

The Revised WASHAKIE COUNTY Subdivision ~~and~~ Development Regulations

Article I.

Purpose and ~~Title~~Intent

Section 1. *Purpose and Intent.* This Article establishes regulations for the subdivision of land to assure that lots created and uses developed have an adequate water supply and means of sewage disposal, utilities, and access to the public road system. These regulations include standards for subdivision design including the design of streets, storm drainage, water and sewage disposal systems, installation of utilities, and a requirement that the applicant provide a financial guarantee for the construction of all necessary improvements. The purpose and intent of this chapter is to safeguard the public health, safety, and welfare, to encourage a well-planned stable community, and to protect the County's natural environment and the long-term fiscal liabilities.

Section 2. *Enactment.*

- a. These regulations shall be known as "The Revised Washakie County Subdivision ~~and~~ Development Regulations".
- b. In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of ~~October 16, 2001~~ (the effective date of these regulations). All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the Owner has constructed subdivision improvements prior to submission of the final plat, unless the Planning Commission determines on the record that the application of these regulations is necessary to avoid a substantial risk of injury to public health, safety and general welfare.

Article II

General.

Section 1. *Subdivision Permit.* These subdivision regulations apply to the following situations:

- a. Applicability. Unless exempt, the division of a lot, tract, parcel or other unit of land for the purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses shall require a subdivision permit; and
- b. Prohibition. No person shall subdivide land located in the un-incorporated area of Washakie County, or commence construction of a subdivision without securing a subdivision permit in the manner prescribed in these regulations.
- c. Permit. A subdivision permit shall be signed by the Washakie County Board of County Commissioners (“the Board”) indicating approval of the subdivision. No subdivision permit shall be issued unless and until the requirements of these regulations have been complied with. **The Subdivision Permit is the signed approval shown on the Final Subdivision Plat.**
- d. Permit Transfers. A subdivision permit may be transferred upon sale of the subdivision.

Section 2. *Authority.*

- a. These regulations are adopted under authority of Wyoming Statutes §18-5-301 *et seq.* (hereinafter referred to as “the Act”), which sets requirements for the subdivision of land. The attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this County. The Owner has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the County and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.
- b. Development of land subdivisions shall be consistent with all other Washakie County regulations, rules, or codes.
- c. Development of land subdivisions may have to conform to the requirements of municipalities in the County based on location.
- d. **These regulations may be amended as necessary to reflect changes in state legislation without a public comment period or public hearing.**

Section 3. *Interpretation, Conflict and Separability.*

- a. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted and in conformity with the County's comprehensive plan.
 - (i). These regulations are not intended to interfere with, abrogate, or annul any other resolution, rule or regulation, statute, or other provision of law, but are intended to specify standards and parameters for enforcement purposes. In the event any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other County resolution, rule or regulation, the provision which is more restrictive or imposes higher standards shall control; except that in no event shall a subdivision regulation imposed by the County be interpreted to be more restrictive than the interpretation given the State statute under which it was promulgated.
 - (ii). These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.
- b. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined to its operation to the part, provision, or application rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances.

Section 4. *Exemptions.* The Act, as amended, at W.S. §18-5-303 establishes several exemptions from the requirement that subdivisions undergo review and be issued a subdivision permit by the County.

- a. Generally. Unless the method of sale or other disposition of property is done with the intent of evading the provision of these regulations, a subdivision permit will not be required for a transfer of one or more parcels of land exempt under these regulations, as follows:
 - (i). Family exemption: 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 shall be exempt from the subdivision permit requirement, subject ~~only~~ to the following:

- a member of the immediate family is limited to a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner; and
- the purpose of the division is to provide for the housing, business or agricultural needs of the grantee; and
- the land shall have been titled in the name of the grantor for a period of not less than five (5) years prior to the division and ~~the~~ parcels created under this provision 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 (1) year prior to the sale or transfer to a third party unless such parcel is subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy; and
- no parcel smaller than five (5) acres created under this provision shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. §18-5-304.
- where the landowner is a corporation and eighty percent (80%) of the shares are held 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). Other statutory exemptions: the following types of land divisions shall be exempt from the subdivision permit requirement:

- 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 of this State; and
- a division that is created by a lien, mortgage, deed of trust, or any other security instrument, easements and rights-of-way; and
- a division within the incorporated limits of a town or city; and
- a division that is created by the sale or other disposition of land to the State of Wyoming or any political subdivision thereof; and
- a division that affects railroad rights-of-way; and
- a division made for agricultural purposes, or which affects the alignment of property lines for agricultural purposes; and

- a division 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; and
 - a division that creates cemetery lots; and
 - a division 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 said interest shall be deemed one interest for purposes of this provision; and
 - 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.
- b. The Thirty Five (35) Acre Exception. ~~The requirement for a subdivision permit shall only apply to those transactions or other disposition of property consisting of less than thirty five (35) acres. However, all transactions and other dispositions of property require that access as required by these regulations, and utility easements shall be provided for each parcel pursuant to binding and recordable documentation.~~ ~~These regulations shall not apply to the sale or other disposition of land where the parcels are thirty-five (35) acres or larger, subject to the requirement that reasonable 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.~~
- c. Required Documentation of the Proper Use and Implementation of Exemptions from Provisions. A Record of Survey shall accompany or be referenced by all deeds recorded in the Office of the Washakie County Clerk and Recorder that divide land or realign property boundaries pursuant to W.S. § 18-5-303, Exemptions from provisions. The Record of Survey shall contain the signed Affidavit of Exemption from Review as shown at the Appendix.

Article III

Definitions.

Section 1. *Definitions.* Unless specifically defined to the contrary herein, all words used herein shall bear the same definition and be defined and interpreted in the context of the Act;

- a. Agricultural Development. The use of land, including necessary buildings and structures, for the production of grain, animals, food and fiber, as well as the usual accessory uses; provided the operation of any such accessory uses shall be secondary to that of normal agricultural activities, including the science and art of farming and ranching, ~~the =W~~work of cultivating the soil, producing crops and raising livestock. Agricultural development does not include concentrated feeding development as defined herein.
- b. Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on a street.
- c. Block. An area of land that is entirely bounded by streets or a combination of streets, natural barriers and other property lines.
- d. Board. The ~~Washakie County~~ Board of County Commissioners for Washakie County, Wyoming.
- e. City. The City of Worland, Wyoming.
- f. Commercial Development. Any land use associated with wholesale or retail buying or selling and exchange of goods or services.
- g. Common Area(s).
 - (i). **General Common Area.** Land within a platted area, designated on the Plat, that is neither a right-of-way, nor a lot, and designated by the Owner for transfer to all of the lot owners in common or by way of an association of the lot owners.
 - (ii). **Limited Common Area.** Land within a platted area, designated on the Plat, that is neither a right-of-way, nor a lot, and designated by the Owner for transfer to more than one, but less than all of the lot owners in common or by way of an association of the lot owners.
- h. Comprehensive Plan. The County's ~~1978~~ 2004 general plan and public policy statement, **The "Centennial" Plan**, for land use, transportation, utilities, annexation and community facilities prepared and maintained by the Planning **and**

Zoning Commission, and as approved by the Board; as amended, updated, revised, or replaced.

