

# Carbon County Wyoming

## Subdivision Regulations of 2023



The Carbon County Planning and Zoning Commission  
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CARBON COUNTY  
WYOMING

SUBDIVISION REGULATIONS OF 2023

Adopting the Carbon County Subdivision Resolution of 2023 (RESOLUTION NO. 2023-30).

Recommended by the Carbon County Planning and Zoning Commission on July 31, 2023.

Adopted by the Carbon County Board of County Commissioners on October 3, 2023.

Made effective on October 9, 2023.

Resolution adopted as the "Carbon County Subdivision Regulations of 2023".

Prepared, published, and distributed by:

Carbon County

Department of Planning & Development

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## TABLE OF CONTENTS

<u>CHAPTER/SECTION</u>	<u>PAGE</u>
	v
	v
1.00	1
1.01	1
1.02	1
1.03	1
1.04	1
1.05	2
1.06	2
1.07	2
1.08	3
1.09	3
1.10	3
1.11	4
1.12	4
1.13	5
2.00	7
2.01	7
2.02	7
2.03	7
2.04	7
2.05	8
2.06	8
2.07	9
2.08	9
2.09	10
2.10	10
2.11	12
3.00	13
3.01	13
3.02	13
3.03	15
3.04	15
3.05	15

<u>CHAPTER/SECTION</u>	<u>PAGE</u>
4.00	<u>MINOR SUBDIVISIONS</u>
4.01	Intent 16
4.02	Pre-Application Meeting 16
4.03	Local Conservation District 16
4.04	Application Requirements 17
4.05	Minor Subdivisions – Review Procedure 18
4.06	Minor Subdivisions – Review Standards and Criteria 18
4.07	Planning and Zoning Commission Review 19
4.08	Board of County Commissioners Review 20
5.00	<u>LARGE ACERAGE SUBDIVISIONS</u>
5.01	Authority 21
5.02	Exemptions from All Provisions of this Chapter 21
5.03	Building Permits Required 22
5.04	Pre-Application Conference 22
5.05	Local Conservation District 22
5.06	Application Requirements 22
5.07	Large Acreage Subdivisions – Review Procedure 24
5.08	Large Acreage Subdivisions – Review Standards and Criteria 24
5.09	Planning and Zoning Commission Review 25
5.10	Board of County Commissioners Review 26
6.00	<u>REPLATS</u>
6.01	Intent 27
6.02	Pre-Application Meeting 27
6.03	Local Conservation District 27
6.04	Application Requirements 27
6.05	Replats – Review Procedure 28
6.06	Replats – Review Standards and Criteria 28
6.07	Planning and Zoning Commission Review 29
6.08	Board of County Commissioners Review 30
7.00	<u>MAJOR SUBDIVISIONS</u>
7.01	Intent 31
7.02	Applicability 31
7.03	Wyoming Department of Environmental Quality Review 31
7.04	Major Subdivisions – Overall Review Procedure 31
7.05	Sketch Plan 32
7.06	Preliminary Plan 35

<u>CHAPTER/SECTION</u>	<u>PAGE</u>	
8.00	<u>MAJOR SUBDIVISIONS – FINAL PLATS</u>	46
8.01	Purpose and Intent	46
8.02	Supplemental Requirements for Final Plats	46
8.03	Minimum Requirements for a Major Subdivision Permit	46
8.04	Final Plats – Review Procedure	53
8.05	Final Plats – Review Standards and Criteria	54
8.06	Planning and Zoning Commission Review	55
8.07	Board of County Commissioners Review	55
9.00	<u>DESIGN AND IMPROVEMENT STANDARDS</u>	56
9.01	Purpose and Intent	56
9.02	Minimum Requirements	56
9.03	Standards Are Not Inflexible	56
9.04	Plans Shall be Prepared by a Professional Engineer	56
9.05	Streets	56
9.06	Grading and Drainage	61
9.07	Water Supply	63
9.08	Sanitary Sewage Disposal	64
9.09	Setback and Easements	65
9.10	Underground Wiring	65
9.11	Lot and Block Design	66
9.12	Planned Unit Development	66
9.13	Dedication for Public Use	66
9.14	Required Improvements	67
10.00	<u>DEFINITIONS</u>	69

**Resolution No. 2023 – 30**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming  
adopting Carbon County Subdivision Regulations of 2023.**

**“Carbon County Subdivision Regulations of 2023”**

**WHEREAS**, Wyoming Stat. Ann. §§18-5-301 through 18-5-315 provide for the adoption and amendment of all subdivision plans and plats and the adoption and amendment of regulations governing such plans and plats by the Carbon County Board of County Commissioners (Board); and

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(c), and Wyo. Stat. Ann. §16-3-103(a), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on the adoption and amendment of Carbon County Subdivision Regulations of 2023 on Monday, July 31, 2023, which said hearing was advertised by public notice at least forty-five (45) days prior to said hearing; and

**WHEREAS**, at the Monday, July 31, 2023, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment on the proposed regulations and the Carbon County Planning and Zoning Commission considered any comments provided during the notice and comment period along with any comments made at said public hearing; and

**WHEREAS**, at the conclusion of the Monday, July 31, 2023, public hearing, the Carbon County Planning and Zoning Commission voted to recommend amendments to the existing Carbon County Subdivision Regulations and adoption of the Carbon County Subdivision Regulations of 2023; and

**WHEREAS**, the Carbon County Board of County Commissioners provided notice of the scheduled public hearing on the amendments to the existing Carbon County Subdivision Regulations and adoption of the proposed subdivision regulations by two publications in newspapers of general circulation in Carbon County, and provided a notice and comment period of at least forty-five days (45) from the date of publication, such hearing having been held on Tuesday, October 3, 2023; and

**WHEREAS**, at said public hearing on October 3, 2023, the Carbon County Board of County Commissioners provided the opportunity for the public to comment, and the Carbon County Board of County Commissioners considered any comments which were made on the proposed regulations; and

**WHEREAS**, the Carbon County Board of County Commissioners deems it necessary and essential to adopt these Subdivision Regulations for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of Carbon County, Wyoming, by establishing minimum standards for the design and development of subdivisions.

**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

That the Carbon County Board of County Commissioners hereby at its meeting held on the 3rd day of October, 2023, that these, "Carbon County Subdivision Regulations of 2023," as amended, shall be and the same are hereby adopted and shall be effective October 9, 2023.

**IT IS FURTHER RESOLVED** that all existing or previously adopted subdivision regulations for Carbon County, Wyoming, shall be and the same are hereby repealed and superseded by these "Carbon County Subdivision Regulations of 2023".

**PRESENTED, APPROVED AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 3<sup>rd</sup> day of October, 2023.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: \_\_\_\_\_

Sue Jones, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

Attest:

\_\_\_\_\_  
Gwynn G. Bartlett, Carbon County Clerk

**1.00            GENERAL PROVISIONS**

**1.01            TITLE**

These regulations shall be known and may be cited as “Subdivision Regulations of Carbon County, Wyoming”. This resolution shall establish rules, regulations and standards governing the subdivision of land within the unincorporated areas of Carbon County, and set forth the procedure to be followed by the Carbon County Board of County Commissioners (Board) and the Carbon County Planning and Zoning Commission (Commission) in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Wyoming.

**1.02            AUTHORITY**

These regulations are adopted under the authority granted by Wyoming State Statutes §§34-12-101 through 34-12-115 (Platting and Dedication); §§18-5-201 through 18-5-208 (Planning and Zoning Commission) and §§18-5-301 through 18-5-319 (Real Estate Subdivisions) and §§9-8-301 through 9-8-302 (Land Use Planning), as amended.

**1.03            JURISDICTION**

These regulations are applicable to the unincorporated lands within Carbon County.

**1.04            DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW**

Major Subdivision reviews are governed by Wyoming Statutes §§18-5-301 through 18-5-315 and the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), Rules and Regulations, Chapter 23. The purpose of the DEQ review is to advise the County about water supply and sewage treatment issues related to the proposed subdivision.

- a) The DEQ reviews all subdivisions that meet the following criteria:
  - 1) Subdivision with more than five (5) parcels.
  - 2) Subdivisions with unique site conditions or other characteristics where the County chooses to refer to DEQ.
  
- b) Referral to the DEQ-WQD may not be necessary if the proposed subdivision is intended to connect to an existing State approved water supply and sewage treatment system that has adequate capacity and with the written consent of the system(s) owner.



## **1.05 PURPOSE AND INTENT**

The purpose of these regulations is to promote public health, safety, and general welfare by providing for the orderly subdivision of land within the unincorporated area of Carbon County. The County is known for its abundant natural resources, ranching, agriculture and rural character. The specific intent is to:

- a) Balance the location and design of subdivisions with the protection of these natural resources and rural character of the area;
- b) Protect property rights and enhance property values;
- c) Ensure adequate roads, public facilities, schools, services, utilities for more efficient development;
- d) Establish standards that encourage development patterns envisioned in the Carbon County Comprehensive Land Use Plan, as amended, and to support a diverse and sustainable economy;
- e) Protect irrigated agricultural lands as an important source of scenic landscapes, open spaces, wildlife habitats and to ensure that important environmental features are protected and maintained;
- f) Encourage the sustainability of irrigated agricultural lands, forestry and mineral resources;
- g) Improve the County land records by establishing standards for surveys, plats and maps; and,
- h) Review such other matters as the Carbon County Planning and Zoning Commission and Carbon County Board of County Commissioners may deem necessary in order to protect the best interests of the public.

## **1.06 SUITABILITY OF LAND FOR SUBDIVISION**

Land subject to human caused or natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other hazards should not be platted for any use which might endanger the health, safety or welfare of the inhabitants. Such lands shall be reserved for other uses which will not present these hazards. It is the policy of Carbon County to conserve, protect and encourage agricultural production and to reduce the loss of its agricultural resources by minimizing the circumstances under which agricultural operations may be considered a nuisance.

## **1.07 INTERPRETATION**

In the interpretation and application of the provisions of these regulations, the following regulations shall govern:

- a) Provisions and Minimum Requirements: In their interpretation and application, the provisions of these regulations shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, property, and welfare of the inhabitants of Carbon County. These regulations shall therefore be regarded as remedial and be liberally construed to further its underlying purposes.
- b) Application of Overlapping Regulations: Whenever both a provision of these regulations, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind contain any restrictions covering any of the same subject

matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

**1.08            SEPARABILITY**

It is hereby declared to be the legislative intent that the provisions of these regulations shall be severable in accordance with the provisions set forth below:

- a) If Any Provision is Declared Invalid: If any provision of these regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
  - 1) The effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid; and,
  - 2) Such decision shall not affect, impair, or nullify these regulations as a whole or any other part thereof. Such decision shall not effect the application of any provision thereof to any other tract of land.
  
- b) If the application of any provision of these regulations to any tract of land is declared to be invalid by a decision of a court of competent jurisdiction:
  - 1) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and,
  - 2) Such decision shall not affect, impair or nullify these regulations as a whole or the application of any provision thereof to any other tract of land.

**1.09            REPEAL AND EFFECTIVE DATE**

These regulations shall be in effect from the date of adoption by Resolution of the Carbon County Board of County Commissioners, pursuant to legal provisions and procedures by the State Statutes of the State of Wyoming. All previously existing Subdivision Regulations for Carbon County are hereby repealed.

**1.10            EXISTING SUBDIVISION AGREEMENTS AND COVENANTS**

Subdivisions filed and recorded on a Final Plat prior to the effective date of these regulations shall not be regulated by these regulations unless proposed for amendment or replat in such manner as to fall within the definition of a subdivision of these regulations.

Subdivisions having received Preliminary Plan approval under any previous subdivision regulations or law prior to the effective date of this resolution shall be considered as having received Preliminary Plan approval under these regulations; provided, that all Final Plat submittals subsequent to the date of these regulations shall conform to the requirements of these regulations. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for replat into smaller tracts, lots or building sites, the replat shall comply with all provisions of these regulations. These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or with existing provisions of private agreement or restrictive covenants running with the land to which the County is a party. Where these regulations

impose a greater restriction than that imposed by such existing provisions of law, contract or deed, the provisions of these regulations shall control.

### **1.11 SUBDIVISIONS WITHIN ONE (1) MILE OF A CITY OR TOWN**

In accordance with W.S. §18-5-308(b) and §34-12-103(b), if any part of a proposed subdivision lies within one (1) mile of the boundaries of a first class city or town, or within one-half (1/2) mile of a town with a population of less than four thousand (4,000), the Carbon County Board of County Commissioners, upon receipt of a subdivision\plat application, through the Carbon County Planning and Development Department, shall solicit comments from the governing body of the City or Town relating to impacts to the City or Town's infrastructure or to other development plans resulting from the proposed subdivision\plat and development.

The Board shall consider the City or Town's comments that are received by the Board at least twenty (20) business days prior to the scheduled final consideration of the plat proposal and shall respond in writing to the City or Town about any items of disagreement.

To the extent practical, the Carbon County Board of County Commissioners shall ensure that a subdivision\plat application meets the following:

- a) Is consistent with any applicable City, Town and County Land Use or Comprehensive Plan;
- b) Conforms to any adopted street plan of the City, Town or County;
- c) Contains all areas for streets, roads and alleys that are dedicated rights-of-way;
- d) Contains dedicated easements for all existing and proposed utilities; and
- e) Contains any additional criteria the governing body of the City or Town and the Board of County Commissioners agree to through a jointly adopted plan or voluntary agreement.

When executed, acknowledged, and approved as provided in the Carbon County Subdivision Regulations, the plat shall be filed and recorded in the Office of the County Clerk.

### **1.12 FENCING REQUIREMENTS FOR SUBDIVISION PERMITS**

In accordance with W.S. §18-5-319, each subdivider seeking to create or divide a subdivision that is adjacent to lands upon which livestock can be legally run at large shall comply with all of the following:

- a) The subdivider shall be responsible for the construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners' consent that a perimeter fence is not necessary.
  - 1) The perimeter fence required under this subsection shall be a lawful fence as prescribed by W.S. §11-28-102;
  - 2) The subdivider shall be responsible for all costs of the original construction for the perimeter fence.

- b) Upon completion of the construction of a perimeter fence required under this section, the subsequent landowner or, if the subdivided parcel has not been sold, the subdivider shall:
  - 1) Be responsible for the costs of maintaining the perimeter fence provided that the adjoining landowner shall be responsible for half of the costs of maintaining the perimeter fence, not to exceed the reasonable costs to maintain the fence if the fence was a fence under W.S. §11-28-102(a)(i);
  - 2) Not be liable for any damage caused by or arising from livestock pastured on adjoining land that may breach the perimeter fence and wander on the subdivided land, provided that the perimeter fence is maintained in accordance with this section.
- c) The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land except as provided in W.S. §11-28-108.
- d) Before receiving a subdivision permit under this article, a subdivider shall provide information and evidence of the construction or plans to construct any perimeter fence required by this section in accordance with W.S. §18-5-306(a)(xiii).

### **1.13            AMENDMENTS TO THE SUBDIVISION REGULATIONS**

The procedures, standards, and criteria contained in these regulations, when deemed necessary, may be revised, altered or amended, and may be requested by any person, group, or agency.

#### **1.13.01            Submittal Requirements**

Any request for amendment shall be submitted in writing to the Administrator, the Planning and Development Director or designee, for formal presentation to and consideration by the Planning Commission for recommendations to the Board. The request must include the applicant's identity, a written description and justification for the proposed amendments and any application fee, if applicable.

