimized to avoid decreased conservation value because the conservation area is small, isolated, fragmented, and/or extends into a development area.
2. **Conservation on Multiple Lots.** A conservation area may cover multiple parcels or lots of record. In such a case, the conservation area on each parcel or lot of record shall meet the following standards
  - a. It shall be large enough to contribute to the conservation value of the conservation area.

- b. Contiguous parcels making up a conservation area shall not be separated by fencing or otherwise visually or functionally separated, except as may naturally occur or as permitted by the reserved uses set forth in the conservation easement.
  - c. The reserved use provisions in the conservation easement shall be based upon the conservation values identified and shall not vary solely according to parcel or ownership boundaries.
3. **Clustering.** Development areas should not be surrounded by conservation area on all sides, and should be located adjacent to existing development if possible. Where possible, access should not cross conservation area.

**EXAMPLE :** A square development area located adjacent to a developed neighboring property so only 3 sides border the conservation area, is an obvious example of a regular shape that is not entirely surrounded and provides a clean delineation between development area and conservation area. A star shaped development area would have 5 fingers extending into the conservation area with no possibility of avoiding the conservation area surrounding the entire development area while also bringing 5 fingers of conservation area into the development area, which would limit the conservation value of those portions of the conservation area. The star shaped development area adds 3 times more perimeter to the conservation area than the square shaped development area.

### C. Connect Conservation Areas

The following criteria shall be considered in the configuration of the conservation area.

1. Connection to any adjacent, existing conservation areas.
2. The protection of the protected conservation value(s) identified in Subsection 7.3.2.A.
3. Potential value that might result from future conservation of adjacent property.

**EXAMPLE :** A property with value as a north-south migration corridor is subject to a development option that requires conservation area. To the north is a property under conservation easement, to the south is a property that is not. In configuring the required conservation area the applicant shall consider: connection to the existing conservation easement, maximization of the wildlife value and the migration corridor, and linking that corridor to the point on the south boundary that best facilitates wildlife movement should the property to the south be placed under conservation easement in the future.

### D. Deviation

1. **Applicability.** Deviation from the following standards is permitted to meet the standards of this Section in order to allow improved landscape level conservation across property lines.
  - a. Div. 5.1. General Environmental Standards

- b. Div. 5.2. Environmental Standards Applicable in Specific Areas
  - c. Subsection 7.3.3.B. Configuration
2. **Process.** The deviation shall be approved through the Administrative Adjustment process identified in Section 8.8.1.

## 7.3.4. Conservation Area Allowances (4/1/16)

### A. Stewardship and Restoration

Stewardship and restoration that enhances the conservation value(s) of the conservation area shall be allowed in the reasonable discretion of the grantee of the conservation easement or as expressly reserved in the conservation easement.

### B. Consistent with Conservation Value

Any physical development, use, development option, or subdivision allowed in a conservation area shall be consistent with the protected conservation value(s) identified for the conservation area.

#### 1. Physical Development

- a. **Construction Schedule.** Physical development activities that are allowed in the conservation area shall be scheduled to limit impacts to the protected conservation value(s) of the conservation area.
- b. **Limit Temporary Impacts.** Physical impacts from temporary physical development or use shall be avoided to the extent practical through use of areas planned for permanent physical development or use. A temporary impact that cannot be avoided shall be restored consistent with the protected conservation value(s) of the conservation area.

**EXAMPLE:** Construction access across a conservation area to a development area shall follow the planned permanent access, rather than a secondary or alternate route. However, where burying of utilities cannot be accomplished under an area of permanent development the temporary physical development shall be reclaimed to the native state that existed prior to the disturbance.

#### 2. Use

- a. **Existing Conditional Use.** Review of a proposed conservation area on the site of an existing conditional use may include review of the Conditional Use Permit to evaluate the cumulative impact of all permitted uses and development options on the site's open space as compared to the use of the site at its base residential density.
- b. **Wildlife.** When wildlife is a protected conservation value the following shall be considered.
  - i. **Domestic Pets.** The impact of domestic pets on wildlife.

- ii. **Chemical Use.** Limited chemical use in order to minimize unnecessary and negative side effects on wildlife. This shall not be read to restrict the use of chemicals in support of agriculture or control of noxious weeds.
- iii. **Motorized Vehicles.** The effects on wildlife in determining off-road use of motorized vehicles.
- c. **Grazing.** Grazing shall be managed to maintain vegetation for wildlife foraging and avoid overgrazing.
- d. **Recreation.** Recreation shall be managed to be consistent with, and reduce impacts to, the protected conservation value(s).

### 7.3.5. Record of Conservation Area Restriction (1/4/21)

The physical development, use, develop options, and subdivision of a required conservation area shall be restricted in perpetuity by a conservation easement, within the meaning of the Wyoming Uniform Conservation Easement Act (Wyo. Stat. § 34-1-201 et. seq.), recorded with the County Clerk, and enforceable by a 'qualified organization' within the meaning of Internal Revenue Code section 170(h)(3). The conservation easement may be in such format as the qualified organization and the landowner may agree, provided that the following restrictions and provisions are included in the conservation easement:

- A. A legal description of the conservation area.
- B. Reference to the approved development permit and the additional development potential received.
- C. Statement of the protected conservation value(s) of the conservation area and any secondary conservation values; as well as the public benefit provided by the conservation area.
- D. An inventory of the conservation area conditions, features, and characteristics contributing to the identified conservation values.
- E. The affirmative right of the Grantee to conduct active monitoring of conservation values to ensure those values are successfully protected and maintained over time and to enforce those restrictions when necessary.
- F. Specification of the physical development, use, development options, and subdivision allowed in the conservation area; which shall comply with these LDRs, but may be less permissive.
- G. Prohibition of all physical development, use, development options, and subdivision not specifically allowed in the conservation area; and specification of other rights relinquished by the restriction.
- H. Grantor notice to the Planning Director of any amendment to the conservation easement.