- i. Concentrated Feeding Development. Any housed facility, including all storage and other waste treatment facilities associated therewith, wherein swine, sheep, cattle or other animals numbering five hundred (500) animal units or more are confined, fed and maintained for a total of thirty (30) consecutive days or more in any twelve (12) month period.
- j. Construction plans. Documents of directions, provisions, and requirements describing the method and manner of construction of infrastructure improvements and the qualities and quantities of materials and work to be furnished within a proposed subdivision by the Owner
- k. Development. Any man-made change to the real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling. The term “development” may be used interchangeably with the term “project” for purposes of these regulations.
- l. Easement. A permanent or temporary authorization by a property owner for another to use the owner’s property for a specified purpose. Ownership shall remain with the property owner.
- m. Encumbrance. A mortgage or other lien of record, securing or evidencing indebtedness and affecting land to be subdivided/~~developed~~, including liens for labor or materials. Taxes and assessments levied by public authority are not an encumbrance under this act except such taxes and assessments as may be delinquent.
- n. Improvement. Any drainage channel, roadway, parkway, sidewalk, pedestrian way, tree, lawn, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may cause an improvement for which local government responsibility is established.
- o. Industrial Development.
 - (i). **Heavy**. Any industrial, manufacturing, fabrication, warehousing or processing (including concentrated feeding operations) which may emit noxious smoke, odor, dust or noise beyond the confines of its property. Agricultural development other than concentrated feeding development as defined herein is not, by definition, industrial development.
 - (ii). **Light**. Any industrial, manufacturing, fabrication, warehousing or processing which does not emit noxious smoke, odor, dust or noise beyond the confines of its property.

- p. Lot (Property). A tract, plot, or portion of a subdivision/~~development~~ or other parcel of land intended as a unit for the purpose, whether immediate or future, ~~or~~ of transfer of ownership, or possession, or for building development.
- (i). **Corner**. A lot situated at the intersection of two or more streets.
 - (ii). **Interior**. A lot, other than a through or corner lot.
 - (iii). **Through**. A lot, other than a corner lot, having frontage on one or more streets.
- q. Mobile home. Any transportable home including modular homes, pre-built homes and manufactured homes.
- r. Mobile home park (or court). A parcel (or contiguous parcels) under one ownership upon which two (2) or more mobile homes are located, or units of space of pre-designated type, which may be used for living or sleeping purposes, either permanent or seasonal. Two (2) or more mobile homes established on agricultural land, and used as housing for agricultural workers on the same property shall not be construed as a mobile home park.
- s. Owner. The recorded titleholder of a parcel of land, as recorded in the Office of ~~the~~ Washakie County Clerk and Recorder shall be considered the Owner for purposes of these regulations. These regulations refer to and assume the Owner is the applicant in the platting process.
- t. Person. Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity, government or governmental or quasi-governmental entity, government or governmental. The word “person” includes a firm, association, limited liability company or any other legal entity.
- u. Planning and Zoning Commission. The Washakie County Planning ~~and~~ Zoning Commission.
- v. Plat Types.
- (i). **Statutory Plat**. A Plat which may be required by law; W.S. §34-2-101, *et seq.* If not done upon notice by the Washakie County Clerk’s Office, the Board of County Commissioners may authorize this Plat to be done and then seek payment for the expense – all according to law.
 - (ii). **Sketch Plan**. A sketch prepared for the purpose of an informal review prior to filing of a Preliminary Plat ~~(or Final Plat in the case of a minor subdivision/development)~~ to enable the Owner to save time and expense in

reaching general agreement with the Planning and Zoning Commission as to the form of the Plat and the objectives of these regulations. **All subdivision applicants shall present a Sketch Plan application conforming to the requirements of Article V, Section 2 of these regulations.**

- (iii). **Preliminary Plat.** The map or maps of a proposed subdivision ~~/development~~ and specified supporting documents drawn and submitted in accordance with Regulation requirements, to permit the evaluation of the proposal's ~~prior to detailed~~ **surveying, engineering and design prior to preparing the Final Plat.**
- (iv). **Final Plat.** A map prepared, in accordance with the provisions of these Regulations and applicable municipal (if any) and State law, for recording with the Washakie County Clerk and Recorder.
- (v). **Re-plat.** The changing of existing lots, blocks, or tracts of any subdivision / development Plat previously recorded with the Washakie County Clerk and Recorder.

w. **Planned Unit Development ("PUD").** For purposes of these regulations, a PUD is a non-residential subdivision; which may be categorized as a minor subdivision if the project has five (5) or fewer lots. A PUD utilizes a platting process, and it is the intent of these regulations to encourage innovation and creativity for PUDs created in the County.

x. **Record of Survey.** A drawing of a field survey prepared by a licensed land surveyor for the purpose of disclosing facts pertaining to boundary locations.

(i) The Record of Survey shall be legibly drawn, printed or reproduced with permanent ink.

(ii) Whenever more than one (1) sheet must be used to accurately portray the land divided or property boundaries realigned, and to contain required dedications, affidavits and signatures, each sheet must show the number of that sheet and the total number of sheets included.

(iii) The Record of Survey shall show or contain on its face, or on separate sheets referenced on its face, the following information:

- A title block including the section, township, range, Principal Meridian, County, and state of the surveyed land. Space shall be provided on the Record of Survey for the clerk and recorder's filing information. A Record of Survey shall not bear the title "plat," "subdivision," or any title other than "Record of Survey";
- The purpose of the survey;
- Date survey was completed;

- Scale or scale bar;
- All monuments found, set, reset, or replaced describing their kind, size, location and giving other data related thereto;
- The location of any corners of sections or divisions of sections pertinent to the survey;
- Data on all curves sufficient to enable the re-establishment of the curves on the ground;
- Length of all lines shown to at least one-tenth (1/10) of a foot, and all angles and bearings shown to at least one (1) minute;
- All parcels created by the survey, designated by number or letter, and the dimensions and area of each parcel (Excepted parcels shall be marked “Not a Part.”);
- The required affidavit affirming the proper use of the exemption from review; and
- The signature and seal of the licensed land surveyor responsible for the survey.