#### **1.13.02            Planning and Zoning Commission's Review**

If the Commission decides to consider amendment of these regulations, the Carbon County Planning and Zoning Commission (Commission) shall hold a public hearing prior to recommending the adoption of any amendments or changes. The time and place of such public hearing shall be advertised by the Commission at least forty-five (45) days prior to its intended action in a newspaper of general circulation within Carbon County pursuant to the Wyoming Administrative Procedure Act, W.S. §16-3-103(a). The public notice shall include:

- a) The time when, the place where and the manner in which interested persons may present their views on the intended action;
- b) A statement of the terms and substance of the proposed rule or a description of the subjects and issues involved;
- c) If an amendment or a repeal, the citation to the County's rule to be amended or repealed;
- d) If new rules, a statement that they are new rules and a citation of the statute which authorizes adoption of the rules; and
- e) The place where an interested person may obtain a copy of the proposed rules.

After considering the testimony at the public hearing and comments from governmental agencies and interested parties, the Commission shall recommend approval, conditional approval, or disapproval of the proposed changes or amendments to the Board.

**1.13.03 Board of County Commissioners' Review**

The Board shall hold a public hearing prior to taking action upon such a recommendation. Public notice of the proposed action shall be advertised by the Board at least forty-five (45) days prior to its intended action in a newspaper of general circulation within Carbon County pursuant to the Wyoming Administrative Procedure Act, W.S. §16-3-103(a). The public notice shall include:

- a) The time when, the place where and the manner in which interested persons may present their views on the intended action;
- b) A statement of the terms and substance of the proposed rule or a description of the subjects and issues involved;
- c) If an amendment or a repeal, the citation to the County's rule to be amended or repealed;
- d) If new rules, a statement that they are new rules and a citation of the statute which authorizes adoption of the rules; and
- e) The place where an interested person may obtain a copy of the proposed rules.

After due consideration, the Board shall approve, conditionally approve, or disapprove the proposed changes or amendments by a vote of not less than a majority of the entire membership of the Board. Such decision shall be binding on all parties affected by these regulations.

**2.00            ADMINISTRATION AND ENFORCEMENT**

**2.01            SUBDIVISION PERMIT REQUIRED**

No person shall subdivide or commence the physical layout or construction of a subdivision, without first obtaining a subdivision permit from the Carbon County Board of County Commissioners. A subdivision plat signed by the Board and Commission shall be recorded at the Office of the County Clerk and once signed and recorded shall constitute a subdivision permit.

No permits of any kind shall be issued by the Administrator nor any other administrative office of the County, for the construction of any building or other improvements upon any land to which these regulations apply unless and until the requirements herein have been met. Approval of a subdivision permit does not authorize the construction of a building structure. A building permit may be required in accordance with the current Carbon County Zoning Resolution of 2015, as amended.

**2.02            BOARD DISCRETION**

Nothing contained in these subdivision regulations shall be construed as prohibiting the Board in its discretion from requiring a subdivider to provide any additional supporting information before granting a subdivision permit or condition the granting of an exemption upon the furnishing of any or all of such supporting information.

**2.03            OWNER OR AGENT MAY SUBDIVIDE**

No person who is not the owner of land may subdivide nor make application to subdivide such land without first having obtained a properly acknowledged power of attorney or other legal authorization acceptable to the Carbon County Attorney.

**2.04            APPLICATION FILING AND SUBDIVISION PERMIT FEES**

All applications required by these subdivision regulations shall be accompanied by an application fee and/or a subdivision permit fee in accordance with the latest fee schedule established by resolution of the Carbon County Board of County Commissioners.

**2.04.01        Minimum Content of Applications**

All applications for subdivision permits shall be submitted with the applicable County forms which shall be available from the Carbon County Planning and Development Department.

**2.04.02        Adequacy of Application**

All materials and information, as required by these regulations, including applications, fees, request for waivers, variances, sketches, maps, plans, plats, and reports, must be submitted to the Administrator in accordance with the submittal requirements of these regulations.

No item or application submitted under these regulations may be placed on a meeting agenda of the Commission or Board, until it is determined to be a complete application. The

Administrator shall determine if an application is complete and shall be the authority for placing any application or item on an agenda.

**2.04.03 Request for Board Hearing**

Any applicant aggrieved by the action of the Administrator in carrying out the provisions of this Section, may request a hearing by the Board. A written request to be placed on the next available Board meeting agenda shall be submitted to the County Clerk with a copy provided to the Administrator. The written request for a Board hearing shall describe the reasons for which they feel their application is complete and adequate to be accepted and placed on a future agenda for hearing. The discussion shall be limited to what is necessary for the Board to determine if an application is complete and adequate to be accepted and placed on a future agenda for hearing. By majority vote, the Board shall determine if the application is complete and adequate to be further processed in accordance with these subdivision regulations. A public notice is not required for a request to the Board concerning the adequacy of an application.

**2.05 REQUEST FOR WAIVER OF SUBMISSION REQUIREMENTS**

The Board in its discretion may grant a waiver from some but not all of the submission requirements of these regulations. A request for waiver from the submission requirements shall be submitted as part of the initial application process.

**2.05.01 Review Procedures**

The Request for Waiver shall be included in the subdivision application and will be referred to the Commission for comment and recommendation. The Commission and the Board shall consider whether the provisions of these regulations from which relief is requested are not materially important to the orderly development of the land in question. Such a waiver shall not be granted if the Board determines that it would be detrimental to the public good or impair the intent and purpose of these regulations.

The public notice for the subdivision shall include a brief description of the request for waiver of submission requirements.

**2.06 REQUEST FOR VARIANCES**

In cases where strict compliance with the regulations will impose an undue hardship on the owner\subdivider, the Board in its discretion, may grant variances from some but not all of the design standards and infrastructure requirements of these regulations. Undue hardship does not include personal or financial hardship or any hardship that is self-imposed. All requests for variances shall be submitted in writing as part of the initial application process.

**2.06.01 Review Procedures**

The Request for Variances will be referred to the Commission for comment and recommendation as part of the subdivision review process. The public notice for the subdivision shall include a brief description of the variance request.

### **2.06.02 Standards and Criteria**

The Board shall grant or deny such applications in writing stating the reason for denial. Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship and to ensure that the stated purpose of the variance is realized. A variance may include conditions and limitations in order to ensure substantial compliance with the design standards and infrastructure requirements of these regulations. The Commission shall consider, and the Board may approve a variance after due consideration of the following:

- 1) The variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- 2) The variance is necessary due to the physical surroundings, shape, or topographical conditions of the property.
- 3) The variance will not cause a substantial increase in public costs, now or in the future.
- 4) The variance will not result in a subdivision that conflicts with any adopted Comprehensive Plan or Zoning Regulations.
- 5) The variance is consistent with the purpose and intent of these Subdivision Regulations.
- 6) Whether the provisions of the regulations from which relief is requested are not materially important to the orderly controlled development of the land in question.

### **2.06.03 Authorization**

The variance approved by the Board shall be authorization for the subdivider to prepare the Preliminary Plan and/or Final Plat in accordance with the requirements of these regulations as altered by the variance. The provisions of any variance granted by the Board shall be incorporated into the Preliminary Plan and/or Final Plat or relevant documents.

## **2.07 APPEALS**

Any applicant or landowner aggrieved by the action of the Board in their administration of these subdivision regulations may seek judicial review in accordance with the Wyoming Administrative Procedures Act and the Wyoming Rules of Civil Procedure.

## **2.08 ENFORCEMENT, VIOLATION, AND PENALTIES**

It shall be the duty of the Board, or its duly appointed representatives, to enforce the provisions of these regulations. All Final Plats of a subdivision of land within Carbon County shall be filed and recorded only after having been accepted and signed in accordance with the applicable provisions of these subdivision regulations and approved by the Board.

**2.08.01** Any owner, subdivider, or agent of a subdivider, who willfully transfers or sells or agrees to sell or offers to sell any proposed subdivided land before a Final Plat for such land has been approved by the Board and filed in the Office of the County Clerk shall be fined \$1,000.00 initially, and if the violation still exists after 180 days from notification, \$100/day until Final Plat is accepted by the County; or deeds revoked and purchase price returned to affected lot purchasers.

**2.08.02** Description of lots in the unapproved subdivision by metes and bounds in the transfer shall not exempt the owner from being fined.



**2.08.03** The Carbon County Attorney, when authorized by the Board, may enjoin any transfer or sale of such land by injunction and may recover the penalty in a civil action in a court of competent jurisdiction.

**2.09** **SUSPENSION OF APPROVALS**

The Board or the Commission may suspend or withdraw any approval of a plan or plat or may require certain corrective measures may be taken following a determination that the information provided by the subdivider upon which such approval was based is false or inaccurate or that new significant information has been brought to their attention. Suspension of approval may occur at any step in the platting and must take place at a public meeting.

A written notice from the Administrator shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear at the certain public meeting of the Board or Commission. The Commission or Board shall determine at the meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to their attention, and shall have power, upon good cause being shown, to suspend or withdraw any approval or require certain corrective measures to be taken.

**2.10** **GUARANTEE OF PUBLIC IMPROVEMENTS**

No Final Plat that includes public improvements shall be recorded until the subdivider has submitted and the Board has approved, one or a combination of the following:

- 1) All roads, utilities, drainage facilities, survey monuments and other public improvements serving all lots described in the subdivision agreement are installed to the specifications of the Board or its designated representatives; or
- 2) An agreement to construct any required public improvements shown in the Final Plat documents together with collateral, which is sufficient, in the judgment of said Board to make reasonable provisions for the completion of said improvements in accordance with design and time specifications agreed to. Collateral shall be cash or approved surety bond, letter of surety from a commercial bank, savings and loan institution, insurance company or other qualified lending institution licensed or authorized to do business within the State of Wyoming, or a letter from the Federal Housing Administration or Veterans Administration warranting that a sum or sums of money sufficient to guarantee the completion of improvements on the land within the subdivision and improvements on the land adjacent to the subdivision, as may be required are existent and will be available to cover the cost of such completion in the event of default by the subdivider in fulfilling said terms and conditions; or as an alternative, the Board may vacate any part of the approved plat.
- 3) The plan, method, and parties responsible for the construction of any required public improvements shown in the Final Plat documents which, in the judgment of said Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

- 4) As improvements are completed, the subdivider may apply to the Board of County Commissioners (Board) for a release of part, or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

**2.11 PUBLIC NOTICE AND HEARING REQUIREMENTS**

Public hearings shall be conducted at regular meetings of the Carbon County Board of County Commissioners (Board) or the Carbon County Planning and Zoning Commission (Commission) or at a special meeting called for that purpose.

Type of Notice	Large Acreage Subdivision	Minor Subdivision	Replat	Major Subdivision	Amendment to Regulations
<u>U.S. Mail:</u> notice sent to applicant and adjacent land owners at least 14 days before the <b>Commission</b> hearing. (1)(2)(4)	X	X	X	X	In accordance with Administrative Procedures Act See Chapter 1
<u>Publication:</u> in a newspaper of general circulation at least 30 days before the <b>Commission</b> hearing. (1)	X	X	X	X	
<u>Publication:</u> in a newspaper of general circulation at least 14 days before the <b>Board</b> hearing. (1)	X	X	X	X	
<u>Posted Notice:</u> A Sign must be posted on the property by the applicant at least 14 days before the <b>Commission</b> hearing. (3)	X	X	X	X	
<u>Public Hearings:</u> The Planning Department shall be responsible for scheduling public hearings, publishing notices and mailing notices. The cost of all notices and recording fees shall be paid by the applicant.					
<u>Continuances &amp; Tabling:</u> Public hearings continued to a specific date need not be re-noticed. Hearings tabled indefinitely shall be re-noticed in accordance with the notice requirements of this Section.					
<ol style="list-style-type: none"> <li>1. Publication and mailed notice must include a summary of the request, general location of property or address, an abbreviated legal description, the date, time, and place of the hearing, and how additional information can be obtained.</li> <li>2. Adjacent landowners as shown in the property ownership records of the Carbon County Assessor having a common property line or separated only by an alley, easement or public or private road.</li> <li>3. Sign will be provided by Carbon County Planning and Development Department and must include a summary of the request, the date, time and place of the hearing, and a telephone number to contact for more information. A waiver may be requested if the property is inaccessible due to weather or natural disasters.</li> <li>4. Failure to notify adjacent landowners due to clerical oversight or failure of mail delivery shall not affect the validity of the hearing or the reviewing authority's decision.</li> </ol>					

### **3.0 EXEMPTION FROM SUBDIVISION REGULATIONS**

#### **3.01 SUBDIVISION EXEMPTIONS – INTENT**

Unless the method of sale or other disposition is adopted for the purpose of evading provisions of these Regulations, these Subdivision Regulations shall not apply to the subdivision of land specified in W.S. §18-5-303, Exemption from Provisions; however, the statutory exemptions are subject to the requirements specified herein regarding documentation of the proper use and implementation of the exemptions.

#### **3.02 TYPES OF SUBDIVISION EXEMPTIONS**

The following outlines the types of subdivision exemptions and procedures which shall be followed for each type of exemption allowed pursuant to W.S. §18-5-303 and these subdivision regulations.

- 1) A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the grantor's\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 and the Carbon County Subdivision Regulations;
  - 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.

- 2) 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;
- 3) A division which is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way.
- 4) Lands located within incorporated cities or towns;
- 5) A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
- 6) A division which affects railroad rights-of-way;
- 7) A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;
- 8) 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;
- 9) A division which creates cemetery lots;
  - a) All survey plats for cemetery lots shall be recorded with the Carbon County Clerk per W.S. §35-8-101 thru 105, as amended.
- 10) A division which is created by the acquisition of an interest in land in the name of a 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;
- 11) 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;
- 12) A division which creates a cluster development pursuant to and in accordance with W.S. §18-5-401, the Conservation Design Process and these Carbon County Subdivision Regulations and the Carbon County Zoning Resolution of 2015, as amended;
- 13) 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.
- 14) Except as provided in W.S. §18-5-316-Requirements For Large Acreage Subdivision Permits, this Chapter 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 requirements 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.

**3.03            LARGE ACERAGE SUBDIVISIONS**

Refer to Chapter 5 – Large Acreage Subdivisions (35-140 acres).

**3.04            SUBMITTAL REQUIREMENTS**

Any person seeking exemption from the requirements of these Subdivision Regulations shall schedule a meeting with the Administrator and furnish evidence of entitlement to the Subdivision Exemption. The Administrator shall review the submittal which shall include an Affidavit and Deed. If a Record of Survey is produced, a copy shall be provided to the Administrator for review.

**3.04.01        Review Procedures**

The Administrator shall review the Subdivision Exemption request to determine conformance with these subdivision exemption provisions. Upon review, the approved Affidavit, Deed and Record of Survey (if applicable) shall be presented to the County Clerk for recording in the public record. The applicant shall be responsible for all application and recording fees.

**3.05            BUILDING PERMITS REQUIRED**

Any person seeking a building permit on a lot, tract or parcel created by exemption shall furnish evidence to the Administrator that the lot, tract or parcel was lawfully created and exempt from the requirements of these subdivision regulations. Prior to the issuance of a building permit, the Administrator may require the submittal of an Affidavit, a Deed, a Record of Survey, or similar documentation.

## **4.00            MINOR SUBDIVISIONS**

### **4.01            INTENT**

Pursuant to the authority granted by Wyoming Statute §18-5-306, Minimum Requirements for Subdivision Permits, the Carbon County Board of County Commissioners (Board) has determined that Minor Subdivisions, as defined in these regulations, shall be exempt from the minimum requirements of W.S. §18-5-306. The purpose of this chapter is to establish the minimum standards and criteria for Minor Subdivisions of land and provide for an adequate public record of the lot, tracts or parcels being created.

#### **4.01.01        Applicability**

The Minor Subdivision Review process may be utilized for the division of one (1) lot, tract or parcel that is not part of a previously platted subdivision, into no more than five (5) lots, tracts or parcels, any of which is smaller than thirty-five (35) acres in size. The Minor Subdivision may not result in a new or remaining parcel of less than thirty-five (35) acres outside the platted area. A series of related minor subdivisions on contiguous land cumulatively totaling six or more lots shall be construed to create a major subdivision.