## Div. 7.4. [deleted] (7/18/18)

[Division number reserved, original Division deleted]

## Div. 7.5. Development Exaction Standards

### 7.5.1. Development Exactions (1/6/20)

[Section number reserved, original Section deleted]

### 7.5.2. Park Exactions (1/6/20)

#### Purpose and Findings

1. **Purpose.** The purpose of the Park Exaction is to ensure that new subdivisions include adequate land for parks and recreation in order to maintain the parks and recreation level of service in the community as growth occurs.
2. **Legislative Finding of Impact and Benefit**
  - a. Parks and recreation services benefit the health of the environment and the community. Parks protect natural resources in developed areas and recreational services are important to the physical health of community members of all ages.
  - b. In addition, the community has adopted a policy to provide public recreation opportunities on Town and County lands as way to reduce the impact of growth on surrounding federal lands with greater habitat and scenic value.
  - c. Parks and recreation level of service is commonly measured by acres of parks per capita.
    - i. The national median for communities with a population between 20,000 and 49,999 is 9.6 acres of parks per 1,000 residents. (2019 NRPA Agency Performance Review)
    - ii. In 2016, the Jackson/Teton County community has 7.0 acres of parks per 1,000 residents.
  - d. As growth occurs, population grows. From 2002 to 2018 the annual growth rate for residential units in Jackson and Teton County was 1.6%. Over that same period the population of Teton County grew at an annual growth rate of 1.4%, mirroring the growth in development.
  - e. If acres of park land do not grow as population grows, parks and recreation level of service will decrease.
  - f. As a result, the Board of County Commissioners finds that new residential development in Teton County needs to include land for new parks and hereby adopts this park exaction.

## A. Applicability

The requirements of this Section shall apply to any new lot of record that allows residential use.

### 1. Includes

- a. A new platted lot that allows residential use.
- b. An existing residential unit platted as a townhouse or condominium unit, for which an exaction has not already been provided.
- c. Construction of one or more residential units on a lot of record that was created through exempt land division.

### 2. Does Not Include

- a. Construction of one or more residential units on a lot of record created prior the adoption of a mandatory land dedication.
- b. Construction of one or more residential units on a lot of record for which a mandatory land dedication has already been provided.
- c. Boundary Adjustment (Sec. 8.5.5) that does not result in any new lots of record.
- d. New lots of record with voluntary Affordable Housing or Workforce Housing deed restrictions as defined by the Housing Department Rules and Regulations.

**EXAMPLE:** A parcel that was created prior to 1978 is subdivided into 3 lots – the exaction applies to the 2 new lots being created, but not the pre-existing lot of record. An apartment building is built on an existing, conforming lot of record – no exaction applies because no subdivision is proposed. An existing apartment building is condominiumized – the exaction is applied to each condominium unit. A lot of record is created through exempt land division – the exaction for the lot is due at the time of building permit unless the exaction is paid at the time of exempt land division..

## B. Requirement

Each applicable subdivision in Teton County, as defined in Section 7.5.2.B above, shall provide land to Teton County in an amount equal to 0.02 acres per new lot of record.

**EXAMPLE:** A subdivision creating 50 new lots of record shall dedicate 1 acre to Teton County ( $50 \times 0.02 = 1$ )

1. **General Formula.** The General Formula that yields the requirement is based on the Teton County target level of service and the average number of residents per dwelling unit constructed in Teton County.

- a. **Teton County Level of Service.** The median amount of parks per capita for a community the size of Jackson/Teton County is 9.6 acres per 1,000 residents. Teton County has maintained a target level of service of 9 acres per 1,000 residents since at least 1986.
- b. **Residents per Dwelling Unit.** The US Census estimates that there were 12,510 residents in the unincorporated County in 2017. The Planning Department counts 5,648 dwelling units in the unincorporated County in 2017.
- c. **Calculation.** Based on the above factors the requirement is calculated according to the below table

	Town	County	Total
2017 Population (source: 2017 ACS 5-Year Estimate)	10,423	12,510	22,923
2017 Dwelling Units (source: Planning Department data)	4,704	5,648	10,352
2017 Residents per Unit	2.21	2.21	2.21
Parks Target (acres per 1,000 residents)	9	9	9
Park Acre per Dwelling Unit (acres)	0.0199	0.0199	0.0199

- 2. **Update.** The inputs into the general formula should be updated at least every 5 years.
- 3. **Independent Calculation.** An independent calculation may be submitted that provides alternate values for either component of the general formula. The independent calculation may be approved by the Board of County Commissioners in a public hearing if the alternate values:
  - a. Utilize verifiable local data and generally recognized principles and methods of impact analysis; and
  - b. Rely on characteristics of the project type rather than the specific project.

**C. Provision and Use of Requirement**

- 1. **Dedication of Land.** The first priority for fulfilling the requirement of this Section is the dedication of land.
  - a. **Identification.** The land to be dedicated for parks shall be identified in the Development Plan application for any subdivision to which this Section applies.
  - b. **Criteria.** The proposed dedication shall meet the following criteria. If the criteria cannot be met anywhere on the site, a fee-in-lieu of dedication shall be required pursuant to Section D.2, below.



- b. **Timing**
  - i. **Subdivision.** In the case of a subdivision, the in-lieu fee shall be calculated and paid at the time the Plat is recorded.
  - ii. **Nonconforming Lot.** In the case of a lot of record created nonconforming to this Section, the in-lieu fee shall be calculated and paid at the time the first building permit on the property is issued.
- c. **Use of Fee**
  - i. **Fund.** Collected in-lieu fees shall be immediately deposited into an interest-bearing fund specifically designated for the requirements of this Section.
  - ii. **Refund of Fee**
    - a). **Unused Fees.** An in-lieu fee that is not used by Teton County within 7 years of collection shall be refunded upon request by the current owner of the lot for which the fee was paid. Notwithstanding, if the County earmarks the fees for expenditure on a specific project, the Board of County Commissioners may extend the time period by 3 additional years. Fees shall be considered used on a first-paid, first-used basis. The request shall be provided in writing to the Planning Director within 1 year of the end of the seventh year.
    - b). **Expired Approval.** An in-lieu fee paid for an approval which has expired shall be refunded upon request by the current owner of the lot for which the fee was paid. The request shall be provided in writing to the Planning Director within 3 months of the expiration.
- 3. **Credit for a Private Park.** Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement of this Section, if the Board of County Commissioners determines that such a credit is in the public interest.
- 4. **Use of Dedication.** The land or fee shall be used by Teton County for necessary parks and recreation facilities, which may include, but are not limited to, parks, recreation facilities, parks and recreation maintenance facilities, trails, pathways, and open space.