- y. Reservation. The designation of a portion of land for a specified use.
- z. Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, landscaping including trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. ~~Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm sewer mains, the maker of the Plat on which such right of way is established presently or in the future, shall dedicate landscaping including trees, or any other use involving maintenance by a public agency.~~ **Any rights-of-way intended to be maintained by a public agency shall be dedicated to the public.**
- aa. Solid Waste. Garbage and other discarded solid materials resulting from industrial, commercial and residential development, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water affluent, dissolved materials in irrigation return flows or other common water pollutants.
- bb. Street. Any street, avenue, boulevard, road, parkway, viaduct or other ways for the movement of vehicular traffic, which is an existing Federal, State, County, or Municipal roadway; or a right-of-way shown upon an approved plat, pursuant to law or approved by official action and includes the land between right-of-way lines, whether improved or unimproved, and which may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, landscaping and other areas within the right-of-way.

- cc. Structure. That which is built or constructed, an edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (i). **Principal.** A building in which is conducted the main or principal use of the property on which the building is situated.
 - (ii). **Accessory.** Use of any structure in a manner other than principal use.
- dd. Subdivision. The division of a lot, tract, parcel or other unit of land as described under Wyoming Statutes §18-5-301 *et seq.*, as amended, (“the Act”) of which creates a lot, tract, parcel or other unit of land of less than thirty five (35) acres for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses, unless exempted.

A “Subdivision” is classified as follows:

- (i). **Minor.** The subdivision of one (1) or more units of land into not more than a total of five (5) units of land, as described at Wyoming Statutes §18-5-306(a), as amended, and requiring a Sketch Plan, in most instances a Preliminary Plat and Final Subdivision Plat, and subject to the Rules of Washakie County as set forth in these regulations.
 - (A) **Simple.** The creation of one (1) single lot or tract from a larger unit of land. A simple subdivision requires a Sketch Plan, but the Preliminary Plat requirement may be waived at the discretion of the Washakie County Planning and Zoning Commission.
 - (ii). Any other subdivision described under the Act, requiring a Sketch Plan, a Preliminary Plan and a Final Subdivision Plat, and subject to the regulations set forth hereinafter.
- ee. Town. The Town of Ten Sleep, Wyoming.

Article IV.

Health, Safety and Welfare Considerations

Section 1. *Public Policies.* Unless otherwise specified, all subdivisions shall meet the requirements herein established, and may be subject to extra-jurisdictional requirements of a municipality based on the subdivision's proximity to the corporate limits of a municipality all according to State law. However, in no case shall the municipal standard applied to a subdivision in the County be less restrictive than these regulations.

- a. Conservation of agricultural lands: A subdivision shall be designed to minimize the loss of productive irrigated agricultural lands. Creation of a subdivision, which curtails or otherwise interferes with property engaged in an agricultural irrigated productive use, is discouraged if it is contrary to the Washakie County Comprehensive Plan.
- b. Protection of the natural environment: A subdivision shall be designed to minimize the alteration of natural landforms and native vegetation, and to maximize the conservation of distinctive natural features. Ridgelines, slopes greater than thirty percent (30%), perennial streams, and wetlands shall be left in their natural state protected by placement in lots where development is prohibited. Placement of lots and alignment of roads shall respect the existing contours of the land.
- c. Areas subject to environmental hazard: Lots proposed for development shall not be located in areas subject to avalanches, landslides, rockfalls, mudflows, unstable slopes or soils, or high wildfire hazard areas unless these hazards are eliminated or mitigated. If hazards cannot be mitigated, then affected areas shall be placed in lots where development is prohibited.
- d. Maintenance of visual qualities: The value of property, stability of the economy, and the quality of life in Washakie County is dependent, in part, on the aesthetic visual qualities of the area. A subdivision shall be designed to minimize visual impacts to adjacent properties and to the traveling public. It is important for the citizens of Washakie County and to future development that manmade conditions in the County not detract from the beauty of its natural scenery.
- e. Maintenance of Common Area: In the event the Owner designates Common Area or private roadways with common usage by homeowners, then the Owner will provide for standards to be maintained for those common areas through placement of ownership, depending on which is most appropriate:
 - (i). Dedication to the public and public ownership;

- (ii). Establishment of a homeowners association as a non-profit corporation, incorporating the following prior to the transfer of ownership:
- The homeowners association must be established prior to the first sale in the subdivision;
 - Membership must be mandatory for each property owner in the subdivision, with membership automatically transferable to successive owners when they take title;
 - The association must be responsible for liability insurance and maintenance of recreational, service, and other common area(s) within the subdivision;
 - The association must have the means to assess membership pro rata for the expenses incurred by the association and the means to enforce collection of the assessments through lien rights established in the association's organizational documents.
 - The association must be able to adjust the assessment to meet changing needs.

Section 2. *Drainage.* Drainage improvements shall be designed and constructed in accordance with recognized engineering standards. Approval of the Final Plat may be conditioned on drainage improvements constructed in accordance with these regulations.

- a. Rate of runoff: Runoff from a subdivision site after construction shall not exceed the level of runoff, which occurred prior to construction. The drainage area upstream from the subdivision shall be considered when determining runoff quantities, whether or not **that area** is part of the subdivision.
- b. Detention and Diversion. Excess runoff shall be controlled and detained utilizing recognized practices and procedures in the industry. Other methods for controlling runoff may be used if designed and installed under the supervision of a registered engineer.

Section 3. *Fire Protection.* When fire protection facilities are to be installed by the Owner, such facilities, including all access roads required for emergency access, shall be installed and made serviceable prior to and during times of construction.

- a. Water Supply: A subdivision with a greater density than one (1) unit per five (5) acres shall designate the water source for firefighting.
- b. Hydrants: If a central water system is provided to the project, then fire hydrants may be required as a condition of approval in accordance with the standards set forth in the National Fire Protection Association.

- c. Forest and Range Management: Forest and range management programs and other measures to reduce fire hazards may be required if the local fire district identifies a special fire danger.
- d. Removal of slash: Prior to acceptance of a road or release of a financial guarantee, slash (fallen trees, shrubs, pulled stumps, and other combustible materials) shall be removed and disposed of from an area extending to at least one hundred feet (100') from the centerline of the right-of-way. Slash shall not be placed in road fills; all hazardous slash must be removed from the proposed home sites prior to construction.

Section 4. *Roads.* A subdivision/~~development~~ must provide reasonable access from each lot within the development to a public road as a condition of approval. The arrangement, design and construction of all roads within the development, and the connections to a public road, may be required to be done in accordance with plans and specifications of a registered engineer as a condition of approval.