The Minor Subdivision process shall not be utilized for a subdivision that requires State review or approval of a centralized sewage treatment system or public water supply; except that the Minor Subdivision process may be utilized if the proposed subdivision is intended to connect to an existing State approved system(s) that has adequate capacity and with the written consent of the water supply and wastewater treatment system owner.

### **4.02            PRE-APPLICATION MEETING**

Prior to submittal of an application the applicant shall schedule a pre-application meeting with the Administrator to discuss the Minor Subdivision review process.

### **4.03            LOCAL CONSERVATION DISTRICT**

The Administrator shall submit the Minor Subdivision Plat to the local conservation district and request a review and recommendation regarding soil suitability, erosion control, sedimentation, and flooding problems. The applicant should request a map showing the general soil types and their boundaries as shown on available soil survey maps prepared by the Natural Resources Conservation Service, if available, that would help with evaluation of soil suitability, the need for erosion control, potential sedimentation, and flooding problems.

#### **4.03.01        Conservation District Review**

The review and recommendations shall be completed and returned to the Administrator within sixty (60) days from the documented date of submittal to the local conservation district.

## **4.04            APPLICATION REQUIREMENTS**

### **4.04.01        Minimum Contents of Applications**

All applications for subdivision permits shall be submitted with the applicable County forms which shall be available from the Planning and Development Department.

### **4.04.02        Submittal Requirements**

The following information shall be included in the Minor Subdivision application:

- 1) A Minor Subdivision Plat prepared by a professional land surveyor registered in the State of Wyoming 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, parcels, tracts, roads and highways.
  - d) The location and dimension of all proposed utility and access easements.
- 2) Provide a written description of how the proposed subdivision will be developed to be in general conformance with the County Comprehensive Land Use Plan and complies with the Minor Subdivision Review Standards and Criteria included in this Chapter.
- 3) A Site Plan and supporting information, including but not necessarily limited to the following:
  - a) Existing and proposed zoning and land use of the proposed subdivision, including the names of all adjacent landowners.
  - b) A drawing of the proposed subdivision boundary including the location and dimensions of proposed lots and existing structures, buildings and other improvements such as irrigation ditches, wells, septic tanks, and leach fields.
  - c) Existing contours at readily available intervals. Elevations, where possible, shall be referenced to USGS control.
  - d) Access to the property from a public highway, road or street; and subdivision roads to each lot.
- 4) Floodplain and drainage information: Include a reference to or a copy of the latest Federal Emergency Management Agency-Flood Insurance Rate Map and the associated Flood Insurance Study, if applicable.
- 5) Public Services: Provide a description of how the subdivision will be provided with the following services: fire protection, law enforcement\emergency response, private or county road maintenance, water supply, sewage treatment, and solid waste disposal, schools and school bus routes.
- 6) Existing or proposed restrictive covenants, homeowners or property owner's association documents or documentation for the formation of an Improvement and Service District, if applicable.
- 7) Fencing: Evidence to support whether fencing is required for a subdivision permit in accordance with W.S. §18-5-319. See Section 1.12, Fencing Requirements for Subdivision Permits. If fencing is required, provide plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence.



- 8) For any Subdivision that includes a lot or lots that are proposed to be less than two (2) acres, provide the following:
  - a) Water Supply\Domestic Water:  
Provide information relative to the potential availability and quality of groundwater proposed to be used within the subdivision. The information 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) Individual on-site Sewage Systems:
    - i. Verify that the proposed on-site sewage systems will meet applicable County and State standards for minimum lot size and setbacks.
    - ii. Identify existing well heads on the property and within 100 feet of the perimeter of the proposed minor subdivision property lines, if applicable.
- 9) Any additional information the Planning and Zoning Commission, the Board of County Commissioners, or the Administrator deems necessary for an adequate review of the proposal.

#### **4.05 MINOR SUBDIVISIONS – REVIEW PROCEDURE**

Upon submittal of a formal application, the Administrator will conduct an internal review and may forward copies of the application to other County departments or external agencies for review and comment.

##### **4.05.01 Complete Applications**

The Administrator shall determine whether the application is complete. Staff shall notify the applicant in writing of any deficiencies with the application and give directions and deadlines to cure the deficiencies. Upon acceptance of a completed application for a Minor Subdivision Plat, the Administrator shall schedule a public hearing before the Commission in accordance with the public notice and hearing requirements in Chapter 2.

#### **4.06 MINOR SUBDIVISIONS – REVIEW STANDARDS AND CRITERIA**

The Commission and the Board will consider the following standards and criteria prior to taking action on a Minor Subdivision Plat:

- 1) Comprehensive Land Use Plan: Satisfactory evidence that the proposed subdivision is in general conformance with the Carbon County Comprehensive Land Use Plan, amended, and other adopted land use regulations.
- 2) Zoning: Demonstration that the lots, parcels or tracts being created meet the minimum lot size and other applicable zoning standards for the zone district in which they are located and that the subdivision will not increase any non-conforming setbacks.
- 3) Local Conservation District: Response to the recommendations provided by the local conservation district including but not necessarily limited to soil suitability, the need for erosion control, potential sedimentation, and flooding problems.
- 4) Access: Demonstration that all lots in the proposed subdivision will have adequate legal and physical access to a public street or rights-of-way and that no new public road or access development is needed or proposed.

- 5) Road Standards: The width and grade of said access must be in accordance with any applicable County standards and/or Federal or State standards for access. Demonstration that internal roads will be private and maintained by a Property or Homeowners Association.
- 6) Water Supply: Satisfactory evidence demonstrating the potential availability of an adequate and dependable water supply for each lot.
- 7) Sewage Systems: Satisfactory evidence demonstrating the ability to obtain a Department of Environmental Quality (DEQ) "Permit to Construct" a sewage disposal system or other lawful means of treating and disposing of human wastes, which complies with all applicable standards of the DEQ for each proposed lot.
- 8) Public Services: Satisfactory evidence demonstrating that the proposed subdivision will not result in significant increase in the cost of providing public services including, but not necessarily limited to: fire protection, law enforcement/emergency response, county road maintenance, water supply, sewage treatment, solid waste disposal, schools and maintaining school bus routes.
- 9) Safe Building Sites: Satisfactory evidence demonstrating that all land subject to natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards should not be platted for buildable lots, and will not create hazards or otherwise endanger the health, safety, or welfare of the inhabitants.
- 10) New or Remaining Parcels: The proposed minor subdivision does not result in or create a new or remaining parcel of less than thirty-five (35) acres outside the platted area.
- 11) Covenants: Any protective covenants or declarations to be placed on the subdivision shall be noted on the Final Plat and filed for recording in the Office of the Clerk and Recorder at the time of the Final Plat recording.
- 12) Guarantee of Improvements: If required by the Board, a Subdivision Improvements Agreement and/or an Off-Site Road Improvements Agreement or other Agreement has been submitted and reviewed by the County Attorney and accepted by the Board.
- 13) Minor Subdivision Plat: The plat shall comply with survey standards of these regulations and all required plat notes and all necessary easements including, but not limited to, drainage, irrigation, utility, and access have been properly established and documented.

#### **4.07 PLANNING AND ZONING COMMISSION REVIEW**

The Commission shall hold a public hearing in accordance with the public notice and hearing requirements included in Chapter 2. Upon review of the application, in accordance with the standards and criteria for a Minor Subdivision, the Commission shall recommend one of the following actions:

- 1) Recommend approval of the application, as submitted.
  - a) A recommendation for approval, indicated by a majority vote of the Commission, the Chairman shall sign the Minor Subdivision Plat. The Chairman's signature on the Final Plat shall indicate the Planning and Zoning Commission's recommendation for approval to the Board of County Commissioners.

- 2) Recommend approval of the Minor Subdivision application subject to such modifications and conditions as it deems necessary; or
- 3) Recommend denial of the application and state the specific reasons for the recommendation for denial; or
- 4) Table the application to a specific date, not to exceed sixty (60) days, to request additional information.

#### **4.08            BOARD OF COUNTY COMMISSIONERS REVIEW**

The Board shall conduct a public hearing on the application after receiving a recommendation from the Commission. Before adopting the recommendations of the Commission, the Board shall hold a public hearing in accordance with the public notice and hearing requirements included in Chapter 2.

- 1) After closing the public hearing on the application, the Board shall:
  - a) Approve the Minor Subdivision as recommended by the Commission; or
  - b) Remand the Minor Subdivision application back to the Commission for reconsideration; or
  - c) Approve the Minor Subdivision application as submitted, if different than as approved by the Commission; or
  - d) Deny the Minor Subdivision application; or
  - e) Table the application to a specific date, not to exceed sixty (60) days, to request additional information.
- 2) **Recording.** Upon approval, as indicated by the Chairman's signature on the Final Plat and upon payment of all recording fees by the applicant, the applicant shall then record the plat and other required documents in the Office of the County Clerk and Recorder.
- 3) **Effect of Decision.** The Minor Subdivision Plat, once signed and recorded, shall constitute a subdivision permit.

## **5.00            LARGE ACREAGE SUBDIVISIONS**

### **5.01            AUTHORITY**

Pursuant to the authority granted by Wyoming Statute §18-5-316, Requirements for Large Acreage Subdivision Permits, the Board has determined that Large Acreage Subdivisions, as defined in these regulations, shall be exempt from the minimum requirements of W.S. §18-5-306. Before granting a large acreage exemption, except as provided in Section 5.02 Large Acreage Exemptions, the Board shall require the person seeking the exemption to comply with the provisions of this Chapter.

#### **5.01.01        Purpose**

The purpose of this Chapter is to provide a county review process for the subdivision of parcels of land larger than 35 acres but smaller than 140 acres. In addition, this chapter shall establish the minimum standards and criteria for Large Acreage Subdivisions and provide for an adequate public record of the lot, tracts or parcels being created.

#### **5.01.02        Applicability**

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).

The Large Acreage Subdivision Process may only be utilized when individual on-lot wells are utilized for water supply and individual on-lot sewage treatment systems are proposed for wastewater disposal.

## **5.02            EXEMPTIONS FROM ALL PROVISIONS OF THIS CHAPTER**

- 1) The sale or other disposition of a Large Acreage Subdivision that was lawfully recorded on or prior to October 3, 2023; OR
- 2) Nothing in this Chapter 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 acreage subdivision as evidenced by dated plat maps, sales brochures, or other evidence acceptable to the board.
- 3) Each lawfully recorded parcel of land on or before July 1, 2008, shall be exempt from all provisions of the large acreage subdivision permit 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.
- 4) Boundary adjustments between or among parcels that do not create a new lot, tract or parcel, shall not be considered as a division of property subject to the limitations of Chapter 6 – Replats.

### **5.03 BUILDING PERMITS REQUIRED**

Any person seeking a building permit on a lot, tract or parcel created by exemption shall furnish evidence to the Administrator that the lot, tract or parcel was lawfully created and exempt from the requirements of these subdivision regulations. Prior to the issuance of a building permit, the Administrator may require the submittal of an Affidavit, a Deed, a Record of Survey, or similar documentation.

### **5.04 PRE-APPLICATION CONFERENCE**

Prior to the submittal of a large acreage subdivision application, the applicant shall schedule a pre-application meeting with the Administrator to discuss the Large Acreage Subdivision review process.

### **5.05 LOCAL CONSERVATION DISTRICT**

The applicant or the Administrator shall submit the Large Acreage Subdivision Plat to the local conservation district and request a review and recommendation regarding soil suitability, erosion control, sedimentation, and flooding problems. The applicant should request a map showing the general soil types and their boundaries as shown on available soil survey maps prepared by the Natural Resources Conservation Service that would help with evaluation of soil suitability, the need for erosion control, potential sedimentation, and flooding problems.

#### **5.05.01 Conservation District Review**

The review and recommendations shall be completed and returned to the Administrator within sixty (60) days from the documented date of submittal to the local conservation district.

### **5.06 APPLICATION REQUIREMENTS**

#### **5.06.01 Minimum Contents of Applications**

All applications for subdivision permits shall be submitted with the applicable County forms which shall be available from the Planning and Development Department. When applicable, a Request for Waiver from some but not all of the submission requirements may be submitted for approval as part of the initial application process. Refer to Section 2.05, Request for Waiver of Submission Requirements.

#### **5.06.02 Submittal Requirements**

- 1) Provide a written description of how the proposed subdivision will be developed to be in general conformance with the County Comprehensive Land Use Plan and complies with the Large Acreage Subdivision Review Standards and Criteria included in this Chapter.
- 2) Access: Demonstration that all lots in the proposed subdivision will have adequate legal and physical access to a public street or rights-of-way and that no new public road or access development is needed or proposed. The access road easement in the subdivision shall be a minimum of forty (40) feet wide.

- 3) Floodplain and Drainage Information: Include a reference to or a copy of the latest Federal Emergency Management Agency-Flood Insurance Rate Map and the associated Flood Insurance Study, if applicable.
- 4) Public Services: Provide a description of how the subdivision will be provided with the following services: fire protection, law enforcement\emergency response, private or county road maintenance, water supply, sewage treatment, solid waste disposal, schools and school bus routes.
- 5) Existing or proposed restrictive covenants, homeowners or property owner's association documents or documentation for the formation of an Improvement and Service District, if applicable.
- 6) A Large Acreage Subdivision Plat prepared by a professional land surveyor registered in the State of Wyoming 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, parcels, tracts, roads and highways; and
  - d) The location and dimension of all proposed utility and access easements.
- 7) The Record of Survey shall include a legend on the survey showing the following notes in **BOLD CAPITAL LETTERS**:
  - a) **"THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE"**.
  - b) **"NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR ROADS"**.
  - c) **"NO PROPOSED CENTRALIZED SEWAGE SYSTEM."**
  - d) **"NO PROPOSED CENTRAL WATER SUPPLY SYSTEM."**
- 8) Fencing: Evidence to support whether fencing is required for a subdivision permit in accordance with W.S. §18-5-319. See Section 1.12, Fencing Requirements for Subdivision Permits. If fencing is required, provide plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence.
- 9) Any additional information the Commission, the Board, or the Administrator deems necessary for an adequate review of the proposal.

## **5.07            LARGE ACREAGE SUBDIVISIONS – REVIEW PROCEDURE**

Upon submittal of a formal application, the Administrator will conduct an internal review and may forward copies of the application to other County departments or external agencies for review and comment.

### **5.07.01        Complete Application**

The Administrator shall determine whether the application is complete. Staff shall notify the applicant in writing of any deficiencies with the application and give directions and deadlines to cure the deficiencies. Upon acceptance of a completed application for a Large Acreage Subdivision, the Administrator shall schedule a public hearing before the Commission in accordance with the public notice and hearing requirements in Chapter 2.

## **5.08            LARGE ACREAGE SUBDIVISIONS – REVIEW STANDARDS AND CRITERIA**

The Commission and the Board of County Commissioners will consider the following standards and criteria prior to taking action on a Large Acreage Subdivision:

1. Comprehensive Land Use Plan: Satisfactory evidence that the proposed subdivision is in general conformance with the Carbon County Comprehensive Land Use Plan and other adopted land use regulations.
2. Zoning: Demonstration that the lots, parcels or tracts being created meet the minimum lot size and other applicable zoning standards for the zone district in which they are located and that the subdivision will not increase any non-conforming setbacks.
3. Local Conservation District: Response to the recommendations provided by the local conservation district including but not necessarily limited to soil suitability, the need for erosion control, potential sedimentation and flooding problems.
4. Access: Demonstration that all lots in the proposed subdivision will have adequate legal and physical access to a public street or rights-of-way and that no new public road or access development is needed or proposed.
5. Water Supply and Sewage Systems: State requirements for potable water supply and waste disposal can be met.
6. Easements: All easements and associated requirements have been satisfied.
7. Public Services: Satisfactory evidence demonstrating that the proposed subdivision will not result in significant increase in the cost of providing services including, but not necessarily limited to: fire protection, law enforcement\emergency response, county road maintenance, water supply, sewage treatment, solid waste disposal, schools and maintaining school bus routes.
8. Safe Building Sites: Satisfactory evidence demonstrating that all land subject to natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards should not be platted for buildable lots, and will not create hazards or otherwise endanger the health, safety or welfare of the inhabitants.
9. New or Remaining Parcels: The proposed subdivision does not result in or create a new or remaining parcel at or less than one hundred and forty (140) acres outside the platted area.