### 7.5.3. School Exactions (1/6/20)

#### A. Purpose and Findings

1. **Purpose.** The purpose of the School Exaction is to ensure that new subdivisions include adequate land for the provision of public education so that the level of service provided by Teton County School District can be maintained.
2. **Legislative Finding of Impact and Benefit**
  - a. Enrollment in Teton County School District has grown as the number of dwelling units in Teton County has grown. Since at least 2002, enrollment in Teton County School District has grown at the same annual rate (1.6%) as the number of dwelling units in Teton County (1.6%).
  - b. An increase in students requires an increase in school capacity. Teton County School District schools have capacity limits. As enrollment grows, schools have to expand to provide additional capacity.
  - c. As a result, the growth in the number of dwelling units in Teton County has necessitated growth in school capacity. Continued growth will necessitate additional school capacity.
  - d. Additional school capacity requires land dedicated to school function, which includes, but is not limited to, school buildings, support facilities, open space and recreation areas, and housing for employees and their families.
  - e. With only one School District in Teton County any school land in Teton County benefits the entire School District. A new elementary school in one part of the School District frees capacity in other parts of the School District, benefiting the new development regardless of the development's location. Similarly, a centralized middle or high school benefits a development regardless of its location within the School District.
  - f. As a result, the Board of County Commissioners finds that new development in Teton County needs to include land for new schools, and hereby adopts this school exaction.

#### B. Applicability

The requirements of this Section shall apply to any new lot of record that allows residential use.

1. **Includes**
  - a. A new platted lot that allows residential use.
  - b. An existing residential unit platted as a townhouse or condominium unit, for which an exaction has not been provided.
  - c. Construction of one or more residential units on a lot of record that was created through exempt land division.

## 2. Does Not Include

- a. Construction of one or more residential units on a lot of record created prior the adoption of a mandatory land dedication.
- b. Construction of one or more residential units on a lot of record for which a mandatory land dedication has already been provided.
- c. Boundary Adjustment (Sec. 8.5.5) that does not result in any new lots of record.
- d. New lots of record with voluntary Affordable Housing or Workforce Housing deed restrictions as defined by the Housing Department Rules and Regulations.

**EXAMPLE:** A parcel that was created prior to 1978 is subdivided into 3 lots – the exaction applies to the 2 new lots being created, but not the pre-existing lot of record. An apartment building is built on an existing, conforming lot of record – no exaction applies because no subdivision is proposed. An existing apartment building is condominiumized – the exaction is applied to each condominium unit. A lot of record is created through exempt land division – the exaction for the lot is due at the time of building permit unless the exaction is paid at the time of exempt land division.

## C. Requirement

Each applicable subdivision in Teton County, as defined in Section 7.5.2.B above, shall provide land to Teton County School District in an amount equal to 0.01 acres per new lot of record.

**EXAMPLE:** A subdivision creating 50 new lots of record shall dedicate 0.5 acres to Teton County School District ( $50 \times 0.01 = 0.5$ ).

1. **General Formula.** The General Formula that yields the requirement is based on Teton County School District configuration, acres per school established in the Wyoming School Facilities Commission, School Design Guidelines, February 2010 (or as amended), and school aged children per dwelling unit, as defined below.
  - a. **School Configuration.** Teton County School District uses a school configuration that relies on geographically distributed elementary schools and centralized middle and high schools.
  - b. **Acres Per School.** The Wyoming Schools Facility Commission has established the following general site size requirements.
    - i. **Elementary School.** 4 acres plus 1 acre for every 100 students
    - ii. **Middle School.** 10 acres plus 1 acre for every 100 students
    - iii. **High School.** 20 acres plus 1 acre for every 100 students

- c. **School Children per Dwelling Unit.** Of the 2,862 students enrolled in Teton County School District in 2017, 1,457 lived in Town and 1,405 lived in unincorporated Teton County. In 2017, Teton County reported 5,648 dwelling units in unincorporated Teton County.  $1,405/5,648=0.25$  students per dwelling unit.
- d. **Calculation.** Based on the above factors the requirement is calculated according to the below table

	Rural Elementary	Neighborhood Elementary	Middle	High	Total
2018 TCSD Enrollment	117	1,284	710	769	2,880
Number of Schools	3	4	1	1	
Required Acres	12	28.84	17.10	27.69	85.63
Total Acres per Student					0.0297
Students per Dwelling Unit					0.25
Acres per Dwelling Unit					0.0074
Note: for the purpose of calculating required acres, Summit High School was not considered a second school, however Summit enrollment was included in the high school enrollment					

- 2. **Update.** The inputs into the general formula should be updated at least every 5 years.
- 3. **Independent Calculation.** An independent calculation may be submitted that provides alternate values for any of the three components of the general formula. The independent calculation may be approved by the Board of County Commissioners in a public hearing if the alternate values:
  - a. Utilize verifiable local data and generally recognized principles and methods of impact analysis; and
  - b. Rely on characteristics of the project type rather than the specific project.

**D. Provision and Use of Requirement**

- 1. **Dedication of Land.** The first priority for fulfilling the requirement of this Section is the dedication of land.
  - a. **Identification.** The land to be dedicated for schools shall be identified in the Development Plan application for any subdivision to which this Section applies.
  - b. **Criteria.** The proposed dedication shall meet the following criteria. If the criteria cannot be met anywhere on the site, a fee-in-lieu of dedication shall be required pursuant to Section D.2, below.



- b. **Timing**
    - i. **Subdivision.** In the case of a subdivision the in-lieu fee shall be calculated and paid at the time the Plat is recorded.
    - ii. **Nonconforming Lot.** In the case of a lot of record created nonconforming to this Section, the in-lieu fee shall be calculated and paid at the time the first building permit on the property is issued.
  - c. **Use of Fee**
    - i. **Fund.** In-lieu fees shall be collected by Teton County and immediately deposited into an interest-bearing fund specifically designated for the requirements of this Section.
    - ii. **Distribution.** Teton County shall distribute the fees from the fund to Teton County School District within 30 days of receipt of a request. The request shall be submitted to the County Commissioners' Administrator and shall be approved if it is for a school facilities project, as defined below in Section D.3.
    - iii. **Refund of Fee**
      - a). **Unused Fees.** An in-lieu fee that is not requested by Teton County School District within 7 years of collection shall be refunded upon request by the current owner of the lot for which the fee was paid. Notwithstanding, if the Teton County School District earmarks the fees for expenditure on a specific project, the Board of County Commissioners may extend the time period by 3 additional years. Fees shall be considered used on a first-paid, first-used basis. The request shall be provided in writing to the Planning Director within 1 year of the end of the seventh year.
      - b). **Expired Approval.** An in-lieu fee paid for an approval which has expired shall be refunded upon request by the current owner of the lot for which the fee was paid. The request shall be provided in writing to the Planning Director within 3 months of the expiration.
3. **Use of Dedication.** The land or fee shall be used by the School District for necessary school facilities, which may include, but are not limited to, school buildings, support facilities, open space and recreation areas, and housing for employees and their families.
- a. **Housing Restriction.** If the School District uses dedicated land or funds for housing, the housing shall have a deed restriction that limits occupancy to School District employees and their families. The deed restriction may also allow the School District to allow occupancy by other members of the Teton County workforce as defined by the Housing Department Rules and Regulations.