- a. The location and specifications of all roads, including common driveways, culverts, and bridges within the development shall be shown on the Construction plans.
- b. Reference to the recorded legal document(s) providing the access and connection between the development and a public road shall appear on the Final Plat.
- c. Traffic control devices, including signs and signals and road name signs, shall be in conformance with the criteria contained in the "Manual on Uniform Traffic Control Devices for Streets and Highways" as adopted by the State of Wyoming pursuant to W.S. §31-5-112.
- d. Dead-end roads are discouraged. Any road, which dead-ends within the development, shall be constructed with a turnaround. A turnaround shall be designed to avoid vehicles having to back up in the roadway to exit. To the greatest extent possible, cooperation with adjoining landowners is encouraged to link up roads whenever possible.

Section 5. *Required dedications and easements.* A dedication or grant of an easement for public use pursuant to the Final Plat does not convey title to the County, but rather is a covenant between the Owner and the County that runs with the land as shown on the Plat. Title shall remain with the Owner unless the County requires transfer of common area, whether reserved for a public use or not, to a homeowners association as a condition of approval.

- a. Roads: all roads located within a subdivision shall be dedicated to the public's use whether the County accepts the road or any portion thereof as a County road. Only if the County affirmatively accepts a road by a separate proceeding,

conducted for the purpose of designating it as a County Road, shall it be obligated to maintain that road.

- b. Utilities: All utilities shall be underground, unless specifically exempted by the Board on a case-by-case basis. Appropriate dedications for water, sewage, gas, electric power, telephone, and cable television shall be made to the utility providing the service. The utility dedications and easements shall appear on the Final Plat.
- c. Drainage. Right-of-ways for drainage shall be clearly marked on the Plat, including placement of any appropriate culverts, drainage pans, inlets, curbs and gutters, catchments, underdrains, and any other means or methods to assure adequate drainage shall be addressed by the Owner. The right-of-ways for drainage and directional { ► } shall be delineated on the Construction plans.

Section 6. *Statutory Requirements for ~~Residential~~ Subdivisions.*

- a. Minor Subdivision Rules. A minor subdivision, as defined herein, is required to adhere to all of the statutory requirements for a subdivision as set forth in W.S. §18-5-306, except paragraph (a)(viii), ~~paragraph (a)(ix),~~ and subsection (c) thereof. In addition, it is the rule of this County **that:**
 - (i) An Owner shall have the right to create one minor subdivision. Any subsequent application made by an applicant shall be done only after review by the planning commission and specific approval by the Board.
 - (ii) A minor subdivision of two or more lots shall be configured as ~~a~~ contiguous units of property.
 - (iii) ~~A minor subdivision, which utilizes both public water and sewer systems For all lots created by the subdivision, shall go before the Board for Final Plat approval following sketch plan approval by the Planning Commission.~~ **In the case of some minor subdivisions, and in the case of Simple Subdivisions, that do not require public water and public sewer, the Planning and Zoning Commission may determine that a Preliminary Plat is not necessary and may authorize a Final Plat following Sketch Plan approval. If so, the Final Plat will not be reviewed by the Planning and Zoning Commission until all agencies to which the proposed subdivision was referred for review have had at least 30 days from the date of request for review an opportunity to comment.**
 - (iv) **Any application to subdivide land proposing common areas or common facilities, including, but not limited to roads and water supply systems shall provide 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 to address the maintenance and responsibility for common areas and/or common facilities, assessments against all parcels of land in the subdivision to defray the costs thereof, and the continued management of the entity. The Board shall not mandate the creation of an entity with the ability to interfere with any owner's ability to use their private property, except to collect any assessment.

- b. All other subdivisions. Except as specifically described hereinabove for Minor Subdivisions, all other subdivisions are required to comply in full with the Act.

Section 7. *Phased Development.* Prior to granting final approval of any subdivision Final Plat, not including a minor subdivision, the Planning Commission may permit the Final Plat to be divided into two or more phases and may impose such conditions upon each phase as it may deem necessary to assure the orderly development of the project, including but not limited to:

- a. Security. The Planning Commission may require that the subdivision improvement agreement and security be commensurate with the perceived risk to the public if the phased development of a project is not completed in accordance with the Owner's plans. The Owner may also be required to file irrevocable offers to dedicate roads and public improvements in any phase yet to be developed in the project, but deferred by the Owner.
- b. Limitations. Each phase must contain at least ten percent (10%) of the total number of lots contained in the approved plat for the project. Time limits for completion of each phase may be set by the Planning Commission, which will appear as part of the final plat. In no event shall any phased development of a subdivision project have a completion date more than ten (10) years after approval of the final plat by the Board.

Article V.

Subdivision Review Process

Section 1. *Non-residential Subdivisions.* Non-residential subdivisions are allowed in those unincorporated areas of the County zoned for that use or for which the Owner may apply for a special use permit. If a special use permit is required for the non-residential subdivision then that permit must be obtained prior to initiation of the subdivision review process under these regulations.

- a. General. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as the Planning Commission may require for the protection of the health, safety and general welfare of any existing residential properties within one quarter (1/4) mile of the perimeter of the project.

- b. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the Owner shall demonstrate to the satisfaction of the Planning Commission that the roads, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (i). Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (ii). Rights-of-way and road surfacing shall be appropriate to the volume, size, and weight of individual vehicles and the cumulative impacts of vehicle use on the roadway(s) anticipated to be generated thereupon.
 - (iii). Special requirements for pedestrian safety may be imposed.
 - (iv). Special requirements may be imposed as a condition of approval with respect to the installation of public utilities, including water, sewer, and storm water drainage.
 - (v). Special requirements may be imposed as a condition of approval to mitigate impacts on residential areas, including provision for extra depth in parcels backing up on existing or potential residential development and provision for a permanently landscaped buffer strip.
 - (vi). Special requirements may be imposed as a condition of approval to route truck traffic away from residential areas, including but not limited to imposing weight and height restrictions on roadways accessing nearby

residential development to deter trucks and other large vehicles from using those roadways.

c. Planned Unit Development Alternative. As an alternative to conventional subdivision platting, the Owner may opt to proceed with a non-residential subdivision as a planned unit development (“PUD”). The PUD is offered by the County as an alternative to encourage innovation and creativity in commercial and industrial development/re-development.