10. Covenants: Any protective covenants or declarations to be placed on the subdivision shall be noted on the Final Plat and filed for recording in the Office of the Clerk and Recorder at the time of recording.
11. Guarantee of Improvements: If required by the Board, a Subdivision Improvements Agreement and/or an Off-Site Road Improvements Agreement or other Agreement has been submitted and reviewed by the County Attorney and accepted by the Board.
12. Large Acreage Subdivision Plat: The plat shall comply with survey standards of these regulations and all required notes and all necessary easements including, but not limited to, drainage, irrigation, utility, access, road, and water service have been properly established or documented.

## **5.09 PLANNING AND ZONING COMMISSION REVIEW**

The Commission shall hold a public hearing in accordance with the public notice and hearing requirements of Chapter 2. Upon review of the application, in accordance with the standards and criteria for a Large Acreage Subdivision the Commission shall recommend one of the following actions:

- 1) Recommend approval of the application, as submitted.
  - a) A recommendation for approval, indicated by a majority vote of the Planning and Zoning Commission, the Chairman shall sign the Large Acreage Subdivision Plat. The Chairman's signature on the plat shall indicate the Commission's recommendation for approval to the Board.
- 2) Recommend approval of the Large Acreage Subdivision application subject to such modifications and conditions as it deems necessary; or
- 3) Recommend denial of the application and state the specific reasons for the recommendation for denial; or
- 4) The Commission may table the application to a specific date, not to exceed sixty (60) days, to request additional information.



## 5.10 BOARD OF COUNTY COMMISSIONERS REVIEW

The Board shall conduct a public hearing on the application after receiving a recommendation from the Commission. Before adopting the recommendations of the Commission, the Board shall hold a public hearing in accordance with the public notice and hearing requirements of Chapter 2.

- 1) After closing the public hearing on the application, the Board shall:
  - a) Approve the Large Acreage Subdivision as recommended by the Commission; or
  - b) Remand the Large Acreage Subdivision application back to the Commission for reconsideration; or
  - c) Approve the Large Acreage Subdivision application as submitted, if different than as approved by the Commission; or
  - d) Approve the Replat application subject to such modifications and conditions as it deems necessary; or
  - e) Deny the Large Acreage Subdivision application; or
  - f) Table the application to a specific date, not to exceed sixty (60) days, to request additional information.
  
- 2) **Recording.** Upon approval, as indicated by the Chairman's signature on the Final Plat and upon payment of all recording fees by the applicant, the Administrator or the applicant shall then record the plat and other required documents in the Office of the County Clerk.
  
- 3) **Effect of Decision.** The Large Acreage Subdivision Plat, once signed and recorded, shall constitute a subdivision permit.

## **6.00        REPLATS**

### **6.01        INTENT**

The purpose of this chapter is to establish the minimum standards and criteria for Replats and provide for an adequate public record of the lot, tracts or parcels being replatted.

#### **6.01.01      Applicability**

The Replat review process may be utilized for the alteration of lot lines or the combination of contiguous lots into one lot within a previously platted subdivision. The Replat shall not increase density and does not substantially alter the original exterior subdivision boundary.

### **6.02        PRE-APPLICATION MEETING**

Prior to the submittal of an application, the applicant shall schedule a pre-application meeting with the Administrator to discuss the Replat review process.

### **6.03        LOCAL CONSERVATION DISTRICT**

The applicant or the Administrator shall submit the Replat to the local conservation district and request a review and recommendation regarding soil suitability, erosion control, sedimentation, and flooding problems. The applicant should request a map showing the general soil types and their boundaries as shown on available soil survey maps prepared by the Natural Resources Conservation Service, if available, that would help with evaluation of soil suitability, the need for erosion control, potential sedimentation, and flooding problems.

#### **6.03.01      Conservation District Review**

The review and recommendations shall be completed and returned to the Administrator within sixty (60) days from the documented date of submittal to the local conservation district.

### **6.04        APPLICATION REQUIREMENTS**

All applications for subdivision permits shall be submitted with the applicable County forms which shall be available from the Planning and Development Department.

#### **6.04.01      Submittal Requirements**

The following information shall be included in the Replat application:

- 1) A Replat Plat prepared by a professional land surveyor registered in the State of Wyoming 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, parcels, tracts, roads and highways; and
  - d) The location and dimension of all proposed utility and access easements.
- 2) Provide a written description of how the proposed subdivision will be replatted to be in general conformance with the County Comprehensive Land Use Plan and complies with the Replat Review Standards and Criteria included in this Chapter.

- 3) A Site Plan and supporting information, including but not necessarily limited to the following:
  - a) Existing and proposed zoning and land use of the Replat, including the names of all adjacent landowners.
  - b) A drawing of the proposed Replat boundary including the location and dimensions of the affected lots, existing structures, buildings and other improvements such as irrigation ditches, wells, septic tanks, and leach fields.
  - c) Existing contours at readily available intervals. Elevations, where possible, shall be referenced to USGS control.
  - d) Access to the property from a public highway, road or street; and, subdivision roads to each lot.
- 4) Floodplain and drainage information: Include a reference to or a copy of the latest Federal Emergency Management Agency-Flood Insurance Rate Map and the associated Flood Insurance Study if applicable.
- 5) Public Services: Provide a description of how the Replat will be provided with the following services: private or county road maintenance, water supply, sewage treatment, and solid waste disposal.
- 6) Existing or proposed restrictive covenants, homeowners or property owner's association documents or documentation for the formation of an Improvement and Service District, if applicable.
- 7) Any additional information the Planning and Zoning Commission, the Board of County Commissioners or the Administrator deems necessary for an adequate review of the proposal.

## **6.05            REPLATS – REVIEW PROCEDURE**

Upon submittal of a formal application, the Administrator will conduct an internal review and forward copies of the application to other County departments or external agencies for review and comment.

### **6.05.01        Complete Applications**

The Administrator shall determine whether the application is complete. Staff shall notify the applicant in writing of any deficiencies with the application and give directions and deadlines to cure the deficiencies. Upon acceptance of a completed application for a Replat, the Administrator shall schedule a public hearing before the Planning & Zoning Commission in accordance with the public notice and hearing requirements in Chapter 2.

## **6.06            REPLATS – REVIEW STANDARDS AND CRITERIA**

The Planning and Zoning Commission (Commission) and the Board of County Commissioners (Board) will consider the following standards and criteria prior to taking action on a Replat:

- 1) Comprehensive Land Use Plan: Satisfactory evidence that the proposed subdivision is in general conformance with the County Comprehensive Land Use Plan and other adopted land use regulations.

- 2) Zoning: Demonstration that the lots, parcels or tracts being created meet the minimum lot size and other applicable zoning standards for the zone district in which they are located and that the subdivision will not increase any non-conforming setbacks.
- 3) Local Conservation District: Response to the recommendations provided by the local conservation district including but not necessarily limited to soil suitability, the need for erosion control, potential sedimentation and flooding problems.
- 4) Access: Demonstration that all lots in the proposed subdivision will have adequate legal and physical access to a public street or rights-of-way and that no new public road or access development is needed or proposed.
- 5) Road Standards: The width and grade of said access must be in accordance with any applicable County standards and/or Federal or State standards for access.
- 6) Water Supply: Satisfactory evidence demonstrating the potential availability of an adequate and dependable water supply for each lot.
- 7) Sewage Systems: Satisfactory evidence demonstrating the ability to obtain a Department of Environmental Quality (DEQ) "Permit to Construct" a sewage disposal system or other lawful means of treating and disposing of human wastes, which complies with all applicable standards of the DEQ for each proposed lot.
- 8) Public Services: Satisfactory evidence demonstrating that the proposed subdivision will not result in significant increase in the cost of providing public services including, but not necessarily limited to: fire protection, law enforcement\emergency response, county road maintenance, water supply, sewage treatment, solid waste disposal.
- 9) Safe Building Sites: Satisfactory evidence demonstrating that all land subject to natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards should not be platted for buildable lots, and will not create hazards or otherwise endanger the health, safety or welfare of the inhabitants.
- 10) Increased Density: The Replat shall not increase density and does not substantially alter the original exterior subdivision boundary.
- 11) Covenants: Any protective covenants, declarations, or other private restrictions to be placed on the subdivision which shall be noted on the Replat and filed for recording in the Office of the Clerk and Recorder at the time of the Final Plat recording.
- 12) Replat Plat: The plat shall comply with survey standards of these regulations and all required plat notes and all necessary easements including, but not limited to, drainage, irrigation, utility, and access have been properly established and documented.

## **6.07 PLANNING AND ZONING COMMISSION REVIEW**

The Commission shall hold a public hearing in accordance with the public notice and hearing requirements included in Chapter 2. Upon review of the application, in accordance with the standards and criteria for a Replat, recommend one of the following actions:

- 1) Recommend approval of the application, as submitted.
  - a) A recommendation for approval, indicated by a majority vote of the Commission, the Chairman shall sign the Replat. The Chairman's signature on the Replat shall indicate the Commission's recommendation for approval to the Commissioners.
- 2) Recommend approval of the Replat application subject to such modifications and conditions as it deems necessary; or

- 3) Recommend denial of the application and state the specific reasons for the recommendation for denial; or
- 4) Table the application to a specific date, not to exceed sixty (60) days, to request additional information.

#### **6.08            BOARD OF COUNTY COMMISSIONERS REVIEW**

The Board shall conduct a public hearing on the application after receiving a recommendation from the Commission. Before adopting the recommendations of the Commission, the Board shall hold a public hearing in accordance with the public notice and hearing requirements included in Chapter 2.

- 1) After closing the public hearing on the application, the Board shall:
  - a) Approve the Replat as recommended by the Commission; or
  - b) Remand the Replat application back to the Commission for reconsideration; or
  - c) Approve the Replat application as submitted, if different than as approved by the Commission; or
  - d) Approve the Replat application subject to such modifications and conditions as it deems necessary; or
  - e) Deny the Replat application; or
  - f) Table the application to a specific date, not to exceed sixty (60) days, to request additional information.
- 2) **Recording.** Upon approval, as indicated by the Chairman's signature on the Final Plat and upon payment of all recording fees by the applicant, the applicant shall then record the plat and other required documents in the Office of the County Clerk.
- 3) **Effect of Decision.** The Replat, once signed and recorded, shall constitute a subdivision permit.

**7.00            MAJOR SUBDIVISIONS**

**7.01            INTENT**

Pursuant to the authority granted by Wyoming Statute §18-5-306, the Board has determined that Major Subdivisions, as defined in these regulations, shall comply with the minimum requirements of W.S. §18-5-306. The purpose of this section is to establish the minimum standards for Major Subdivisions and provide for an adequate public record of the lot, tracts or parcels being created.

**7.02            APPLICABILITY**

A Major Subdivision is the division of land that creates more than five parcels, lots or tracts which are smaller than thirty-five (35) acres in size and not part of a previously platted subdivision. A series of related minor subdivisions on abutting or contiguous land cumulatively totaling six or more lots shall be construed to create a major subdivision.

**7.03            WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW**

Major Subdivision reviews are governed by Wyoming Statutes §§18-5-301 through 18-5-315 and the Wyoming Department of Environmental Quality (DEQ), Water Quality Division, Rules and Regulations, Chapter 23. The purpose of the DEQ review is to advise the County about water supply and sewage treatment issues related to the proposed subdivision.

- a) The DEQ reviews all subdivisions that meet the following criteria:
  - 1) Subdivision with more than five (5) parcels;
  - 2) Subdivisions with unique site conditions or other characteristics where the County chooses to refer to DEQ.

Referral to the DEQ-WQD occurs with the Preliminary Plan submittal but may not be necessary if the proposed subdivision is intended to connect to an existing State approved water supply and sewage treatment system that have adequate capacity and with the written consent of the system(s) owner.

**7.04            MAJOR SUBDIVISIONS – OVERALL REVIEW PROCEDURE**

The following procedure is intended as a guide for the applicant to use in obtaining systematic review of a proposed major subdivision:

- 1) The typical major subdivision review requires a three-step public review process to obtain approval of a new major subdivision. Prior to initiating the review process, it is advisable to schedule a pre-application meeting with the Administrator and attend a regular meeting of the Commission.
- 2) The following current County documents should be reviewed prior to and in conjunction with the preparation of a Major Subdivision Application:
  - a) The Carbon County Comprehensive Land Use Plan, as amended;
  - b) These Carbon County Subdivision Regulations, as amended; and,
  - c) The Carbon County Zoning Resolution of 2015, amended.

- 3) The Major Subdivision review process involves the following three steps:
  - a) Sketch Plan review by the Commission and Board; and
  - b) Preliminary Plan review by the Commission and approval by the Board; and
  - c) Final Plat review by the Commission and approval by the Board.
    - i. Recording in the County Clerk's Office.
- 4) Prepare a Sketch Plan application and submit the application and filing fee to the Administrator.
  - a) If necessary, submit a request for a waiver from the submission requirements.
  - b) Upon submittal of a Sketch Plan application the staff will review the application for completeness. The Administrator will schedule a meeting to review the Sketch Plan with both the Commission and the Board. No public notices or public hearings are required for Sketch Plan review.
- 5) Prepare Preliminary Plan application and submit the application and filing fee to the Administrator.
  - a) Upon submittal of a Preliminary Plan application, the staff will review the application for completeness.
  - b) The Preliminary Plan will require public notice(s) and public hearings before the Commission and the Board.
  - c) If necessary, submit an application for a variance from the design and improvement standards to the Commission for their recommendation to the Board.
- 6) After approval of Preliminary Plan, prepare the Final Plat application with all corrections and changes recommended or required by the Preliminary Plan approval.
- 7) Prepare Final Plat application and submit the application to the Administrator.
  - a) The Final Plat will require public notice(s) and public hearings before the Commission and the Board.
  - b) In some cases, a zone change may be required and should be submitted at the same time as the Final Plat.
- 8) Record approved/signed Final Plat with the County Clerk's Office.

## **7.05            SKETCH PLAN**

### **7.05.01        Purpose and Intent**

The purpose of the sketch plan review is for the applicant and the County to discuss and evaluate the basic concepts for development of the proposed subdivision. It is a time when a review should be made as to whether the proposed subdivision complies with current Carbon County Zoning and Subdivision Regulations and will be consistent with the goals and policies of the current Carbon County Comprehensive Land Use Plan. It is also the opportunity to discuss the appropriate range of lot sizes, residential density, commercial and industrial space and the areas planned to remain undeveloped. The County and the applicant will review the general alignment for access and whether the roads or streets will be maintained by the County or be privately maintained and whether water supply and sewage disposal will be provided via on-site systems or through connection to central or public systems.

The outcome of sketch plan review should be an identification of issues and concerns that the applicant should address when preparing the Preliminary Plan and ultimately to be considered for final subdivision approval.

### **7.05.02 Applicability**

The Sketch Plan process is applicable to all major subdivision proposals.

### **7.05.03 Application Requirements**

The following information shall be included in the Sketch Plan application.