## Div. 7.6. Transportation Facility Standards

### 7.6.1. Purpose (1/1/15)

The purpose of this Division is to control access to public roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.

### 7.6.2. Access to Roads, Streets and Highways (1/1/15)

Direct vehicular access to collector and arterial roads shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. All development shall meet the following standards:

#### A. Residential Uses

Lots of record for individual detached single-family units shall take direct access to or from local residential streets and may take direct access to a collector or arterial road only if no other access options exist, and only if the developer is unable to provide a street for access to a public or private local residential street, due to site limitations such as but not limited to topography and sight distances.

#### B. Other Residential Development

Other residential development of higher density shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods where available.

#### C. Nonresidential Uses

All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several lots of record.

1. **Direct Primary Access to Local Street.** Direct primary access to a local residential street is prohibited for nonresidential uses.
2. **Direct Primary Access to Arterial or Collector Road.** Nonresidential uses shall be permitted direct primary access to arterial or collector roads (except as provided in 7.6.2.D.)

#### D. Access Limited to Collector and Arterial Road

At least 300 feet shall separate access points on collector and arterial roads with posted speeds of less than 35 miles per hour (mph), and 600 feet from roads with posted speeds of 35 miles per hour (mph) or more.

#### E. Traffic Study Required if More than One Access Point

In instances where more than one access point is requested on any one collector or arterial road, a traffic study shall be required to demonstrate the minimum number needed. The minimum number is all that shall be permitted.

**F. More than One Access Point/Designate “Right Turn Only,” Wherever Possible**

When more than one access point exists for a development, at least one exit shall contain a “right turn only” lane, when traffic patterns and the design layout allow it.

**7.6.3. Streets, Alleys, and Easements (1/1/15)**

[Section number reserved, standards only apply in Town]

**7.6.4. Street and Road Standards (1/4/21)****A. Purposes**

These standards are enacted to protect and promote the public health, safety and welfare, to protect Teton County’s priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:

1. **Conformance with Highway Improvement Plans.** To ensure conformance and coordination of land subdivision and other development with the highway improvement plans of the County and its municipalities, the State of Wyoming and federal land management agencies.
2. **Establish Standards.** To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems.
3. **Adequate Access.** To ensure adequate access to all properties for fire, police and other vital services.
4. **Cost/Benefit of Facilities.** To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the County.

**B. Jurisdiction**

The territorial jurisdiction of these standards and regulations shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of zoning regulation.

**C. Interpretation**

1. In their interpretation and application, the standards and regulations of this Section shall be held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No standard or regulation of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any standard or regulation of this

Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the standards and regulations of this Section shall govern.

2. The Teton County Engineer may grant exceptions to the standards and regulations contained in this Section pursuant to Sec. 8.8.1. in order to provide flexibility to the application of these standards and regulations and where exceptions do not materially compromise public safety. In granting an exception the County Engineer must consider the following minimum criterion:
  - a. Potential land uses and traffic volumes to be served by the road at build-out; and
  - b. Compatibility with adjacent roadway sections; and
  - c. Effect on non-motorized facility users; and
  - d. Cumulative effect if an exception to more than one standard is requested; and
  - e. Effect of the exception on the safety of residents, motorists and non-motorists; and
  - f. Effect on level of service; and
  - g. Accident data; and
  - h. Protection of resources regulated pursuant to Div. 5.1., Div. 5.2., and Div. 5.3.; and
  - i. Potential mitigation measures (including but not limited to, vehicle turn-outs, warning signs, mirrors at curves, guard rails, mandatory plowing or maintenance contracts, etc.) to address excepted standards or regulations; and
  - j. Comparative cost of required standard or regulation versus exception request.
3. The County Engineer shall document all exception requests in an Exception Report, which shall include a description of the exception request and relevant standards and regulations, the County Engineer's determination, any required mitigation, and the basis for the approval or the denial. All exception requests shall be stamped by a registered Wyoming professional engineer and approved by the County Engineer. The County Engineer shall seek comment from the Teton County Road & Levee Manager, Fire Chief and Planning Department in determining whether to grant or deny the exception request. The County Engineer shall distribute all completed Exception Reports to the Teton County Road & Levee Manager, Fire Chief, the Planning and Building Services Department, and the applicant.

#### D. Functional Classification

1. All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy, which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a “Scenic Road” on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands, or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map.
2. As defined in these regulations, the functional class hierarchy applicable in Teton County shall consist of the following road types:
  - a. Arterial
  - b. Major Collector
  - c. Minor Collector
  - d. Major Local
  - e. Minor Local
  - f. Access Easement

#### E. Transportation Master Plan Map

The Planning Director shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and pathways in the County. Such map and supporting documents are considered to be a part of these regulations. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of these regulations, except for proposed streets, equestrian trails, and pathways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in these LDRs.

#### F. Jurisdiction and Maintenance Responsibilities

Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.

1. **Acceptance of Collectors.** It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.

2. **Acceptance for Specific Need/Benefit.** Arterials and most major collectors are the responsibility of the Wyoming Department of Transportation. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

## G. General Standards

The following general standards shall govern the layout of roads and streets:

1. **Compatible with Transportation Master Plan.** Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.
2. **Functional Class.** Plans shall be designed and constructed in accordance with the standards of this Section.
3. **Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of contiguous properties.
4. **Rural Roadway Level of Service.** Rural roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
5. **Urban Roadway Level of Service.** Urban roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
6. **Minimize Length.** Plans shall minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.
7. **Access for Emergency/Service Vehicles.** All dwellings and other structures shall be accessible by emergency and service vehicles.
8. **Separate Types of Traffic.** Pedestrian, bicycle, equestrian and vehicular traffic shall be separated where desirable for safety.
9. **Limit Through Traffic.** Through traffic shall be limited on residential streets.
10. **Minimize Environmental Impact.** Road layouts shall be designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and shall follow natural contours wherever possible.
11. **Avoid Natural Hazard Areas.** Roads shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.
12. **Minimize Impact on Wildlife.** Roads shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes.

13. **Minimize Impact on Agriculture.** Roads shall be designed to accommodate ranching activities and stock driveways.
14. **Mass Transportation Facilities.** Bus stops and shelters shall be located to take advantage of existing parking opportunities.