- (i). The PUD may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The PUD shall consist of a harmonious selection of uses and grouping of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit in such manner as to constitute a safe, efficient and convenient tract of land.
- (ii). General requirements and standards.
 - Ownership. The tract shall be a development of land under unified control at the time of the application, planned and scheduled to be developed as a whole.
 - Conformance with the Comprehensive Plan. The proposed PUD shall be consistent with the Washakie County Comprehensive Plan.
 - Minimum Area. The minimum total PUD area shall be no less than five (5) acres unless the Owner can show that the minimum PUD area requirements should be waived because the waiver would be in the public interest and that one or both of the following conditions exist:
 - Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the residential districts would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
 - The property is adjacent to or across the street from property, which has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.
 - Density. The density for the project will be based on public health, safety and general welfare issues, including the efficient use of public facilities and services based on the following factors:
 - The location, amount and proposed use of common open space;

- The location, design, and type of building units;
 - The physical characteristics of the site;
 - Particular distinctiveness and excellence in siting, design and landscaping; and
 - Dedication of more than the minimum required for public lands or open space.
- Phased Development. The development of a PUD project may be phased like any other subdivision.
 - Open space and public facilities. Open space is encouraged. Therefore, cluster development is also encouraged that provides for the efficient use of public facilities, utilities and roadways.
 - Common Area Maintenance. The Owner has the burden of showing by clear and convincing evidence that the project common areas will be under the care and ownership of a responsible party such as a property owners association with the capability of assessing property owners for common expenses in upkeep and maintenance within the PUD on an equitable basis for so long as the PUD exists.

Section 2. *Sketch Plan*: Sketch Plan review is intended to determine whether or not the proposal will be reviewed as a Minor Subdivision or any other subdivision, and to identify potential development constraints and to evaluate the suitability of the subdivision layout in light of these constraints. Approval of a Sketch Plan is approval of the concept and proposed layout of the proposed subdivision. Sketch Plan approval does not acknowledge property ownership. Approval of the Sketch Plan is not approval of the subdivision. Sketch Plan approval is given to the developer presenting the subdivision proposal and is not transferable to any other interest. Based upon approval of the Sketch Plan, the developer may (or may not) decide to proceed with the statutory subdivision requirements. The level of detail provided in the sketch plan may vary depending on the size and scale of the proposed development and how it will be phased.

a. Submittal Requirements.

The subdivision review fee and all material, written and graphic, shall be submitted to the Washakie County Planning Office no less than one week before a scheduled meeting of the Washakie County Planning and Zoning Commission.

(i) Written Material:

- Approved Application Form
- Signed Affidavit of Compliance with notification regulations. (See Appendix)
- ~~Statement~~ Proof of Property Ownership Interest in the Development

Site (i.e. Warranty Deed), or an Agreement to Purchase contingent upon Sketch Plan approval.

- Legal Description and acreage of the Development Site
- Number of lots, size of lots, and type of use for lots
- List of all adjacent landowners. This is to include landowners who are separated from the property proposed to be subdivided by a street, alley, road, highway, canal, stream, or river.

(ii) Graphic Material, 15 copies of:

~~–Sketch plan (15 copies) illustrating the approximate layout of lots and blocks or planning areas, areas reserved for open space, location of roads, drainage, and utility lines.~~

- A U.S.G.S. topographic map at 1:24,000 scale, or equivalent, showing the general location of the subdivision, the section, township, and range, the distance to the nearest municipality, the property boundaries of the subdivision, topographic contours and the North arrow.
- A map or survey showing the lot layout and indicating the approximate dimensions and acreage of lots and the location of roads and other utilities. This map may be prepared using a tax map or previous survey as a base.

b. Review Procedures.

(i). Referral Agencies. Upon receipt of the written and graphic materials described above, the Planning Office shall refer the Sketch Plan to following agencies, as applicable, for review and comment:

- Fire District for the Development
- Washakie County Soil Conservation District
- School District for the Development
- Any municipality with extra-jurisdictional rights at law
- Washakie Rural Improvement and Service District
- Wyoming Department of Environmental Quality
- Wyoming State Engineer's Office
- Utility Companies Servicing the Development Site
- Any irrigation districts or other service districts, as appropriate
- Wyoming Geological Survey, as appropriate

(ii). Public Notice: ~~Except for minor subdivisions, a~~ Upon submittal of a completed Sketch Plan application, the Planning Office shall cause to be published in a newspaper of local general circulation, **once each week for two (2) weeks commencing within thirty (30) days prior to a meeting by the Planning and Zoning Commission** a notice of the intent to subdivide as required by the Act. An Owner for a **proposed minor**

subdivision shall contact all ~~contiguous~~ landowners **adjacent** to the proposed subdivision and submit an **Affidavit of eCompliance** to the Planning Office. **The subdivider will be billed for all costs associated with this requirement.**

(iii). Public Review: The Planning Office shall accept objections and comments from the public ~~as required at law~~ **for a period of 30 days from the date of notification, except for the Washakie County Soil Conservation District which has 60 days to respond according to Wyoming Statute § 18-5-306(b).** Objections shall be limited to the statutory issues set forth in W.S. § 18-5-306.

(~~iv~~iv). Sketch Plan Approval Criteria. The following criteria must be met to approve a sketch plan:

- All notices have been properly given and the time period for responses have expired.
- The proposed subdivision is consistent with the land use applicable to the property.
- All lots and parcels created by the proposed subdivision will have access to the County road system or to the State highway system.
- The proposed subdivision is consistent with the County's comprehensive plan.
- The proposed subdivision is in compliance with these regulations.
- All notices have been properly given and the time periods for responses have expired.
- Approval of a Sketch Plan shall expire after twelve (12) months. Sketch Plans, which have lapsed, may be re-submitted for consideration and action by the Owner following the same procedure as for the original request.

Section 3. *Preliminary Plat.* Upon approval of the Sketch Plan, any owner ~~not applying for a minor subdivision~~ may **be required to** submit a Preliminary Plat for approval. No Preliminary Plat for a proposed subdivision shall be approved by the Planning and Zoning Commission unless the Owner **provides proof of ownership of the property proposed to be subdivided and** proves by clear and convincing evidence that:

- a. General Requirements. ~~The owner shall file the application for approval of a Preliminary Plat with the Washakie County Planning Office. The p~~**P**reliminary ~~Plat~~ **p**Plat shall conform substantially to the Sketch Plan submitted by the Owner and

which formed the basis for the prior approval. ~~The application shall~~ **The Preliminary Plat submittal shall:**

- (i). ~~The application shall be made on forms available in the Washakie County Planning Office, which may include the requirement for a fee to be paid upon Submittal of the application.~~ Include all land which the Owner proposes to subdivide and all land immediately adjacent extending one hundred (100) feet from the right-of-way frontage of opposite land, with the names of owners as shown in the Assessor's files.
- (ii). Be accompanied by a minimum of three (3) copies of Construction Plans as described in these regulation, **if applicable.**
- (iii). ~~Be accompanied by~~ **Include** a minimum of ~~ten (10)~~ **five (5)** copies of the Preliminary Plat as described in these regulations.
- (iv). Comply in all aspects with the **approved** Sketch Plan.
- (v). **Shall be submitted to the Washakie County Planning Office no less than one week before a scheduled meeting of the Washakie County Planning and Zoning Commission.**
- (vi). Be presented to a regular meeting of the Washakie County Planning **and Zoning** Commission within four (4) weeks of receipt by the Planning Office.

b. **Standards.** No Preliminary Plat of a proposed subdivision shall be approved by the Planning **and Zoning** Commission unless the Owner proves by clear and convincing evidence that:

- (i). Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed, or that the Owner is prepared to clearly notify the public that no water has been provided for in the subdivision.
- (ii). If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, State, and local laws and regulations, or that the Owner is prepared to clearly notify the public that no sewage facilities have been provided for in the subdivision;
- (iii). All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the Owner and that proposed uses of these areas are compatible with such conditions.