- 1) The Sketch Plan shall include a detailed description of the proposal, including but not necessarily limited to:
  - a) Statement demonstrating the need for the proposed subdivision, including current availability of lots and housing units, current and future demand for housing types in the County and similar supporting justification.
  - b) Existing and/or proposed zoning.
  - c) Proposed land use-amount of residential-commercial-industrial or other.
  - d) A description of the proposed access to the property from a public highway, road or street.
  - e) Proposed water supply.
  - f) Proposed sewage system.
- 2) A sketch plan or map drawn to scale. USGS 7.5 minute quadrangle maps may be used or a base map produced from the USGS maps at an enlarged scale to allow clear identification of the proposed subdivision, including the following:
  - a) A legal description, including the total area to be subdivided.
  - b) Tract boundary, lot and block pattern.
  - c) Conceptual lot layout with approximate size of lots.
  - d) Proposed roads and/or street system; the relationship of proposed roads/streets to existing roads/streets, both on and adjoining the sketch plan site.
  - e) Existing development(s) on the subject and adjacent property should be shown.
- 3) The applicant should provide a map showing the general soil types and their boundaries as shown on available soil survey maps prepared by the Natural Resources Conservation Service that would help with evaluation of soil suitability, the need for erosion control, potential sedimentation, and flooding problems.
- 4) Any additional information the Commission, the Board, or the Administrator deems necessary for an adequate review of the proposal.

### **7.05.04 Review Procedure**

- 1) **Pre-application Conference.** Prior to submittal of a Sketch Plan application, the applicant shall schedule a pre-application meeting with the Administrator or staff to discuss the basic concepts for development and the county subdivision review process.
- 2) **Staff Review.** Upon submittal of a Sketch Plan application, the staff will review the application for completeness and place the sketch plan on the next available Planning and Zoning Commission agenda. No public notice or public hearing is required. The applicant or a representative is required to attend the Commission meeting to discuss the proposed subdivision. The staff may request copies of the application and associated information to provide to the Commission prior to the meeting.



#### **7.05.05 Planning and Zoning Commission Review**

The Planning and Zoning Commission (Commission) may identify issues and concerns that the applicant should address before proceeding to the Preliminary Plan stage or may provide reasons that the applicant should not proceed further with the subdivision approval process. The Commission should consider the following as part of their Sketch Plan review:

- a) That the proposed subdivision is in general conformance with the current Carbon County Comprehensive Land Use Plan and complies with any applicable zoning and land use regulations.
- b) That the proposed subdivision will have legal and physical access.
- c) The availability of an adequate and dependable water supply.
- d) The feasibility of installing a sewage treatment and disposal system.
- e) That site conditions are suitable for subdivision, will not create hazards and will contain safe building sites.
- f) That the proposed subdivision will not result in or create a new or remaining parcel of less than thirty-five (35) acres outside the proposed subdivision.

#### **7.05.06 Board of County Commissioner Review**

After Sketch Plan review by the Commission, the Administrator shall request that the Sketch Plan review be placed on the next available Board agenda. Public notice is not required but the Board may accept public comment. The Board shall conduct a public meeting on the application and may consider the application, the relevant supporting materials, comments received and the public testimony. The Board may identify issues and concerns that the applicant should address before proceeding to the Preliminary Plan stage or may provide reasons that the applicant should not proceed further with the subdivision approval process.

#### **7.05.07 Sketch Plan Decision**

If the applicant has completed the review process as described above with both the Commission and the Board, the applicant can proceed to the Preliminary Plan review process.

## **7.06            PRELIMINARY PLAN**

### **7.06.01            Purpose and Intent**

The purpose of the Preliminary Plan review is for the applicant to respond to the planning and development issues and concerns identified during the sketch plan review and to formulate detailed, properly engineered design and solutions. The Preliminary Plan stage is when the applicant is to provide detailed information to be evaluated by the County.

### **7.06.02            Review Procedure**

- 1) **Pre-application Conference.** Prior to submittal of a Preliminary Plan application the applicant shall schedule a pre-application meeting with the Administrator or staff to discuss the results of the Sketch Plan review and the remaining County subdivision review process.
- 2) **Complete Applications.** Within ten (10) business days of submittal of the application, the Administrator shall determine whether the application is complete. Staff shall notify the applicant in writing of any deficiencies with the application and give directions and deadlines to cure the deficiencies. Upon acceptance of a completed application for a Preliminary Plan, the Administrator shall schedule a public hearing before the Planning and Zoning Commission in accordance with the public notice and hearing requirements in Chapter 2.

### **7.06.03            Department of Environmental Quality Review**

At the same time the applicant submits a Preliminary Plan application to the County, the applicant shall submit the necessary water supply and sewage system information to DEQ-Water Quality Division (DEQ-WQD) for their comments and recommendations. The DEQ-WQD has specific application requirements and applicants should contact the DEQ-WQD staff directly to obtain application materials and necessary assistance. The applicant is responsible for submitting all of the required reports and information directly to the DEQ-WQD and furnish evidence of said submission to the Planning and Development Department.

### **7.06.04            Department of Environmental Quality Comments**

The DEQ-WQD shall submit its written comments and recommendations on the application to the Planning and Zoning Commission or Board within thirty (30) days after receipt of the application. The DEQ-WQD may extend its review period for an additional thirty (30) days if an extension is necessary to complete the review. The applicant is responsible for providing the Planning and Development Department with all information and correspondence related to the application from the DEQ-WQD.

The Department, Commission, and Board will take into consideration the comments and recommendations of the DEQ but shall not be bound by the DEQ recommendations.

### **7.06.05            Water Supply Study**

In addition to the submittal to the DEQ-WQD, the applicant shall include the following water supply study and information with the Preliminary Plan application:

- a) 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:
- 1) 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;
  - 2) 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:
      - a) 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;
      - b) 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:
      - a) 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;
      - b) 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) 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; and
- 10) Impact of and protection from supply shortages.
- 11) 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.

#### **7.06.06 Sewage System Plan**

- 1) In addition to the submittal to the DEQ-WQD, the applicant shall include the following sewage system information with the Preliminary Plan application.
  - a) Identify the type of sewage system to serve the subdivision and the legal entity or entities responsible for the design, construction, operation, and maintenance of the proposed facility.

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; and
- 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.

- 2) 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:
- a) adequacy of separation distances;
  - b) separation of drainfield relative to groundwater and impervious soils;
  - c) suitability of the subdivision soil conditions;
  - d) suitable topography;
  - e) proposed population density;
  - f) protection of groundwater uses; and
  - g) watersheds located on or draining into, under or over the proposed subdivision.

**7.06.07 Additional Application Requirements**

The Preliminary Plan application shall include the following supporting information, studies, and data, unless waived by the Board.

- a) The Preliminary Plan application shall include a Preliminary Plat which shall be drafted in a preliminary fashion with required certificates and sufficient information to indicate that the minimum requirements will be met for a Final Plat.
- b) Plans and reports shall be prepared, dated and signed by professional persons as follows:
  - 1) Surveys, Survey Plats and Legal Description – Prepared by a professional land surveyor licensed in the State of Wyoming, including a certification that that the property described contains all contiguous single ownership and does not create a new or remaining unrecognized parcel of less than thirty-five (35) acres in size.
  - 2) Utility, Road, Grading and Drainage Plans – Prepared by a professional engineer licensed in the State of Wyoming.

- 3) Soils and Hazard Reports – Prepared by a professional engineer licensed in the State of Wyoming actively engaged in the practice of soils engineering or a professional geologist.
- c) A description or draft of the proposed covenants. Covenants shall obligate lot owners and require them to maintain all improvements including access roads that are not designated as county, state, or federal roads.
- d) Method of disposing of solid waste and estimated annual quantities of solid waste material.
- e) Any additional information the Commission or the Administrator deems necessary for an adequate review of the proposal.

**7.06.08 Preliminary Plan Scale-Maps**

Preliminary Plan Maps shall be scaled and dimensioned to the nearest foot. Construction details requested for street or utility improvements may be shown schematically. Maps submitted shall be to the same scale, as follows or as otherwise authorized by the Administrator:

SUBDIVISION LOT AREA	SCALE
less than 10,000 sq. ft	1" = 50 or less feet
10,001 sq. ft. – 2 acres	1" = 100 or less feet
2.01 acres – 5 acres	1" = 200 or less feet
More than 5 acres	Scale shall be consistent with clarity of depicted information and Final Plat sheet size (24" x 36")

**7.06.09 Preliminary Plan Contents**

If more than one sheet is necessary, they shall be accompanied by a map index showing the relationships between the component parts of the subdivision. The following information shall be contained on the Preliminary Plan which shall adhere to the extent possible, with the format and scale of the Preliminary Plat:

- a) Name of the proposed subdivision which shall be a different name from any existing subdivision in Carbon County.
- b) North arrow, graphic scale, contour interval and date of Preliminary Plan preparation-including revisions thereto.
- c) Total acreage of land to be subdivided and acreage intended for each individual lot.
- d) The locations, names, and existing widths of all existing and proposed streets, roads, highways and easements.
- e) Proof (usually in the form of legal easements) that potential users of the subdivision will have legal access to the subdivision. An indication that users will have the right to travel over lands between public roads and the subdivision must be provided.
- f) A minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways.
- g) Lot layout including approximate lot dimensions of each lot with lot and block numbering system.
- h) Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivision. Said property description shall be a metes and bounds survey

unless an acceptable parcel description identifies the property as subject of a previously recorded survey.

- i) At a minimum, current USGS topographic data shall be used. If available, contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade is desired but not required.
- j) Existing and proposed utilities and improvements.
- k) Existing and/or proposed zoning classifications of the land proposed for subdivision and the zoning of the abutting or adjacent land.
- l) Floodplain and drainage information: Include a reference to or a copy of the latest Federal Emergency Management Agency-Flood Insurance Rate Map and the associated Flood Insurance Study if applicable.
- m) Existing conditions including but not necessarily limited to location of tree clusters, natural features and man-made structures within the boundaries of the proposed subdivision.
- n) A vicinity map, normally drawn at a scale of one-inch equals one thousand feet (1" = 1,000 feet). If such maps are not available, a USGS map 1:24,000 scale may be accepted. The vicinity map shall depict tract lines and names of all abutting subdivisions, the location of streets and highways within an area of approximately one mile of the proposed subdivision tract; the location of all adjacent utility systems within approximately one mile minimum; the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where this is reasonable. All maps submitted in accordance with this sub-section shall include clear indications of the section, township and range containing the lands which are the subject of the maps.
- o) Sites to be reserved or dedicated for public parks, schools and other public buildings, facilities, or use.
- p) Common open spaces not reserved or dedicated to the public.
- q) Proposed terms of reservations or dedications of public sites for parks, schools and other public buildings, facilities, or use. In the event of a cash-in-lieu-of-land dedication to the School District, the applicant shall satisfy the Board for approval and acceptance.
- r) 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.
- s) 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.
- t) If no public maintenance of streets, alleys, and facilities within the subdivision is contemplated, the words "**NO PUBLIC MAINTENANCE OF STREETS OR ROADS**" in capital letters in a legend.

#### **7.06.10 Grading and Drainage Plan**

On a plan supplemental to and at the same scale as the Preliminary Plat, depict the following:

- a) Generalized grading plan for the areas to be developed for public or private use, showing existing and revised contours and any proposed retaining structures.

- b) Cross sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas and the recommended solutions to these problem areas.
- c) Street Plan and Profiles – plan views and centerline profile shall be plotted at a horizontal scale of one inch to fifty feet (1" to 50 ft.) and a vertical scale of one inch to five feet (1" to 5 ft.) on sheets supplemental to the drainage plan. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage areas and easements crossing, or parallel to, the roads. Also shown will be any known areas of high-water table, unsuitable soils and other geological hazards. These plans shall include a typical cross section showing road widths – including driving surface, shoulders, curbs and gutters, barrow ditches, cut and fill slopes to the point of intersection with natural ground and the pavement structure details proposed. The plan shall include the extremities of all cut and fill areas. A supplemental sheet shall be included to detail all drainage, retaining and bridge structures and to be constructed as part of the roadway.
- d) Drainage Study – a drainage study shall be prepared in accordance with the Design and Improvement Standards (Section 5.03) of these regulations. This study shall include a contour map showing all existing and proposed water courses, including the seasonal course limits of tributaries, indicating the surface conditions and locations of points of departure from the development. This study shall include computations of ten (10) year flows and one hundred (100) year flows, in addition to an indication of the limits of the one hundred (100) year flood plain plotted on the contour map. The drainage study shall include computations of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels, and the revised flood plains shall be plotted on a contour map. In no case shall the area within the one hundred (100) year flood plain be used for structural development without specific approval of the Board. In no case will a development be allowed to affect either the point, the magnitude, the depth of the velocity of drainage flows upstream or downstream for said development.

#### **7.06.11 Utility Plans**

On a plan supplemental to and at the same scale as the Preliminary Plat depict the following:

- a) Water Supply. If a central water supply and distribution system is to be provided a general description of the system shall be shown.
- b) Sewage System. If a central sanitary sewage system is to be provided, a general description of the collection system and treatment facilities shall be shown.
- c) Utility Easements. Easements acceptable to the utility provider shall be shown on the plat and construction plans. Where utilities are not provided within a dedicated road right-of-way, easements of not less than twenty (20) feet shall be provided in the proposed development for accommodating water lines, sanitary sewers, stormwater drainage, sewers, power lines or other utilities unless, in the case of stormwater drainage easements, the drainage study indicates that additional easement width is necessary. However, the Board may accept easements 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.



- d) Utility Conduits. Conduits may be required to be placed in public rights-of-way or public and private access easements at intersections or other locations for the installation of future utilities in order to avoid excavation or disturbance in newly constructed roadways. The potential need for such conduits shall be identified during the development's preliminary review stage. During preparation of the final public improvement plans, the applicant's engineer shall coordinate the design for the location and placement of the conduits with the necessary utility service provider(s).
- e) Cooperation With Local Electrical Company. Lighting shall be designed in cooperation with the local electrical company serving the proposed area. If underground distribution of electrical power or communication lines are proposed, a description of the system or systems shall be shown. The subdivider shall present written evidence that the utility companies involved have been advised of the proposed system and that an agreement on design has been reached.
- f) Coordinate With Other Public Improvements. The design shall be submitted with the public improvement plans. The lighting shall be constructed at the same time as all other public improvements constructed.
- g) Maintenance. Responsibility for continuing maintenance of the streetlights shall be outlined and submitted with the road plans.

**7.06.12 Preliminary Plan – Review Procedure**

- a) **Staff Review.** Upon submittal of a Preliminary Plan application, the Administrator will review the application for completeness.
- b) Upon acceptance of a complete application, the Administrator will advertise in accordance with Section 2.11, Public Notice and Hearing Requirements.
- c) The Administrator may request multiple copies of the application and associated information for referral and to provide to the Commission and Board prior to the meeting.

The applicant or a representative is required to attend the Commission hearings and the Board hearings to discuss the proposed subdivision.

**7.06.13 Agency Referrals**

The Administrator shall transmit prints or digital copies of the preliminary plan and supporting information provided by the subdivider to the following agencies for their review and recommendations:

- 1) To each County or Municipality within a one (1) mile radius of any portion of the proposed subdivision;
- 2) To the appropriate local Conservation District Board(s) to make findings and recommendations regarding soil suitability and characteristics, flood water problems, watershed protection and conservation practices in the area affected by the proposed subdivision;
  - a) In accordance with Wyoming State Statute §18-5-306 (b), the Conservation Districts are allowed sixty (60) days to submit their findings and recommendations.
- 3) To the County Fire Warden or the nearest fire protection district\authority.
- 4) To the appropriate school districts;
- 5) To any utility, local improvement and service district, or ditch company, when applicable;

- 6) To the Wyoming Department of Transportation (WYDOT) when the proposed subdivision is adjacent to or in proximity to a WYDOT right-of-way, interchange or other facility;
- 7) To the Wyoming Department of Game and Fish to make findings and recommendations;
- 8) To the Medicine Bow-Routt National Forest, when the proposed subdivision is within the National Forest, or is to be located within one (1) mile of the National Forest Boundary, or when it will involve access roads, utilities, or other supporting facilities that will cross the National Forest;
- 9) To the Wyoming State Geological Survey to make findings and recommendations which would have an impact on the proposed subdivision or surrounding lands;
- 10) To other public land managing agencies to consider access to the public lands or facilities and any other effects thereto by the proposed subdivision; and
- 11) To any other agency or entity as determined by the Administrator that may have an interest or would be affected by the proposed subdivision.