## H. Development Street Design

In order to ensure safety, efficiency, residential quality, lower housing costs, and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all development street systems shall be laid out in accordance with generally accepted standards of the American Association of State Highway and Transportation Officials (AASHTO.) The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided or developed) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they develop their land and seek to provide convenient access to it. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.

## I. Traffic Impact Study

Proposed subdivisions or other developments which will generate more than 1,000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration, traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Planning Director, the County Engineer, and the County Road & Levee Manager and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Planning Director.

## J. Design Traffic Volumes

Where average daily traffic (ADT) is referenced in this Section, traffic volumes for State and County roads shall be as described in information maintained by the Planning Director. For existing and proposed roads, ADT shall be calculated using rates derived from "Trip Generation" by the Institute of Transportation Engineers and "Trip Generation Intensity Factors" developed by the Arizona Department of Transportation and the Federal Highway Administration.

1. **Best Available Information for Trip Generation.** Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Planning Director based on the best available information.

2. **Trip Generation for Residential Uses.** For residential uses the following trip generation factors are to be used per dwelling unit:

Trip Generation for Residential Uses	
Residential Uses	Trip Generation Factor
Single Family	9.5
Townhouse	7.2
Apartment	6.7
Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.	

**K. Minimum Design Standards**

All roads under County jurisdiction shall conform to the standards described in the table below. Also see the Fire Protection Resolution for additional design standards.

**L. Cul-De-Sac Streets**

Cul-de-sac streets shall be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a “T” or “L” layout having 60 foot legs. In steep or mountainous terrain, where excessive grading would result from a full-sized cul-de-sac, the “T” or “L” legs may be reduced to 45’ in length with the approval of the Teton County Engineer.

**M. Half-Streets**

Half-streets along a development boundary or within any part of a development shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or one-half the required right-of-way, whichever is greater.

Minimum Planning and Design Standards****					
Functional Class	Arterials	Collectors		Local	
		Major	Minor	Major	Minor
<b>Design Item</b>					
Right-Of-Way Width (Feet)	150	120	80	60	60
Typical A.D.T.	over 5,000	2,000-5,000	500-2,000	200-500	20-200
<b>Design Speed* (MPH)</b>					
Level Terrain	60	40	35	30	25
Rolling Terrain	50	30	30	25	20
Mountainous Terrain	40	25	25	25	15
Minimum Horizontal Radius (Feet)	***	***	***	140**	100**
Intersection Separation (Feet)	2,500	600	300	125	125
Width Of Travel Lanes (Feet Per Lane)	12	12	11	10	10
Width Of Shoulders (Paved)(Feet Each Side)	8	5	4	0	0
Bike Lane Required To Be Striped	YES	YES	YES	NO	NO
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width Of Pedestrian Equestrian Trail (Feet One Side)	10	10	10	0	0
Surface Type	Paved	Paved	Paved	Gravel	Gravel

\* Minimum Design Speed. Except where specified otherwise in this Section, geometric design features shall at a minimum be consistent with the design speeds listed in the table in 7.6.4.N. for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 mph.

\*\* Widening on the inside of sharp curves shall be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.

\*\*\* In accordance with AASHTO requirements.

\*\*\*\* Also see the Fire Protection Resolution for additional design standards.

## N. Road Design Standards

All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this Division. Where standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.

1. **Urban Road Design.** Roads located within urban areas as defined in this Section shall be designed and constructed in accordance with a comprehensive set of standards acceptable to the Planning Director. Those within 1 mile of the Town of Jackson, and within 1.5 miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.
2. **Grades.** Maximum grades for any design speed shall be those described in the table below. Also see the Fire Protection Resolution for additional standards pertaining to grade of roads.
3. **Alignment.** Switchback roads in mountainous terrain may be constructed with radii certified, by a registered Wyoming Civil Engineer, as meeting the minimum requirements of the projected traffic on the road.
4. **Super-Elevation.** Super-elevation shall not exceed 0.08 ft. per foot.
5. **Surface Types.** For each functional road class, the surface types specified in the table above, shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.

Type of Terrain	Maximum Grades (%)							
	Design Speed (mph)							
	15	20	25	30	35	40	50	60
Flat*	7	7	7	7	7	7	6	5
Rolling**	10	10	9	9	8	8	7	--
Mountainous***	10	10	9	9	8	8	--	--

\* Flat terrain refers to those lands within 10 year flood plains, and with slopes of less than 10%.

\*\* Rolling terrain refers to those lands with slopes from 10 to 15%.

\*\*\* Mountainous terrain refers to those lands on steep or naturally unstable hillsides, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150% of the values shown above for a distance not to exceed 500 feet.

6. **Traffic Control Devices.** Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).
7. **Structures.** Bridges, culverts, walls, tunnels, and other structures shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirements for the intended use, traffic load, and soil conditions. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.
  - a. **Local Minor Bridges.** Roads of Local Minor Category (ADT of 20-200) or less require bridges designed to HS-20 criteria.



the intended use. The burden of proof of the adequacy of such standards shall rest with the applicant and final determination shall be by the Board of County Commissioners.

2. Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.

#### P. Inspections

For subdivisions or other developments, the following inspections shall be required by County officials during construction:

1. **Plan Inspection.** A field review of the proposed roadway or bikeway when completed plans are available, prior to construction (review of development permit for construction).
2. **Staking Inspection.** A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.
3. **Grading and Drainage Inspection.** A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.
4. **Pavement Inspection.** A field review of pavement placement. Shall include check measurements of depths and widths.
5. **Final Construction Inspection.** A field review when all items are completed.

#### Q. Maintenance

Most state and federal highways are maintained by the Wyoming Department of Transportation. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.

### 7.6.5. Easements and Right-of-Way Dedication (1/1/15)

#### A. Road and Pathway Rights-of-Way

In any project requiring a permit, required rights-of-way for any arterial, major collector, or Pathway shown on the Transportation Master Plan Map and supporting documents, insofar as they may lie on or adjacent to the site of the proposed subdivision or development shall be dedicated to Teton County or to the State of Wyoming, as appropriate, for use as County or State roads, highways or pathways, based on the amount of demand created by the proposed development. Easement requirements beyond that demand must be acquired by the appropriate agency. Width of the required rights-of-way shall be as described in the table in Sec. 7.6.4.,

and on the Transportation Master Plan Map and other supporting documents. This requirement shall include dedication of any required additional rights-of-way for existing State or County roads lying within or adjacent to the site.