- (iv). The Owner has the financial ability to complete the proposed subdivision in accordance with all applicable federal, State, and local laws and regulations.
- (v). The Owner has taken all available practical measures to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- (vi). Irrigation water rights have been addressed in accordance with Wyoming Statute § 18-5-306 Minimum requirements for subdivision permits. Which states:

18-5-306 (a)(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:

- (A) **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**
- (B) **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**
- (C) **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; **and**
- (D) 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**
- (E) 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.

- c. Public Improvements. The Planning and Zoning Commission may require that all public improvements be installed and dedicated prior to the signing of the Final Plat by the Board of County Commissioners. The Planning and Zoning Commission shall require the Owner to indicate on the Preliminary Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the Planning and Zoning Commission in order to conform the Preliminary Plat to the County's Comprehensive Plan.
- d. Delay Installing Public Improvements. If the Planning and Zoning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat as aforementioned then, the Planning and Zoning Commission shall require that the Owner execute a Development Agreement and provide security for the agreement appropriate to the costs and risk associated with such delay unless said improvements are for a minor subdivision. The Owner of a minor subdivision shall only be obligated to post security for public improvements if he agrees to do so by agreement.
- e. Effective Period of Preliminary Plat Approval. The approval of a Preliminary Plat shall be effective for a period of one (1) year from the date that the Preliminary Plat is approved by the Planning and Zoning Commission, at the end of which time the Owner must have submitted a Final Plat for approval. If a Final Plat is not submitted for approval within the one (1) year period, the approval of the Preliminary Plat shall be null and void, and the Owner shall be required to submit a new Sketch Plan for review subject to the then existing zoning restrictions and subdivision regulations.
- f. Grading of Site Prior to Final Approval. Subsequent to preliminary approval (sketch plan approval in the case of minor subdivisions) the Owner may apply for permission to do topsoil and excavation work from to the Planning and Zoning Commission or such other agency or person as the Planning and Zoning Commission may designate. Upon approval, the Owner may commence construction to the grades and elevations required by the approved Preliminary Plat.
- g. Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, other than a minor subdivision, the Planning and Zoning Commission in its sole discretion may permit a portion of a subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided the portion derives access from an existing municipal, county, State highway, and provided no future road or other improvement is anticipated where the lots are proposed. The Construction Plans

for the “minor” portion shall be submitted to the Planning and Zoning Commission simultaneously with the Sketch Plan for the entire subdivision. Subject to such additional requirements as the Planning and Zoning Commission may require, and subsequent to approval by the Board, the model home(s) may be constructed on no more than the two (2) designated lots.

- h. Approval. After the Planning and Zoning Commission has reviewed the Preliminary Plat, the Construction Plans, the report of the planning staff, if any, any municipal recommendations and exhibits submitted as part of ~~and in support of~~ the application; the Owner shall be advised of any required changes and/or additions. The Planning and Zoning Commission shall take such action as allowed by their rules of procedure regarding the preliminary plat no more than thirty (30) days after it is first submitted to it at a regular meeting of the Planning and Zoning Commission. One (1) copy of the Preliminary Plat shall be returned to the Owner upon approval or conditional approval, ~~and the reasons,~~ and reasons for the conditions, therefore accompanying the plat.
- i. Disapproval and Appeal. If the Planning and Zoning Commission disapproves the Preliminary Plat, ~~then the reasons therefore,~~ shall ~~then~~ shall be recorded in the minutes of the meeting at which the decision ~~is was~~ made and a copy of the minutes shall be mailed, postage prepaid, by first class mail to the Owner within five (5) days of the decision. Thereafter, the Owner shall have a right of appeal directly to the Board of County Commissioners for review of the decision at ~~their~~ a ~~next~~ regularly scheduled meeting, ~~or within fourteen (14) days, whichever is more,~~ **within thirty (30) days.**
- j. Amendments. At any time after Preliminary Plat approval and before submission of a Final Plat, the Owner may request that an amendment be made in the approval or conditional approval of the preliminary plat.
- **Minor Changes:** The Planning Office staff may approve minor changes in the Preliminary Plat with notification to the Planning and Zoning Commission; however, major amendments to the Preliminary Plat will require approval by the Planning Commission on the record using the same criteria and standards used to approve the Preliminary Plat initially.
 - **Major Changes:** A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by five (5) percent or more or increasing density in the subdivision by five (5) percent or more.

Section 4. *Final Subdivision Plat.* Following the approval of the Sketch Plan in the case of ~~some~~ minor subdivisions, or the Preliminary Plat ~~in the case of all other subdivisions,~~ the Owner, shall ~~file an application for final approval of a subdivision plat. The Final Plat is submitted to the Board in the case of a minor subdivision with public water and sewer facilities, and to the Planning and Zoning Commission in all other cases.~~ **submit a Final Subdivision Plat to the Planning and Zoning Commission.**

- a. General Requirements. The application **Final Plat submittal** shall:
- (i). ~~Be made on forms available at the Washakie County Planning Office, which may include a fee at the time it is submitted for consideration.~~ Include the entire subdivision, or phase thereof, which derives access from an existing State, County, or local government road.
 - (ii). ~~Be accompanied by~~ **Include** a minimum of ~~ten (10)~~ **five (5)** copies of the subdivision plat and **five (5) copies of** the construction plans, **if applicable**, as described in these regulations.
 - (iii). Comply in all respects with the **S**sketch **P**lan and/or **P**reliminary **P**lat, as approved, whichever is applicable, depending upon the classification of the subdivision.
 - (iv). Be presented to the Planning Office staff at least ~~four (4)~~ **one (1)** week prior to a regular meeting of the Planning and Zoning Commission.
 - (v). ~~(v). Be presented to the Planning Office Staff at least four (4) weeks prior to a regular meeting of the Planning and Zoning Commission.~~
 - (vi). Be accompanied by all formal irrevocable offers of dedication to the public of all rights-of-way and easements in a form approved by the Washakie County Attorney. A notation of any and all public dedications shall be required to appear on the Final Plat and/or by separate recordable documentation to maintain the chain of title and/or to assure that such dedications run-with-the-land.
 - (vii). Except for minor subdivisions, be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to the Washakie County Attorney and in an amount established by the Planning **and Zoning** Commission upon recommendation of the staff for the Washakie County Planning Office, and shall include a provision that the Owner shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Planning **and Zoning** Commission and shall include, but not limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to Washakie County free and clear of all liens and encumbrances on the premises.
 - (viii). Except for minor subdivisions, be accompanied by stamped No. 10 envelopes properly addressed to each owner of property immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite the subject property extending one hundred (100)

feet from the roadway frontage of the opposite property owners as are correct within the knowledge of the Owner as shown on the latest tax assessment roll along with printed notices that those property owner may review the final plat documents and submit written comments to the Planning and Zoning Commission.