#### **7.06.14 Major Subdivision Preliminary Plat – Review Standards and Criteria**

The Planning and Zoning Commission (Commission) and the Board of County Commissioners (Board) will consider the following standards and criteria prior to taking action on a Major Subdivision- Preliminary Plat:

1. Comprehensive Land Use Plan: Satisfactory evidence that the proposed subdivision is in general conformance with the County Comprehensive Land Use Plan and other adopted land use regulations.
2. Zoning: Demonstration that the lots, parcels or tracts being created meet the minimum lot size and other applicable zoning standards for the zone district in which they are located and that the subdivision will not increase any non-conforming setbacks.
3. Local Conservation District: Response to the recommendations provided by the local conservation district including but not necessarily limited to soil suitability, the need for erosion control, potential sedimentation and flooding problems.
4. Access: Demonstration that all lots in the proposed subdivision will have adequate legal and physical access to a public street or rights-of-way and that no new public road or access development is needed or proposed.
5. Road Standards: The width and grade of said access must be in accordance with any applicable County standards and/or Federal or State standards for access. Demonstration that internal roads will be private and maintained by a Property or Homeowners Association.
6. Water Supply: Satisfactory evidence demonstrating the potential availability of an adequate and dependable water supply for each lot.
7. Sewage Systems: Satisfactory evidence demonstrating the ability to obtain a Department of Environmental Quality (DEQ) "Permit to Construct" a sewage disposal system or other lawful means of treating and disposing of human wastes, which complies with all applicable standards of the DEQ for each proposed lot.
8. Public Services: Satisfactory evidence demonstrating that the proposed subdivision will not result in significant increase in the cost of providing public services including, but not necessarily limited to: fire protection, law enforcement/emergency response, county road maintenance, water supply, sewage treatment, solid waste disposal, schools and maintaining school bus routes.

9. Safe Building Sites: Satisfactory evidence demonstrating that all land subject to natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards should not be platted for buildable lots, and will not create hazards or otherwise endanger the health, safety or welfare of the inhabitants.
10. New or Remaining Parcels: The proposed minor subdivision does not result in or create a new or remaining parcel of less than thirty-five (35) acres outside the platted area.
11. Covenants: Any protective covenants, declarations, or other private restrictions to be placed on the subdivision which shall be noted on the final plat and filed for recording in the Office of the Clerk and Recorder at the time of the Final Plat recording.
12. Guarantee of Improvements: If required by the Board, a Subdivision Improvements Agreement and/or an Off-Site Road Improvements Agreement or other Agreement has been submitted and reviewed by the County Attorney and accepted by the Board.
13. Major Subdivision Plat: The plat shall comply with survey standards of these regulations and all required plat notes and all necessary easements including, but not limited to, drainage, irrigation, utility, and access have been properly established and documented.

#### **7.06.15 Planning and Zoning Commission Review**

The Commission shall conduct a public hearing on the Preliminary Plan and may consider the application, the relevant support materials, the staff report, referral agency and written comments received, and the public testimony given at the hearing. The Commission may confer with the applicant on changes deemed advisable and the kind and extent of such changes necessary.

After the close of its hearing, the Commission shall make findings and recommendations to the Board concerning the application within forty-five (45) days from the date the DEQ submits its recommendations to the Commission or from the date the recommendation is due if no recommendation is made, whichever is earlier. If no action is taken by the Commission within that time, the Preliminary Plan is deemed to be approved by the Commission.

The Commission may make one of the following recommendations to the Board:

- 1) Recommend approval of the Preliminary Plan application as submitted; or
- 2) Recommend approval of the Preliminary Plan application subject to such modifications and conditions as it deems necessary; or
- 3) Recommend denial of the application; or
- 4) With the express consent of the applicant, the Commission may table the application to a specific date, not to exceed sixty (60) days, to request additional information.

**7.06.16 Board of County Commissioners Review**

The Board, before considering the recommendations of the Commission, shall hold a public hearing in accordance with the public notice and hearing requirements of Chapter 2. The Board shall conduct a public hearing as provided by law on the application and may consider the application, the relevant support materials, the staff report, referral agency and written comments received, and the public testimony given at the hearing.

After closing the public hearing on the application, the Board shall:

1. Approve the Preliminary Plan as recommended by the Commission; or
2. Approve the Preliminary Plan application as submitted, if different than as approved by the Commission; or
3. Approve the Preliminary Plan with conditions; or
4. Remand the application to the Commission for reconsideration; or
5. Request additional information and table the application to a specific date, not to exceed sixty (60) days; or
6. Deny the application.

**8.00            MAJOR SUBDIVISIONS – FINAL PLATS**

**8.01            PURPOSE AND INTENT**

The purpose of the Final Plat review is for the applicant to submit a permanent, comprehensive, and accurate public record of the subdivision including the precise size shape and location of lots, blocks, streets\roads, easements and other parcels of land within the development, together with all applicable covenants, conditions and design and development standards. The Final Plat shall conform in all respects to the Preliminary Plan approved by the County and shall incorporate all modifications and conditions imposed by the Board.

**8.02            SUPPLEMENTAL REQUIREMENTS FOR FINAL PLATS**

- a) A letter must be received stating that all information furnished with the Preliminary Plat is valid for the Final Plat or if this is not the case, revised supplemental data of the same scope and format as required for the Preliminary Plat shall be furnished;
- b) Three (3) copies of all the protective covenants or restrictions placed on the subdivision, one copy of which shall be filed for record in the Office of the Clerk and Recorder at the time of recording the Final Plat;
- c) Complete engineering plans and specifications, time schedules and cost estimated for all public improvements – including streets, access roads, drainage facilities, utility systems, bridges, landscaping and other improvements proposed or required to be installed by the developer, and a statement of proof that the subdivider had the ability to pay for such improvements;
  - i. Engineering drawings shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the State of Wyoming, who is licensed to do such work in the State of Wyoming;
- d) Statements, provided by the subdivider, from utility companies (water, sewer, gas, electric, telephone, etc.) as applicable, that service will be provided to the development and that the utility company or subdivider will provide necessary on and off-site improvements.
- e) An exact copy of a certificate of a reputable title insurance or abstract company or attorney which shall set forth the names of all owners of property included in the plat. This shall also include a list of all mortgages, judgments, liens, easements, contracts, and agreements before the plat shall be acted upon by the Board of County Commissioners.
- f) A subdivision agreement to be executed by the subdivider and the Board of County Commissioners at the time of approval of the Final Plat.

**8.03            MINIMUM REQUIREMENTS FOR A MAJOR SUBDIVISION PERMIT**

During the Final Plat application submittal, staff shall review the following minimum requirements for a Major Subdivision Permit to ensure that the applicant has submitted all required information. If any of the following requirements were satisfied during the Preliminary Plat application, provide documentation as approved by the Board in the Final Plat application.

The Board shall require the following information to be submitted with each application for a subdivision permit:

- a) Evidence satisfactory to the Board that the proposed subdivision complies with applicable zoning and is in conformance with the Carbon County Land Use Plan.
- b) A survey plat prepared by a licensed surveyor containing the following:
  - 1) Date of preparation, scale and north arrow;
  - 2) The location of the subdivision, including the section, township, and range;
  - 3) The location and dimension of existing and proposed streets, alleys, roads, highways, public ways, utility right-of-ways, easements, parks, and the location of proposed permanent buildings and structures if known.
- c) Evidence satisfactory to the Board that:
  - 1) 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 to the year in which any such sale may be legally affected; or

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 such sale may be legally effected.

- d) 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:
  - 1) 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.
  - 2) 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; and
- 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.
- 3) 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.
  - 4) 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;
- e) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide:
    - 1) 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; and
    - 2) A minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways.
  - f) 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:
    - 1) 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.
    - 2) 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; and
- 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:
  - a) 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; and
  - b) 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:
  - a) 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;
  - b) 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;
  - c) The proposed disposal of water not consumed, including water obtained under permits, storm drainage, dewatering, sewage and other wastewater sources;
  - d) A delineation of primary sources of water, secondary sources and occasional or seasonal sources;
  - e) Location of all water supply sources including wells, raw water intakes, treatment facilities, treated water storage facilities and ponds;
  - f) Documentation of all data sources on the occurrence and availability of surface and groundwater;
  - g) Historic stream flows and well levels;
  - h) Senior water rights;
  - i) Flood damage and flood protection; and
  - j) Impact of and protection from supply shortages.



- 3) 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.
- 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, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.
- g) 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.**"
- h) 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.

- i) Proof that the applicant has published notice of his intent to apply for a permit once each for two (2) weeks within thirty (30) days prior to filing this application. The notice shall include the name of the subdivider and the general location of the land to be subdivided.
- j) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter, the applicant shall provide the intended disposition of the water rights, by:
  - 1) Written documentation from the state engineer or the state board of control that the subdivider submitted to the state engineer or the state board of control all documents necessary to voluntarily abandon the water rights, cancel any unadjudicated permits or eliminate applicable land from any unadjudicated permits. The subdivider shall notify any purchasers of this action; or
  - 2) Written documentation from the state board of control that the subdivider has submitted to the state board of control all documents 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
  - 3) A plan, accompanied by written documentation from the state engineer approving the plan, for the distribution of the water 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 written documentation from the state board of control that the subdivider submitted to the state board of control all appropriate applications for change of use, 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
  - 4) Written documentation from the state board of control that it has accepted an authorization to detach water rights appurtenant to the lands to be subdivided in accordance with rules and regulations promulgated by the state board of control.
  - 5) If the subdivision is located within lands served by or crossed by a ditch, irrigation works or other water conveyance system, evidence that the subdivider submitted the plan to the public entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system from review and recommendation at least sixty (60) days prior to the submittal of the application from the subdivision permit to the Board. Upon receipt of the plan, the public entity, company, association or appropriators shall notify the subdivider if and how the subdivision will create a significant additional burden or risk of liability;
  - 6) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision the subdivider's intent to comply with this paragraph and that the subdivider does not warrant to a purchaser that the purchaser shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. The subdivider shall further state that 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.
  - 7) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of Title 41, Chapter 7 of Wyoming statutes, the application shall include recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the subdivider shall certify that it met with and made a good faith effort to resolve any conflicts with the irrigation district; and

- 8) If the subdivision will create a significant additional burden or risk of liability to the public entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system, the subdivider shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability and evidence that the subdivider submitted the plan to the public entity, company, association or appropriators for review and recommendation regarding the adequacy of the plan.
- k) 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:
  - 1) 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; and
  - 2) Continued management of the entity.
- l) If required under W.S. §18-5-319, plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence.

#### **8.03.01 Local Conservation District**

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.

#### **8.03.02 Department of Environmental Quality**

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:

- a) 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;
- b) 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:
  - i. 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;
- ii. 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;
  - iii. 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
  - iv. 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.
- c) 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.

#### **8.03.03 Final Plat Note – If Approved**

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"**.

#### **8.03.04 Additional Information – Consistent with Wyoming State Statutes**

Any other information consistent with the most current version of Wyoming State Statutes §§18-5-301 through 18-5-315 and the Board's published rules and regulations which the Board deems pertinent or relevant to the evaluation of the application.

#### **8.04 FINAL PLATS – REVIEW PROCEDURE**

- 1) **Staff Review.** Upon submittal of a Final Plat application the Administrator will review the application for completeness.
- 2) Upon acceptance of a complete application, the Administrator will advertise in accordance with Section 2.11, Public Notice and Hearing Requirements.
- 3) The Administrator may request multiple copies of the application and associated information for referral and to provide to the Commission and Board prior to the meeting.
- 4) The applicant or a representative is required to attend the Commission hearings and the Board hearings to discuss the proposed subdivision.

## **8.05            FINAL PLATS – REVIEW STANDARDS AND CRITERIA**

The Commission and the Board will consider the following standards and criteria prior to taking action on a Major Subdivision Plat- Final Plat:

1. Comprehensive Land Use Plan: Satisfactory evidence that the proposed subdivision is in general conformance with the current Carbon County Comprehensive Land Use Plan and other adopted land use regulations.
2. Zoning: Demonstration that the lots, parcels or tracts being created meet the minimum lot size and other applicable zoning standards for the zone district in which they are located and that the subdivision will not increase any non-conforming setbacks.
3. Local Conservation District: Response to the recommendations provided by the local conservation district including but not necessarily limited to soil suitability, the need for erosion control, potential sedimentation and flooding problems.
4. Access: Demonstration that all lots in the proposed subdivision will have adequate legal and physical access to a public street or rights-of-way and that no new public road or access development is needed or proposed.
5. Road Standards: The width and grade of said access must be in accordance with any applicable County standards and/or Federal or State standards for access. Demonstration that internal roads will be private and maintained by a Property or Homeowners Association.
6. Water Supply: Satisfactory evidence demonstrating the potential availability of an adequate and dependable water supply for each lot.
7. Sewage Systems: Satisfactory evidence demonstrating the ability to obtain a Department of Environmental Quality (DEQ) "Permit to Construct" a sewage disposal system or other lawful means of treating and disposing of human wastes, which complies with all applicable standards of the DEQ for each proposed lot.
8. Public Services: Satisfactory evidence demonstrating that the proposed subdivision will not result in significant increase in the cost of providing public services including, but not necessarily limited to: fire protection, law enforcement\emergency response, county road maintenance, water supply, sewage treatment, solid waste disposal, schools and maintaining school bus routes.
9. Safe Building Sites: Satisfactory evidence demonstrating that all land subject to natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards should not be platted for buildable lots, and will not create hazards or otherwise endanger the health, safety or welfare of the inhabitants.
10. New or Remaining Parcels: The proposed minor subdivision does not result in or create a new or remaining parcel of less than thirty-five (35) acres outside the platted area.
11. Covenants: Any protective covenants, declarations, or other private restrictions to be placed on the subdivision which shall be noted on the final plat and filed for recording in the Office of the Clerk and Recorder at the time of the Final Plat recording.
12. Guarantee of Improvements: If required by the Board, a Subdivision Improvements Agreement and/or an Off-Site Road Improvements Agreement or other Agreement has been submitted and reviewed by the County Attorney and accepted by the Board.
13. Major Subdivision Plat: The plat shall meet the minimum requirements for a subdivision permit in accordance with Wyoming State Statute §18-5-306.

**8.06            PLANNING AND ZONING COMMISSION REVIEW**

The Commission shall conduct a public hearing on the Final Plat and may consider the application, the relevant support materials, the staff report, referral agency and written comments received, and the public testimony given at the hearing. After the close of its hearing, the Commission shall make findings and recommendations to the Board concerning the application.

The Commission may make one of the following recommendations to the Board:

1. Recommend approval of the Final Plat application as submitted; or
2. Recommend approval of the Final Plat application subject to such modifications and conditions as it deems necessary; or
3. Recommend denial of the application; or
4. With the express consent of the applicant, the Commission may table the application to a specific date, not to exceed sixty (60) days, to request additional information.

**8.07            BOARD OF COUNTY COMMISSIONERS REVIEW**

The Board, before considering the recommendations of the Commission, shall hold a public hearing in accordance with the public notice and hearing requirements of Chapter 2. The Board shall conduct a public hearing as provided by law on the application and may consider the application, the relevant support materials, the staff report, referral agency and written comments received, and the public testimony given at the hearing. After closing the public hearing on the application, the Board shall:

1. Approve the Final Plat as recommended by the Commission; or
2. Approve the Final Plat application as submitted, if different than as approved by the Commission; or
3. Approve the Final Plat with conditions; or
4. Remand the application to the Commission for reconsideration; or
5. Request additional information and table the application to a specific date, not to exceed sixty (60) days; or
6. Deny the application.