1. **Required Dedication.** Where the site of a subdivision or other development is contiguous to or contains an existing or proposed arterial indicated on the Transportation Master Plan Map, the Board of County Commissioners may require dedication of additional right-of-way, to provide for access streets, bus stop or shelter locations, planting screens, walls, berms or other elements which may be necessary for adequate protection of residential properties or to afford separation of local and through traffic. The extent of participation in the easement by the developer or landowner will be determined by the demands created by proposed development.
2. **Form of Dedication.** Dedication of rights-of-way for County roads or pathways shall be in fee simple by a separate general warranty deed or quitclaim deed (when approved by the Board), by dedication on a recorded subdivision plat, or by a recorded easement, as required by the Board of County Commissioners.
3. **Dedication for State Highways.** Dedication of rights-of-way for State highways shall be in a form determined by the Wyoming Department of Transportation. In lieu of dedication to the State of Wyoming for such highways, the Board of County Commissioners may approve the dedication of such required rights-of-way to Teton County, in conformance with the requirements above for dedication of County roads, for future transfer to the State of Wyoming as required.
4. **Timing of Dedication.** Dedication of any required rights-of-way shall be completed prior to Subdivision Plat signature for any subdivision, or to issuance of the permit for any other project. However, for any permit for the master plan of a Planned Unit Development for which subdivision plats have not yet been approved or where the Board of County Commissioners determines that immediate dedication of right-of-way is not required or would disrupt continuation of agricultural activities, the required right-of-way may be set aside in a formal reservation for future dedication, including an accurate survey description of the required lands, to be recorded with the Clerk of Teton County. Where such a reservation has been recorded, it shall be binding on all future owners of the underlying property and shall so state. Such reserved right-of-way shall be dedicated to the County or State as described above upon application for Subdivision Plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any permit for construction activity on the site (other than such activity undertaken for agricultural or flood control purposes), upon its change of use from agricultural to any other use, or upon a finding by the Board of County Commissioners that the reserved right-of-way is required by the County or State for road or bikeway construction purposes.

#### B. Nonroad Transportation Easements

Easements provided in any subdivision or other development shall be in accordance with the following:

1. **Emergency Access Easements.** Emergency access easements shall be provided on all private streets or roads and other emergency vehicle lanes. Adequacy of such areas shall be determined by the County Sheriff and the Jackson/Teton County Fire Department.
2. **Cut and Fill Easements.** Cut and fill easements shall be provided when street or road cuts and fills are not within a street or road right-of-way.
3. **Sidewalk or Walkway Easements.** Sidewalk or walkway easements may be required to be provided when pedestrian facilities are not within a dedicated street right-of-way. Minimum easement width shall be 6 feet, though wider easements are encouraged to allow for landscaping, walkway curvature and an enhanced visual experience for pedestrians.
4. **Pathway Easements.** Pathway easements shall be provided when such facilities, when required, are not proposed to be located within a dedicated road right-of-way. Minimum easement width shall be 12 feet, though wider easements are encouraged in order to enhance the recreational experience of the user and facilitate maintenance. The amount of participation by the developer or landowner in the easement will be determined by the demand created by the proposed development.
5. **Cattle Drive Easements.** Where movement of cattle is necessary, particularly from summer range on National Forest and National Park property to private holdings in Teton County, and motor vehicle traffic levels are such that cattle movement cannot be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements shall be provided. Except where the Board of Commissioners has determined that such an easement shall be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width shall be as determined by the fee simple landowner and the holder of the easement.
6. **Other Easements.** Other easements shall be provided as required by the Board to the extent that the proposed development creates a demand for such easements.

#### C. Easement Location

Easements shall be properly located or monumented in accordance with applicable Wyoming Statutes.

#### D. Construction Responsibility

Except as required otherwise by this Division, all improvements located in, on, over or under an easement shall be constructed by the appropriate agency. The underlying fee simple property owner shall not interrupt or in any way interfere with the lawful construction of improvements within the easement.

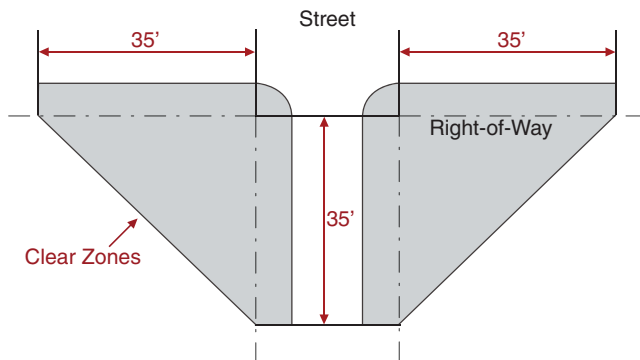
## E. Maintenance Responsibility

Other than County, State or Federal road easements, all easements shall be maintained by the underlying fee simple property owner and all improvements located in, on, over or under easements shall be maintained by the applicable or designated agency.

1. **No Interference.** Other improvements provided by the fee simple property owner shall not interrupt or in any way interfere with the designated and continued use and maintenance of the easements and improvements located thereon.
2. **County Maintenance.** Except for designated County roads, Teton County shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the Board of County Commissioners.

## 7.6.6. Clear View of Intersecting Streets (1/1/15)

No signs or other obstructions shall be permitted to be located in road rights-of-way and in the clear zones as indicated below, except required essential traffic control signs.



## Div. 7.7. Required Utilities

### 7.7.1. Purpose (1/1/15)

The design, layout and construction of utilities shall conform with the standards of this Division. The standards for design, construction, specifications, and inspection of improvements, as prescribed in this Division, shall be in addition to the standards established by other County Departments.

### 7.7.2. Potable Water Supply (1/1/15)

#### A. Public Water Supply Reasonably Accessible

Where an approved public water supply is reasonably accessible or procurable, the applicant shall make application to the appropriate authority to connect to such water supply. If approval is granted, the applicant shall connect to the system and install water lines to make the water supply available to each lot of record within the development at its property line.

#### B. Water Supply Not Accessible

Where an approved public water supply is not reasonably accessible or procurable, the applicant shall, at the discretion of the Board of County Commissioners, either:

1. **Install Central Water Supply System.** Install a central water supply system and water lines to the lot line of each lot of record from wells or other approved sources in accord with the State Department of Environmental Quality, and with the approval of the County and the State Engineer, or
2. **Evidence Water Supply Available to Each Lot of Record.** Submit evidence satisfactory to the County Engineer that an adequate water supply meeting all State and County requirements is otherwise available to each lot of record in the proposed development, such as by an individual well.

#### C. Fire Fighting Water Supply or Fire Hydrants

The developer shall provide a fire fighting water supply or fire hydrants within the development. Such hydrants shall be of the type, size, and number and installed in such locations specified by the County Fire Protection Resolution.