b. Determination of Final Plat. ~~Except in the case of specific minor subdivisions,~~ The Planning and Zoning Commission shall, within thirty (30) days from the date ~~the application for~~ the Final Plat first came before the Planning and Zoning Commission at a regularly scheduled meeting, ~~The Planning and Zoning Commission shall~~ make a determination on the Final Plat in accordance with its procedural rules and ~~forward the Owners applications for sketch plan, preliminary plan (if any) and Final Plat on~~ **recommend approval or disapproval** to the Washakie County Board of County Commissioners ~~within five (5) days of its determination at~~ **the next regularly scheduled meeting of the Board.**

Section 5. *Submission and Board Review.* Subsequent to the approval of the Planning Commission, the owner ~~may~~ **shall** submit three (3) paper copies of the construction plans, **if applicable**, and one (1) copy of the original of the Final Subdivision Plat on tracing cloth, and/or reproduction mylar, and ~~two (2)~~ **five (5)** copies of the said plat on paper ~~shall be submitted~~ to the Washakie County Board of County Commissioners for final review and approval. **If available, the owner shall also submit a copy of the Final Plat in a digital format; ARC or CAD. The datum used for the survey shall be specified.** No final approval shall be endorsed on the mylar until a review has indicated that all County requirements have been met.

Section 6. *Fees and Costs.* Actual costs, including publication costs, postage, recording fees, etc. shall be assessed to the Owner as part of the application process, and shall be paid as a condition of final approval of the Final Plat. All fees and any other charges allowed at law shall be set by the Washakie County Board of County Commissioners from time to time and shall be available at the time application is made for a subdivision permit in the form of a Schedule of Fees.

Article VI

Vested Rights

Section 1. *Effect of Approval.* Except as otherwise provided in this Article, no vested rights shall accrue to the Owner or any third party beneficiaries thereof of any subdivision by reason of preliminary or Final Plat approval until the actual signing of the Final Plat by the Washakie County Board of County Commissioners.

Section 2. *Applicable Laws.* To obtain Final Plat approval, the Owner shall be in compliance with all federal and State laws applicable at the time that the Final Plat is considered for approval. The Owner also shall be in compliance with all local laws and regulations applicable at the time that the preliminary plat (sketch plan if a minor subdivision) was submitted to the Planning Commission, except that the Owner shall comply with those local laws and regulations in effect at the time that the Final Plat is considered for approval by the Planning Commission, if it makes a determination on the record that compliance with any of those local laws and regulations is reasonably necessary to protect public health and safety. If the Planning Commission required the Owner to complete public improvements in the subdivision prior to Final Plat approval, and the improvements have, in fact, been completed, the Owner may be required to comply with local laws and regulations in effect at the time the Planning Commission makes a finding on the record that such compliance is necessary to prevent a substantial risk of injury to public health, safety and general welfare.

Section 3. *Development Agreements.* Washakie County may, but under no circumstances is it required to, enter into a Development Agreement, except in the case of phased subdivision development, in which case a Development Agreement is strongly encouraged:

- a. General. The Development Agreement shall constitute a binding contract between the Owner and Washakie County (“the parties”) for implementation of the proposed subdivision and shall contain those terms and conditions agreed to by the parties. The Washakie County Attorney is authorized to negotiate Development Agreements, with the advise and consent of the Chair of the Planning Commission, with final approval of any Development Agreement being made by the Washakie County Board of County Commissioners no sooner than ten (10) days following a public hearing on the proposed subdivision before the Board.
- b. Municipality Exception. In the event, a Development Agreement is proposed for a subdivision within the extra-jurisdictional boundaries of a County municipality, then in that event, that municipality shall be a party to the Development Agreement.
- c. Covenants. Any covenant by Washakie County contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any

rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years.

- (i). The covenant shall also contain a proviso that the County may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.
 - (ii). The covenant shall contain the additional proviso that the County may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or State law.
- d. Third Party Rights. Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who / which is not a party to the Development Agreement.
- e. Limitation on Liability. The Development Agreement shall contain a clause that any breach of the Development Agreement by the County shall give rise only to damages under State contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the U.S. Constitution or similar State constitutional provisions.
- f. Owner's Compliance. The Development Agreement shall include a clause that the government's duties are expressly conditioned upon the Owner's substantial compliance with each and every term, condition, provision, and covenant of the said Agreement, all applicable federal, State, and local laws and regulations, and its obligations under the subdivision improvement agreement.
- g. Adoption. The Development Agreement shall be adopted by the Washakie County Board of County Commissioners and recorded in the books and records of the Washakie County Clerk & Recorder's Office at the Owner's expense. If the said Agreement is to survive the recording of the Final Plat, then the Final Plat shall reference the said Agreement on its face, including all recording information thereof.
- h. Incorporation. All clauses, covenants, and provisions required by these regulations to be included in a Development Agreement shall be incorporated into the Development Agreement as a matter of law without respect to the intent of the parties.

Article VII

Signing and Recordation of the Final Plat

Section 1. *Order of signing.* The Owner is responsible for producing for signature, a reproducible mylar original of the final subdivision plat, and four (4) ~~sepi~~ **paper** prints of the final subdivision plat. The order in which the parties shall sign all five (5) documents is as follows:

- a. The Owner
- b. The mortgagee, if applicable**
- c. The Washakie County Planning and Zoning Commission chairperson**
- ~~b~~d. The municipality, if applicable
- ~~e~~e. The Washakie County Attorney
- ~~d~~f. The Washakie County Board of County Commissioners
- ~~e~~g. The Washakie County Clerk & Recorder shall attest to the signatures of the aforesaid Attorney and Board members.