**9.00            DESIGN AND IMPROVEMENT STANDARDS**

**9.01            PURPOSE AND INTENT**

This Chapter sets forth the minimum design criteria and standards for infrastructure development in unincorporated Carbon County. The design and development of subdivisions shall preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil and trees. The criteria and standards are intended to protect and promote the public health, safety and welfare of the resident and visitors of Carbon County

**9.02            MINIMUM REQUIREMENTS**

The applicant should be aware that whenever unusual or complex circumstances are anticipated in conjunction with a proposed development, additional information or analysis beyond the minimum set forth herein may be required.

**9.03            STANDARDS ARE NOT INFLEXIBLE**

These design criteria and standards provide a certain level of performance; however, they are not inflexible. If an alternate design, procedure, or material can be shown to provide performance and or environmental sensitivity with reflects accepted engineering design and performance, equal to or better than those established by these standards, said alternative may be recommended for approval by the Commission.

**9.04            PLANS SHALL BE PREPARED BY A PROFESSIONAL ENGINEER**

All designs, reports and specifications for infrastructure development or redevelopment of improvements shall be prepared by or under the direct supervision of a Professional Engineer licensed in the State of Wyoming.

**9.05            STREETS**

**9.05.01        Street Pattern**

The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas. Where appropriate to the design, the streets shall be continuous and in alignment with the existing plat or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the land to be subdivided unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary for connection of the subdivision with the existing layout or the probable future layout of adjacent tracts. All dead-end streets shall be provided with a turnaround with a minimum diameter of eighty (80) feet. The design of dead-end streets shall include areas for storage of plowed snow. Proposed streets shall intersect one another as nearly at right angles as topography permits. Excessively long residential streets conducive to high-speed traffic shall be discouraged. Alleys will normally be permitted in residential subdivisions and may be required in commercial areas. Where subdivisions are located adjacent to existing or proposed arterial or collector roads and streets, the subdivision street pattern shall conform to highway plans. Intersection of proposed streets in the subdivision with such highways shall be held to a

minimum. Lots bordering such highways shall be either reverse-facing (on an internal street within the subdivision) or be served by a frontage road designed to collect traffic from within the subdivision and provide access to a designed intersection with the arterial or collector roads and streets. Proposed streets to be within three miles of any incorporated area shall conform to any street system or official street plan, when applicable, of any incorporated area.

#### **9.05.02 Private Roads and Streets**

The creation of private roads and streets is recommended. Private roads and streets may be permitted based on the character and location of the proposed subdivision, providing the following requirements are satisfied: the right-of-way width, grades, curves, sight distances and improvements within the proposed subdivision are all in conformance with requirements of these regulations and there is no land either adjacent to or in the vicinity of the proposed subdivision which will be denied public access for traffic, utilities, drainage or other purposes through creation of private streets.

#### **9.05.03 New Street Classification and Functional Definitions**

All roads and streets within the proposed subdivisions shall be classified by the Board of County Commissioners in one of the following general classifications:

- Arterial Streets: will be designed to connect existing and proposed collector streets with primary county roads and state highways.
- Collector Streets: will be designed to connect local roads with arterial streets to connect adjacent subdivisions and to serve commercial and industrial areas. In those cases where a proposed subdivision separates adjacent private land from a county primary road at least one street shall be constructed as a collector street. In some cases, as approved by the Planning Commission, collector streets may be used to serve the same purposes of arterial streets.
- Local Streets: will be designed to provide access to single family, and in cases approved by the Planning Commission, multi-family residences.
- Cul-de-sacs: Cul-de-sacs are dead-end local roads. The overall length of a cul-de-sac measured from the centerline of an intersecting street to the radius point of the turnaround should not exceed six hundred (600) feet. If lots adjoining such streets are one acre or larger in size, special permission may be granted by the Commission to extend the street an additional length. No cul-de-sacs will service more than twenty (20) residential units. Cul-de-sacs will only be allowed in those cases where the subdivision can adequately ensure that the road will be passable year around, except in mountain subdivisions, by virtue of minimum grades and curvature, adequate parking, and snow removal. Each cul-de-sac shall have at a minimum a forty-five (45) foot right-of-way radius and forty (40) foot driving surface radius constructed roadway "bulb" at the dead-end, or some other suitable turnaround area approved by the Board.



**9.05.04 Right-of-Way Widths**

Right-of-way shall be provided to the following minimum widths:

Arterial Streets	100 feet
Collector Streets	80 feet
Local Streets	60 feet
Cul-de-sacs	50 feet

Right-of-way widths shall be increased as necessary to include all cut and fill slopes necessary for road construction and maintenance. In calculating this width, all slopes will be calculated at the rate of three (3) feet horizontal to one (1) foot vertical, except in those cases where adequate engineering reports are submitted by the subdivider to ensure the Board that the back slopes will be stable at steeper slopes.

**9.05.05 Roadway Widths**

Roadway widths will be designed and constructed in accordance with the following table:

<b>Street Classification</b>	<b>Driving Surface Width (1)</b>	<b>Shoulder</b>	<b>Each side as applicable Parking (2)</b>	<b>Each side as applicable Drainage</b>	<b>As required by Board Curb, Gutter &amp; Sidewalk (3)</b>
Arterial Street	56 feet	10 feet	Not allowed	12 feet	6.6 feet
Collector Street	40 feet	8 feet	Not allowed	12 feet	6.6 feet
Local Street	32 feet	6 feet	6 feet	8 feet	6.5 feet

- 1) Minimum channelization may be required at intersection.
- 2) Parking will only be allowed in those cases where curb, gutter, and sidewalks are installed or where the lot size is one (1) acre or larger in size. Parking areas will be constructed in the same manner as driving surfaces.
- 3) When curb and gutter is constructed adequate storm sewer or drainage structures will be provided.

**9.05.06 Grades, Curves, and Sight Distance**

Grades, curves, and sight distances shall be subject to the approval of the Board to insure proper drainage and safety for vehicles and pedestrians. The following table establishes minimum and maximum standards per street classification.

<b>Street Classification</b>	<b>Design Speed</b>	<b>Maximum Grade (1) (2)</b>	<b>Minimum Curve Radius</b>	<b>Minimum Stopping Sight Distance</b>
Arterial Street	50 mph	6%	850 ft.	450 ft.
Collector Street	40 mph	8%	500 ft.	300 ft.
Local Street	30 mph	8%	300 ft.	200 ft.

- 1) Where borrow ditches are used for drainage, street grades, minimum and maximum will be reviewed by a soils engineer to insure that neither excess erosion nor sedimentation will occur.
- 2) Maximum grades for distance equal to the stopping sight distance from intersections shall be six percent (6%).
- 3) Minimum corner sight distance at intersecting streets shall be seventy-five (75) feet.

Variances from the preceding table may be granted by the Board upon satisfactory demonstration of need with adequate design to minimize the effects of any variance granted. All design and construction shall incorporate other standard highway design and construction such as crowns, super elevation, spiral transitions, etc. Vertical curves shall be used in all cases where the change in grade exceeds 1.5 percent (1.5%).

**9.05.07 Relationship to Adjacent Slopes**

On all areas of land proposed for subdivision whereon the general configuration of the undisturbed surface slopes twenty percent (20%) or more in any direction, (Meaning that 20 feet of elevation is gained or lost in each 100 feet measured horizontally), a grading plan showing revised contours for street construction through such areas shall be submitted. Such a plan shall depict the extent and slope of cut and fill areas created by street construction and ensure provision for vehicular access to each lot created by the proposed subdivision and served by the road to be constructed. Any proposed retaining structures shall be designed in detail with cost estimates. All cut and fill slopes and retaining structures shown as a result of street construction shall be located within the proposed dedication of street right-of-way. A re-vegetation plan shall be submitted for all cut and fill slopes with a slope in excess of one (1) foot vertical in three (3) foot horizontal distance. The re-vegetation plan shall utilize native or similar horticultural materials and include a cost estimate for implementation. The revegetation plan should be developed in consultation with the local conservation district. The re-vegetation plan shall be completed concurrently with street construction.

**9.05.08 Sidewalks, Curbs and Gutters**

Sidewalks, curbs and gutters may be required for all roads or streets in areas zoned Residential, Commercial, Industrial, and Planned Unit Development. Sidewalks, curbs and gutters shall be constructed by the developer at the time of road construction.

**9.05.09 Roadway Structural Section**

All streets and roads shall be laid out and constructed by the subdivider at his expense. Roadway construction shall be in accordance with such regulations as promulgated by the Board or their authorized representative. Pavement structural sections shall be designed by a registered soil engineer to withstand the loads anticipated on the proposed sub-grade material. As a minimum, all streets will have at least the equivalent of the following sections:

<b>Street Classification</b>	<b>Surface</b>	<b>Base</b>	<b>Shoulders</b>
Arterial Street	3" Asphalt	12" crushed aggregate	6" crushed aggregate
Collector Street	3" Asphalt	12" crushed aggregate	6" crushed aggregate
Local Street	2" Asphalt	6" crushed aggregate	6" crushed aggregate

The subdivider shall submit complete construction specifications to the county for approval prior to the construction of the streets. The specifications shall cover all work involved, including, but not limited to: stripping and grubbing, excavation and embankment, compaction, base and surface course, installation of drainage facilities, re-seeding, sign installation and shall include material and method specifications.

**9.05.10 Bridges**

It shall be the responsibility of the subdivider to construct, reconstruct or repair all bridges within any proposed subdivision to meet the following minimum requirements:

- a) Sufficient strength to accommodate on AASHO H-20 live load.
- b) Provided a width equal to or greater than the approved roadway plus four (4) feet.
- c) Adequate pedestrian facilities including walkways and handrails.
- d) Hydraulic capacity to pass the maximum 100-year probable flow as determined by the drainage study.
- e) Roadway approach grades and curvature to assure safe sight distance.
- f) Adequate channel and wingwalls to protect approach roadway fill.

**9.05.11 Road and Street Names and Signs**

Road and Street names shall not duplicate an existing name unless the said road or street is an extension of the existing road or street. Names of roads and streets shall be subject to the approval of the Commission and wherever applicable shall be consistent with the surrounding areas. The developer shall be required to furnish and install road and street signs and all traffic control devices shall comply with State and County standards and be designed to complement surrounding landscapes and architecture and shall be approved by the Commission.

### **9.05.12 Road and Street Lighting**

Street lighting may be required by the Board. At a minimum, the developer shall provide street lights at all access points to the subdivision, all street intersections and at the “bulb” on cul-de-sacs. Lighting shall be designed in cooperation with the local electrical company serving the proposed area. The design shall be submitted with the street plans. The lighting shall be constructed at the same time as the road construction.

### **9.05.13 Railroad Crossings**

The subdivider shall be required to obtain all permits and necessary forms and perform all work required by the Public Service Commission and the railroad company whose tracks will be crossed in the event any portion of the subdivision involves a railway crossing. The subdivider will supply the Commission with a copy of all agreements that the subdivider and the railroad company enter into.

### **9.05.14 Existing County Roads**

When a proposed subdivision is located in an area serviced by an existing county road, the Commission shall review the adequacy of the road to serve the proposed development. If they determine that the traffic generated by the subdivision will:

- a) Result in safety hazards for vehicle drivers, pedestrians, and/or adjacent residents, or
- b) Result in substantially increased maintenance costs to the county they shall report these findings to the Board. The Board will then determine the amount of work necessary to bring the road to acceptable standards to provide adequate safe service to present owners, to the proposed subdivision and to other probable subdivisions. The subdividers and the Board shall then develop and agree upon a cost-sharing program to bring the road up to an acceptable safe condition which agreement shall be made part of the subdivision agreement. The subdivider shall post at all entrances to the subdivision a sign which states **“NOTICE: ROADS WITHIN THIS SUBDIVISION HAVE NOT BEEN ACCEPTED BY CARBON COUNTY FOR MAINTENANCE”**. This sign shall remain in place until such time that acceptance may be made by the county. Acceptance inspection of roads will not be made during the period of October 1<sup>st</sup> thru June 1<sup>st</sup> of the following year.

## **9.06 GRADING AND DRAINAGE**

### **9.06.01 Flood Damage Prevention**

The currently adopted flood damage prevention resolution shall apply to subdivision applications and be used to promote the public health, safety and general welfare to minimize public and private losses due to flooding. The more restrictive floodplain, drainage and development standards shall apply to proposed subdivisions.

### **9.06.02 Grading and Drainage Study**

All subdivision applications shall include a grading plan and drainage study. All associated studies, reports, plans, structures and facilities shall be designed and prepared by an engineer licensed in the State of Wyoming. The engineer shall be allowed to use any recognized method for calculating runoff, subject to the approval of the County. The drainage study shall specify the method used and shall include all maps and calculations used.

The Drainage Study shall include a contour map showing all existing and proposed water courses, including the seasonal course limits of tributaries, indicating the surface conditions and locations of points of departure from the development. The study shall include computations of ten (10) year flows and one hundred (100) year flows, in addition to an indication of the limits of the one hundred (100) year flood plain. The drainage study shall include computations of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels and the revised flood plains shall be plotted on a contour map.

In addition to the drainage study, the submittal shall include, at a minimum:

- a) A generalized grading plan for the areas to be developed showing existing and revised contours and any proposed retaining walls or structures.
- b) Cross sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas, and the recommended solutions to these problem areas.

#### **9.06.03 Drainage Structures/Improvements Required**

The subdivider shall be responsible for providing all drainage easements and constructing all drainage structures and improvements required to direct and control the flow of all permanent and seasonal water courses as determined by the grading and drainage studies. Drainage structures are defined as all facilities necessary to control the direction, depth and velocity of water flow within a proposed subdivision. All drainage easements shall be a minimum of twenty (20) feet wide.

#### **9.06.04 Design of Drainage Structures/Improvements**

Drainage structures shall be designed in a manner that will not adversely affect adjacent property by increasing the depth of flow or velocity at the point where the channel crosses the exterior subdivision boundary line.

Culverts shall be designed and detailed to show the size, length, slope and headwater depth at a maximum flow. Culverts shall be at least 18-inch diameter and of sufficient length to extend beyond the point where a three (3) horizontal to one (1) vertical slope from the edge of the road shoulder intercepts the bottom of the culvert or headwalls shall be installed.

Open channels shall be a trapezoidal shape with a minimum side slope of two (2) horizontal to one (1) vertical. Open channels shall be sized to retain the anticipated flows at the approved velocities.

If determined necessary by the County, storm sewers with appropriate inlets and manholes will be constructed by the subdivider.

#### **9.06.05 Roadways Designed as Drainage Structures**

Roads and Streets shall be designed to ensure that they will remain open to vehicular and pedestrian traffic in, at least, the following circumstances:

- Local Streets: during periods of runoff anticipated from 25-year frequency storm.
- Collector Streets: during periods of runoff anticipated from a 50-year frequency storm.
- Arterial Streets: during periods of runoff anticipated from a 100-year frequency storm.

Roadways must be designed in a manner that will ensure that major damage will not result from runoff from a 100-year frequency storm.

All drainage facilities under the roadway shall be designed and constructed to withstand an AASHO recommended H-20 loading.

#### **9.06.06 Minimum Standards**

Culverts shall be designed for a 25-year recurrence interval without a head at the entrance. Culverts must be designed to carry a 50-year flood without exceeding the allowable headwater. The allowable headwater is the maximum water elevation for which the resulting flood damage is considered to be acceptable. Major culverts (end area greater than 35 square feet) and minor bridges (spans of 30 feet or less) should be designed for a 50-year flood. All other bridges must be designed to pass a 100-year flood.