### 7.7.3. Sanitary Sewer Systems (1/1/15)

#### A. Public Sanitary Sewer System Available

Where a public sanitary sewer system is located within 500 feet, and legal access is obtainable, the applicant shall connect to such sanitary sewer system and provide adequate connection lines to the property line of each lot of record.

## B. Public Sanitary Sewer Not Reasonably Available

Where a public sanitary sewer is not located within 500 feet, the applicant shall install sewage disposal facilities, or lot owners shall install individual septic tanks and sewage disposal systems for each lot of record, which shall be approved by the County Sanitarian. The applicant shall furnish to the satisfaction of the County Sanitarian or State Department of Environmental Quality a report of percolation, groundwater and soils tests; these tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that a sufficient number of soils tests with results have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems. The use of individual sewage disposal systems shall be subject to review, inspection of construction and approval of construction by the County Sanitarian. See the Teton County Small Wastewater Facilities Resolution for permit requirements and design standards.

## 7.7.4. Irrigation Ditch Systems and Design (1/1/15)

### A. Surface Water Rights

If there are surface water rights appurtenant to the lands to be subdivided, the developer shall provide evidence that the requirements of Section 18-5-306(a)(12), Wyoming Statutes, 1977, as amended will be complied with.

### B. Irrigation Water

If irrigation water is to be made available in a development, it shall be the responsibility of the developer to install an approved delivery system. Such a system shall meet minimum delivery requirements for the development and shall encompass the control of wastewater, drainage water and surface water resulting from irrigation, and protect and deliver the water rights of others using the same water source. The irrigation delivery system shall be approved by the State Engineer. The irrigation system/ditches also shall be approved by the County Sanitarian as to how it affects the operation of individual sewage disposal systems on lots of record in the immediate and adjacent areas of the development.

### C. Restriction of Methods

The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.

### D. Setbacks

1. **Intent.** Setbacks from irrigation ditches shall provide for the maintenance of ditches while also protecting water quality and promoting agriculturally related scenic resources and wildlife habitat.

## 7.7.4. Irrigation Ditch Systems and Design (1/1/15)

2. **General.** Physical Development, including architectural projections, shall be set back a minimum of 15 feet from the top of bank of all open irrigation ditches and the centerline of all piped irrigation ditches; notwithstanding, adequate access for maintenance of the ditch shall be provided to the organized or un-organized ditch company, or any water rights owner on the ditch.
3. **Exceptions.** The following types of physical development are exempt from the 15 foot irrigation ditch setback. Notwithstanding, the requirements of all State Statutes applicable to irrigation ditches shall be satisfied.
  - a. **Maintenance of the Ditch.** Maintenance of the ditch by the organized or un-organized ditch company, or any water rights owner on the ditch.
  - b. **Private Lateral.** Development along a lateral that has no downstream users and terminates on the property being developed.
  - c. **Pipeline in Existing Easement.** Development along a piped ditch, when the piped ditch is within a maintenance easement existing as of September 24, 2007. Notwithstanding, the physical development shall not occur within that easement.
  - d. **Essential Access.** Ditch crossings for essential access are permitted provided that they do not obstruct the maintenance of the ditch, or historic flow of the ditch.
  - e. **Agriculture.** Non-structural, agricultural development may encroach into the ditch setback.
  - f. **At Grade Paths and Roads.** An at grade path or road may encroach upon demonstration to the satisfaction of the Planning Director that:
    - i. it will not obstruct maintenance of the ditch;
    - ii. it will not adversely impact the water quality in the irrigation ditch or irrigation system within which the irrigation ditch is a part;
    - iii. it will not cause any change in the hydrology of neighboring lands; and
    - iv. it will not cause safety problems for those persons using the proposed path or road.
4. **Note on Development Plan/Subdivision Plat.** Required setbacks from ditches shall be noted on the Development Plan and/or Subdivision Plat.

**E. Irrigation Ditch Alteration**

The following standards apply for any alteration of an irrigation ditch. This includes moving the irrigation ditch, enclosing the irrigation ditch, or causing any other change in the characteristics of the irrigation ditch. Notwithstanding, ditch alteration for agricultural purposes and alteration of a lateral that has no downstream water rights and terminates on the property of the alteration shall be exempt from the requirements of this Subsection.

1. **Consultation with Water Commissioner.** An applicant proposing to alter a ditch shall provide evidence that the proposed alteration has been presented to the local Water Commissioner for the district in which the alteration is proposed.
2. **Grading Permit Required.** A Grading and Erosion Control Permit prepared pursuant to Div. 5.7. is required for all ditch alterations. The permit application shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and a landscape architect registered in the State of Wyoming.
3. **Restriction of Methods.** The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the lands of the alteration or adjacent lands.
4. **Setback from Edge of Ditches.** The top of bank of all altered open ditches and the centerline of all altered piped ditches shall be set back a minimum of 15 feet from all property lines and conform to all other setback standards.

### 7.7.5. Other Utilities <sup>(1/4/21)</sup>

#### A. Buried Utilities Required

All utilities shall be installed underground; except that, outside of the mapped Wildland-Urban Interface an existing above-ground fuel tank may be replaced above ground. Any relocation of existing utilities shall be buried.

#### B. Easements

Where utilities are not provided within a dedicated road right-of-way, easements of not less than 30 feet shall be provided for accommodating water lines, sanitary sewers and stormwater drainage. Minimum width of easements for power lines, telephone lines, and other utilities shall be 15 feet.

#### C. Levees

1. **Sprinkler Systems Prohibited.** Installation of sprinkler systems or other pressurized lines within the County easement for levees operated and maintained by the County or the United States Army Corps of Engineers shall be prohibited.
2. **Permitting of Modifications to Levee Structure.** Modification of levee structures, such as culverts, fences, gates, wildlife crossings/paths, plantings, or other features which require alteration of levees operated and maintained by the United States Army Corps of Engineers (USACE) must be permitted through the Walla Walla District, USACE, prior to any construction, pursuant to 33 U.S.C. 408. Modification of non-federal levees operated and maintained by the County, must be approved by the County Public Works Department with input from the USACE.