Section 2. *Recordation.* Although the costs of recording shall be borne by the Owner, it is the responsibility of the Washakie County Clerk and Recorder to record the original mylar, which shall remain an official document of the County. The County Clerk shall certify the recording information on all other copies of the Final Plat and be responsible for distributing one copy to each party, and a copy to the Washakie County Planning Office. Any extra copies shall be returned to the Owner or distributed as the Owner may direct.

Section 3. *Sectionalizing / Phased Subdivision Plats.* If the Planning Commission has approved sectionalizing or a phased project, each phase and section, as applicable, shall appear and be made part of the approved Final Plat, which shall be recorded in accordance with these regulations.

Section 4. *Suspension / Invalidation of the Final Plat.* If the County suspends or invalidates the Final Plat approval for any subdivision under these regulations, it shall record a document with the County Clerk declaring that final approval for the subdivision, or any section or phase thereof is suspended or invalidated and that the further sale, lease, or development of the property so suspended or invalidated shall be null and void.

Article VIII

Resubdivision of Land and Amendments

Section 1. *Procedure for Resubdivision.* Whenever an Owner or the representative body, such as a homeowners association, for an approved subdivision desires to re-subdivide or otherwise make changes that would be in conflict with the Final Plat, then approval must first be obtained by the same process and procedures prescribed for subdivision of land.

Section 2. *Resubdivision.* Resubdivision includes any substantive change in the project as shown on the Final Plat, and more specifically:

- a. Any change in the roadway layout or any other public improvement;
- b. Any change in any lot line;
- c. Any change in the amount of land reserved for public use or the common use of lot owners; and
- d. Any change in an easement shown on the Final Plat

~~Section 3. *Waiver.* Whenever the Planning Commission, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting resubdivision without first obtaining approval by the same process and procedures prescribed for subdivision of land. The Planning Commission, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation, which shall include:~~

- ~~a. The name and legal description of the subdivision affected by the application;~~
- ~~b. The proposed changes in the final subdivision plat, a statement that a waive of resubdivision requirements has been made and the reasons for this waiver;~~
- ~~c. The place and time at which the application and any accompanying documents may be reviewed by the public;~~
- ~~d. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and~~
- ~~e. The place and time of the public meeting at which the Planning Commission will first consider whether to approve the waiver; and if the Planning Commission finds a waiver to be in order, then to consider whether to take such action as the Planning Commissions rules of procedure allow in accordance with the facts and circumstances as determined by the Planning Commission.~~

~~Section 4~~**Section 3.** *Procedure for Subdivisions when Future Resubdivision is indicated.* Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the Planning Commission may require that the Owner allow for the future opening of roadways and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

Section 4. *Amendment of Recorded Plats.*

- a. Minor amendments which will be filed with the Washakie County Clerk to correct minor survey or drafting errors, to include typographical errors, in a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a Corrected Plat certified by a land surveyor licensed with the State of Wyoming. All affidavits shall directly refer to the recorded plat by recording book and page, and also by specific aliquot section, township, and range. All affidavits or Corrected Plats shall be signed by all owners of the subdivided land. All affidavits or Corrected Plats shall be submitted to the Board of County Commissioners for action.
- b. Lot line adjustments and amendments to a recorded plat, such as easements, which do not increase the number of lots or add roads shall be submitted as an Amended Plat. Prior to the submittal of such plats, the planning office shall review and compare the proposed plat with a copy of the recorded plat. The Amended Plat shall then be prepared and submitted to the Board of County Commissioners for action.

Article IX.

Plat Vacation

Section 1. *Owner Initiated Plat Vacation.* The Owner(s) of lots or the designated representative for a subdivision such as a homeowners association in any approved subdivision may petition the Planning Commission to vacate the Final Plat with respect to their property. The petition shall include at a minimum the names of all persons affected by the proposed vacation, a description of the property to be vacated, and the reasons for the proposed vacation, and such other information the Planning Commission may need to make a determination on the petition.

a. Procedure.

- (i). **Notice and Hearing.** The Planning Commission shall publish notice in a newspaper of general circulation and provide personal notice of the petition for vacation to all owners of property within the affected subdivision and shall state in the notice the time and place for a public hearing on the vacation petition. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days after the published and personal notice is first given.
- (ii). **Criteria.** The Planning Commission shall recommend to the Board that the petition be granted if it finds that the public's health, safety or general welfare will be protected thereby; but in no event shall the Planning Commission recommend granting a petition to vacate a final plat if it finds that a nonconsenting property owner or any public rights in public improvements will be injured thereby.
- (iii). **Recordation.** If the Petition is granted, a document appropriate for recordation shall be prepared by the Petitioners for signing by all parties to the original Final Plat and shall refer to the recording information pertinent to the Final Plat, except if the Petitioner and the Owner on the original Final Plat are not the same, then in that case the Petitioner would sign rather than the Owner. Upon signature by said parties, the document shall be recorded with the County Clerk.

Section 2. *Government Initiated Plat Vacation.*

- a. General Conditions. The Planning Commission, on its own motion or on action by the Board, may initiate the process to vacate an approved subdivision, in whole or in part, when:

- (i). No lots within the approved subdivision have been sold within five (5) years from the date that the Final Plat was signed by the Board or five (5) years from the effective date of these regulations, whichever is later.
 - (ii). The Owner has breached a subdivision improvement agreement and the County is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the Owner or the Owner's successor in interest.
 - (iii). The Final Plat has been of record for a period of five (5) or more years and there is a reasonable belief that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the Owner or the Owner's successor in interest.
- b. Procedure. Notice of the Motion to Vacate shall be published by the Planning Commission in a newspaper of general circulation and personal notice of the aforesaid Motion shall be provided to all property owners in the subdivision affected. The notice shall state the time and place for a public hearing on the Motion to Vacate the subdivision Final Plat. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days from the date of first publication.
- c. Criteria. The Planning Commission shall recommend to the Board that the petition be granted if it finds that the public's health, safety or general welfare will be protected thereby; but in no event shall the Planning Commission recommend granting a petition to vacate a final plat if it finds that a nonconsenting property owner or any public rights in public improvements will be injured thereby.
- d. Recordation. If the Motion is granted, a document appropriate for recordation shall be prepared by the County Attorney for signing by those entities that gave approval to the original Final Plat and shall refer to the recording information pertinent to the Final Plat, showing and referencing pertinent vacated and non-vacated portions thereof. Upon signature by said parties, the document shall be recorded with the County Clerk.

Article X.

Penalties.

Washakie County may prosecute any violation of its Revised Subdivision / Development Regulations as a violation of the Wyoming Real Estate Subdivision Act. It also reserves its right

to initiate any legal or equitable action appropriate to protecting the health, safety and general welfare of the public, which is the intent and purpose of these regulations.