### **7.7.6. Fuel Storage Tanks** (1/1/15)

[Section number reserved, standards only apply in Town]

## **Div. 7.8. Workforce Housing Incentive Program** (1/1/17)

[Division number reserved, standards only apply in Town]

### Park County Simple Subdivision Review Process

1. **Pre-application:** Meet with the Planning Office for a pre-application meeting.
2. **Application:** Submit a complete Simple Subdivision Application, including:
  - 
  - Application & Fee (\$175)
  - Proof that a “Notice of Intent to Subdivide” has been published in a local newspaper in the legal notice section once each week for two (2) weeks within 30 days prior to filing the application . The notice shall include the name of the subdivider, general location of the land to be subdivided, number and size of lots proposed, and intended uses within the subdivision;
  - Title report;
  - Garbage disposal availability;
  - Fire protection availability;
  - Postal service and mail delivery points;
  - School bus stop/pullout locations;
  - Information on availability of service providers for cable TV, telephone, gas and electricity with addresses and phone numbers, indicating which of these services has been extended to the lots in the subdivision;
  - Any known information concerning landslides, steep slopes, rock falls, high water tables, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features on the property;
  - Evidence that a soils report has been requested from the Local Conservation District;
  - Evidence the Irrigation District has been contacted;
  - Evidence the Weed & Pest District has been contacted;
  - Proof of ownership showing encumbrances of record;
  - Legible and reproducible 11”x17” Sketch Plan that includes:
    - Abbreviated legal description
    - Boundaries of the parcel to be subdivided
    - Lot layout with approximate dimensions and acreages
    - Total acreage of subdivision
    - Size and location of any open spaces
    - Current County zoning classification
    - Existing structures, wells, and septic facilities
    - Irrigation facilities and direction of flow where flood irrigation is proposed
    - Means of access from the lots to the public road system
    - Existing uses of adjoining properties
3. **Sketch Plan Review with P&Z:** The Planning Office will schedule the Sketch Plan review with the Planning & Zoning Commission once all required application materials have been received. Please see the Planning & Zoning main page for the Meeting calendar.
4. **Final Plat Application (\$0):** The Planning Office will schedule the Final Plat review with the Board of County Commissioners once all final plat requirements and applicable conditions of approval are completed. After the Board has approved the final plat and the Planning Office has obtained all necessary signatures, the applicant may submit the approved final plat with required fees for recordation to the Clerk & Recorder. The approved final plat must be accompanied by a signed / notarized disclosure statement (Appendix 6), weed abatement plan, irrigation plans, easements and rights-of-way, covenants and Homeowners Association documents, if applicable. These items shall be recorded concurrently with the final plat.

**Municipal Review Requirement**

The City shall review any plat of land within 1 mile of the boundaries of any incorporated city or town.

**Meeteetse Planning Area Review Requirement**

Meeteetse Planning Area: For applications within the Meeteetse Local Planning Area, the Meeteetse Local Planning Area Advisory Committee must review the proposal.

## CHAPTER 3 SIMPLE SUBDIVISION REVIEW PROCESS

**Section 1. Definitions.** A simple subdivision is a division of one (1) parcel into two (2) parcels, either of which is under thirty-five (35) acres and not part of a previously platted subdivision. A simple subdivision provides for an adequate public record of the division, in a less complicated process than a major subdivision.

### **Section 2. Minimum requirements for a Simple Subdivision Permit**

- 1) There is legal access to a public street.
- 2) If the current access is part of an existing Improvement and Service District, the new lot will be required to join the Improvement and Service District.
- 3) All utility easement requirements have been satisfied. See Chapter 7 Section 12.
- 4) The lot sizes must comply with current zoning regulations.
- 5) The applicant shall provide a study evaluating the water and sewage system proposed for the subdivision and the adequacy and safety of that system. See Appendix O - Sewage System and Appendix P - Water Supply System.
- 6) Proof of Ownership required.
- 7) The subdivision is consistent with Natrona County Development Plan and the Natrona County Zoning Resolution.
- 8) The subdivision appears to be compatible with the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the county.

### **Section 3. Survey Requirements**

- A) A Record of Survey shall accompany or be referenced by all deeds recorded in the Office of the Natrona County Clerk that create a Simple Subdivision. The Record of Survey shall comply with the requirements of Appendix M of these standards and regulations.

### **Section 4. Review Process**

- A) A "Simple Subdivision Application Form" shall be submitted to the County Development Department (See Appendix B).
- B) A recorded warranty deed shall be submitted by the owner.
- C) The application and survey are submitted to the Health Department, County Surveyor and Assessor's Mapping Department for review.
- D) The record of survey shall be approved by the County Development Department, Surveyor, and Health Department.

- E) The County Development Director shall waive the record of survey requirements when aliquot parts are created such as when all parcels created by the division are either section quarters or quarter-quarters or are government resurvey lot or tracts or combination of these.
- F) The Development Department staff shall submit a report of simple subdivision recorded to the Planning Commission and Board of County Commissioners (BOCC) at regular interval.
- G) No Simple Subdivision will be approved if there is a deliberate attempt to avoid the requirements of Wyoming Statute 18-5-306.

**Section 2.8. Parcel Divisions, Minor Subdivisions and Replatted Subdivisions.**

The contents of a Parcel Division, Minor Subdivision or Replat and the procedures for approval shall be the same as required for a Major Subdivision, excluding the Preliminary Plat process. Public hearing notification shall be the same as for a Preliminary Plat. Planning & Zoning Commission review and recommendation, however, shall not be required for Parcel Divisions or Replats. Supporting material for a Parcel Division, Minor Subdivision or Replat shall include all applicable supporting materials required for both Preliminary and Final Plats.

**Section 2.9. Corrected Plat.**

If, after the approval and recording of a subdivision plat, errors are found in the language or numbers on the recorded plat, the Subdivider shall file a properly signed, corrected or revised original mylar or linen with the Public Works Department. The Corrected Plat shall be noted CORRECTED PLAT under the name of the subdivision. Notations shall be made on the face of the Corrected Plat listing all corrections made and the book and page numbers where the original plat was recorded. The Subdivider shall obtain the appropriate signatures on the Corrected Plat excluding the Board signatures. The Public Works Department shall review the Corrected Plat and present it to the Board for the reaffirmation of their approval, and to secure the appropriate signatures from the Board. The Subdivider shall submit the proper legal instrument vacating the original plat for recordation in the office of the County Clerk at the time the Corrected Plat is recorded.

**Section 2.10. Cooperative Subdivision.**

The procedure for a Cooperative Subdivision shall be as outlined in the agreement between the County and the relevant municipality. See the appropriate Appendix attached hereto.

- a. In addition to other applicable regulations contained in these rules and regulations, and the agreement between the County and the City of Sheridan, cooperative subdivisions lying within one mile of the contiguous corporate limits of the City of Sheridan shall be approved only when the applicant meets the following conditions:
  - (i) Where City owned and operated services are provided, the Subdivider shall submit to the County a fully executed pre-annexation agreement; and