#### **9.06.07 Non-Stream Degradation**

Drainage structures shall be designed to prevent heavy sedimentation within, or erosion of, channels, overtopping of channels and damage to the structure.

At the time of preliminary plan approval, the subdivider shall submit plans to ensure that his proposed development does not result in degradation of streams. This anti-degradation standard shall apply during construction activities and post construction. Particular attention must be given to items which will prevent overtopping of erosion protection structures or silting up of drainage facilities. Items such as settling ponds, filtration galleries, sandtraps, and the long-term maintenance of these items shall be addressed and resolved prior to subdivision approval.

### **9.07 WATER SUPPLY**

Water supply shall be available or made available to all lots platted. The intended water supply may be through individual wells using subsurface ground water, providing that lots are adequate size as hereinafter specified. If individual water supplies are to be used, a report certified by an Engineer registered in the State of Wyoming confirming the adequacy of the supply and stating the expected aquifer depths shall be furnished. For a large subdivision or subdivisions having varying geology, the report shall be comprehensive so as to be appropriate for all lots in the subdivision. Where a community water system is proposed, the availability of the water sources shall be explained and certified by an engineer registered in the State of Wyoming and an attorney, if necessary, to substantiate water rights. Representative samples of the water sources must be analyzed by a reputable

laboratory to confirm satisfactory chemical quality. Water supply, treatment and distribution facilities must be provided in conformance with the requirements of the Wyoming Department of Environmental Quality and the Board through their designated representatives. Design of any proposed water system may be of a feasibility or schematic level at the Preliminary Plan stage. Design submitted with the Final Plat shall be of a preliminary engineering level sufficiently detailed to permit accurate cost estimates. The adequacy of water supply for any proposed system shall be calculated on total development of the subdivision served following standard engineering practice based on per capita water usage derived from peak demand, storage and fire protection requirements; with the last-named requirement related to location and character of the subdivision. Construction of facilities may be on a phased basis. Unless otherwise approved by the Board, fire hydrants spaced at no more than 600 feet apart shall be provided and the minimum size of watermains shall be six-inch diameter. Where a central water system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated town, water district or an approved corporation with a Public Service Commission permit.

## **9.08            SANITARY SEWAGE DISPOSAL**

No lots shall be platted unless an economical and practical method of disposal of sanitary sewage is available to that lot. Disposal by individual systems may be permitted if the lot sizes are adequate as specified hereinafter, and if other conditions specified herein are met. If individual systems are to be used, representative soil absorption tests must be performed by an engineer registered in the State of Wyoming or a qualified sanitarian. The absorption and percolation rates shall be determined by the methods prescribed by the U.S. Public Health Service or similar approved equal. In no case shall the observed percolation rate be less than one (1) inch in sixty (60) minutes. In subdivisions of varying geology, tests shall be run at sufficient locations to assure that each lot will have an acceptable location for an individual system. In addition to satisfying the minimum lot size acceptable for individual systems, each lot shall be individually designed so that an acceptable system may be constructed on each lot. Each subdivision wherein individual systems are proposed for the disposal of sewage shall be approved by the Wyoming Department of Environmental Quality based on lot size, percolation tests, the type of individual system proposed and other requirements of that Department. In addition, the proposed disposal system shall not be located closer than two hundred (200) feet to running water or impounded surface water. Where a central sanitary sewer system is to be constructed, the design and construction of the system is to be in conformity with the regulations of the Wyoming Department of Environmental Quality and must be approved by that Department and by the Board through their authorized representative. Collection sewers shall be designed and provided to service each lot. Design of any proposed sewage collection and treatment system may be of a feasibility or schematic level at the Preliminary Plan stage. Design submitted with the Final Plat shall be of a Preliminary Engineering level sufficiently detailed to permit accurate cost estimates. Capacity of the system shall be calculated on total development of the subdivision served following standard engineering practice based on per capita water consumption. Construction of facilities may be on a phased basis. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage. Where a community sewage system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated

town, a sanitation district, or an approved corporation with a Public Service Commission permit. All proposed sewage plants shall make provisions for the drying and disposal of sewage sludge.

## **9.09            SETBACK AND EASEMENTS**

**9.09.01        Streams:** A thirty (30) foot strip of land measured horizontally from the mean identifiable high-water mark on each side of any live stream located within the boundaries of a proposed subdivision shall be protected in its natural state with the exception that footpaths, bridges, irrigation structures, flood control and erosion protection devices may be constructed thereon. If such stream is along the outer boundaries of the subdivision, this requirement shall apply to that part of such stream and strip which is within the subdivision. Underground utilities may be located in such protected area providing there is no practical alternative location for such utilities, that the plans are approved by the Board through its designated representative and that all construction scars are re-vegetated.

**9.09.02        Utilities:** Acceptable easement shall be provided following utility design requirements. In no case shall easements along rear lot lines or side lot lines be less than 7.5 feet. In addition, a 15-foot-wide easement following the exterior boundary line of the subdivision shall be shown.

**9.09.03        Drainage:** Drainage easements shall be provided for all permanent and seasonal water courses and shall be in accordance with the approved drainage study and drainage plan.

**9.09.04        Irrigation Ditch:** Irrigation ditch easements shall be provided for all irrigation ditches crossing the proposed subdivision, unless the subdivider can prove conclusively that they have been legally abandoned. Irrigation ditch easements shall be of a width equal to the average ditch width plus twenty (20) feet or as otherwise recommended by the ditch owner and as approved by the Board.

**9.09.05        Easements:** Easements shall be provided for all utilities, drainage ways, channels or streams which traverse across or serve the subdivision.

## **9.10            UNDERGROUND WIRING**

When a subdivider proposes underground wiring systems, it shall be his responsibility to coordinate the design of the systems with the appropriate utility company during the preliminary design stage. No reference to provision of underground wiring facilities shall be made on either the Final Plat or any covenants unless the subdivider has submitted to the Commission an agreement between the subdivider and the utility company for the installation of underground wiring. The county shall not be a party to said agreement.



## **9.11 LOT AND BLOCK DESIGN**

General criteria for lot and block design are found in the applicable zone district sections of the Carbon County Zoning Resolution. In addition to the requirements set forth therein, each lot created in a subdivision shall be physically capable of accommodating a structure devoted to the intended use of the lot. Each lot shall have a frontage on a dedicated street of not less than twenty-five (25) feet.

- a) Side lot lines shall be at substantially right angles or radial to street lines.

For subdivisions where a central water system exists but no central sewer system is provided, or vice versa, the minimum lot size shall be one (1) acre. Additional area may be required if determined necessary by the shape of the land or from soil percolation tests. For subdivisions to be served by both individual water supply and sewage disposal systems, the minimum lot size shall be five (5) acres. Additional areas may be required of individual lots where necessary because of the shape of the land or results of soil percolation tests.

**9.11.01** The length, width, and shape of blocks shall be determined by the type of use, zoning requirements, needs for convenient access, circulation, and safety of street traffic, and limitations and opportunities of topography. Unless unusual circumstances exist, block lengths will not exceed 1,200 feet or less than 300 feet.

## **9.12 PLANNED UNIT DEVELOPMENT**

Refer to the Carbon County Zoning Resolution of 2015, as amended.

## **9.13 DEDICATION FOR PUBLIC USE**

To enable the development of public uses to serve the subdivision, dedication of areas or sites of a character, extent, and location suitable for parks, schools, open space, greenbelts, or other public purposes (other than streets) shall be dedicated as follows:

The percentage of the total land to be dedicated shall be based on the formula below which recognizes the national standard of ten (10) acres per 1,000 population for park usage. This standard is then related to density (units per acre) and varying family size with density changes. Therefore, the amount to be dedicated is calculated as follows:

Gross Density x 2 = % dedication required (Example: 3 units per acre x 2 = 6% dedication)

An alternate to dedication could occur if agreed upon by the Board in one of the following methods:

- 1) Dedicating use rights to the county for a portion of the area.
- 2) Leasing to the county for a nominal fee for 50 – 100 years.
- 3) Cash payment to the county for the market value of the land required for open space.

## **9.14            REQUIRED IMPROVEMENTS**

Improvements which the subdivider shall make or agree to make at the cost of the subdivider prior to acceptance and approval of the Final Plat by the Board shall be:

- a) Grading, drainage and drainage structures necessary to the proper use, safety, and drainage of streets and highways and areas within the subdivision.
- b) Road improvements including surface, base and cross section as determined by the County Planning and Development.
- c) Street name signs are installed at all intersections and access points to the subdivision.
- d) Railroad crossing when necessary.
- e) Notice signs at subdivision access points.
- f) Easements and setbacks will be provided at the expense of the subdivider.
- g) Water distribution systems.
- h) Sewage collection and treatment systems when municipal type systems are proposed.
- i) Utilities (electricity, gas, water, sewer, T. V., etc.).
- j) Landscaping and re-vegetation are required by the Commission.
- k) Traffic islands shall be provided where they are required to control the movement of traffic.
- l) Barricades and reflectors shall be provided at the ends of culverts and other dangerous areas.
- m) The subdivider shall perform all work required by the County Commissioners in connection with the demolition, moving, altering, or conversion of any structure or facility, including underground facilities either wholly or partially within the subdivision or affected thereby.
- n) Permanent survey monuments shall be set at all subdivision boundary corners in such locations so as not to be disturbed during construction. Additional survey information shall be required as defined in Appendix I.

### **9.14.01            Improvements as needed and deemed necessary**

The subdivider shall make such other improvements as needed when deemed necessary by the Board of County Commissioners to preserve the public health, safety, or welfare. These may include but are not limited to the following:

- a) Concrete curb, gutter, and cross gutters.
- b) Street pavement with a material and thickness (including base) as determined by a soils test.
- c) Concrete sidewalks not less than four (4) feet wide. Wider sidewalks may be required along arterial and collector streets or for streets abutting commercial or industrially zoned land.
- d) Trees planted along streets in a manner, type, and location required by the county. Trees shall be spaced at approximately one (1) for each seventy-five (75) feet.
- e) Water mains and fire hydrants of a size, type and at a location designated by the Board of County Commissioners.

- f) Sanitary sewer facilities and connections for each lot. Stubs from public utilities and from sanitary sewers when provided shall be made available for each lot in such a manner as will obviate the necessity for disturbing the street pavement, gutter, culvert, and curb when sewer line connections are made.
- g) If sewer and water facilities are not available adjacent to the proposed subdivision, it may be determined by the county that it is the responsibility of the subdivider to extend such lines in a manner satisfactory to the Board. Where such lines may benefit existing developments, the Board can make such a determination and if deemed necessary, partially finance or make other arrangements as needed to assist in such construction.
- h) Street lighting.
- i) Fire protection system.
- j) Fencing of the exterior boundary of the subdivision within active livestock grazing allotments.

## **10.0**            **DEFINITIONS**

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section except when the context clearly indicates a different meaning.

- a) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- b) The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or occupied.
- c) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”

## **10.1**            **WORDS AND TERMS DEFINED**

### **ADMINISTRATOR**

The Carbon County Planning and Development Director appointed by the Board and any staff member designated by the Board to administer and enforce these Subdivision Regulations.

### **ALLEY**

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other road or street.

### **APPLICANT**

The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the land proposed to be subdivided.

### **ARTERIAL STREETS**

See “STREET CLASSIFICATIONS.”

### **BLOCK**

An area of land within a subdivision which area is entirely bounded by streets, or a combination of streets or highways, and public parks, cemeteries, railroad rights-of-way, shoreline or waterways, or section boundaries of a subdivision or municipality.

### **BOARD**

Board of County Commissioners of Carbon County.

### **BOND**

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board. All bonds shall be approved by the Board whenever a bond is required by these regulations.

**BUILDING**

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**COMMISSION**

The Carbon County Planning and Zoning Commission.

**COLLECTOR STREETS**

See “**STREET CLASSIFICATIONS**”.

**CONSTRUCTION PLANS**

The maps or drawings approved by the Board or Commission showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the county as a condition of approval of the Final Plat.

**COUNTY**

The County of Carbon, State of Wyoming, as represented by the Board of County Commissioners or their designated and appointed representatives.

**CUL-DE-SAC**

A local street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

**DEAD-END STREET**

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**DEVELOPER**

Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.

**DISPOSITION**

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a conveyance of said interest; a lease or assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing, whether made before or after Board approval of the subdivision plat.

**DRAINAGE WAY**

An existing or proposed channel wherein normally only storm water run-off flows.

**EASEMENT**

A conveyance or reservation of an incident of ownership in real property for one or more specific purposes, public or private.

**ENCUMBRANCES**

A mortgage or other lien of record, securing or evidencing indebtedness and affecting land to be subdivided, including liens for labor and material. Taxes and assessments levied by public authority are not an encumbrance under this act except such taxes and assessments as may be delinquent.

**ENGINEER**

Any person licensed to practice professional engineering in the State of Wyoming as specified in W.S. §33-29-403 Wyoming Statutes.

**FILING**

A portion of a subdivision selected for development as one of a series of stages.

**FINAL PLAT**

A map and supporting material of certain described land prepared in accordance with these regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

**FIRE PROTECTION SYSTEM**

Any mechanism provided by a subdivider and approved by the County Fire Warden to assure adequate fire protection within a subdivision.

**FLOODPLAIN**

Refer to Carbon County Flood Damage Prevention Resolution,

**FRONTAGE**

Shall mean the line where a lot abuts a dedicated street or highway right-of-way line. Frontage is expressed in lineal feet and is measured along the right-of-way line.

**GRADE**

The inclination from the horizontal of a road, utility, land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

**HOMEOWNERS OR PROPERTY OWNERS' ASSOCIATION**

An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a lot or portion of a subdivision is automatically a member as a condition of ownership.

**IMPROVEMENTS**

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

**LEASE**

A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

**LOCAL STREET**

See “**STREET CLASSIFICATIONS**”.

**LOT**

A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession or for building development.

**LOT AREA**

The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open spaces.

**LOT IMPROVEMENTS**

Any building, structure, or physical object situated on a lot.

**LOT OF RECORD**

A lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which had been so recorded.

**MONUMENTS**

Permanent masonry or metal structures placed on or in the ground to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

**OFF-SITE**

Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**OPEN SPACE**

An area that is intended to provide light and air and is designed for environmental, scenic or recreational purposes. Open space may include, but not necessarily limited to lawns, decorative plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways, water courses, wetlands and conservation easements. The computation of opens space shall not include driveways, parking lots or other surfaces designed or intended for motorized vehicular traffic.

**OWNER**

Any person, group of persons, firm, or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**PARCEL**

Means a contiguous piece of property lawfully created or conveyed of record as a single piece of property.

**PARKING, OFF-STREET**

Parking space adequate in area to provide for the off-street parking as required in the Carbon County Zoning Resolution together with properly related access to a public street or alley and maneuvering room and located totally outside of any street or alley right-of-way.

**PERFORMANCE GUARANTEE**

Any security which may be accepted by the Board in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements and other similar collateral or surety agreements.

**PERSON**

A natural person, firm, corporation, partnership, or association or any combination of the above or any other legal or commercial entity.

**PRELIMINARY PLAN**

The map or maps of a proposed subdivision and specified supporting materials drawn and submitted in accordance with the requirements of these regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

**PLAN OR LAND USE PLAN**

Means or refers to the most recently adopted Carbon County Comprehensive Land Use Plan, as amended.

**PUBLIC FACILITY**

Any use of land, whether publicly or privately owned, for transportation, utilities or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers, including parks, and cemeteries.

**PUBLIC IMPROVEMENT**

Any drainage ditch, roadway, park, sidewalk, pedestrian way, off-street parking area, lot improvement, or other facility which may affect an improvement for which county responsibility is established.

**PUBLIC RIGHT OF WAY**

A strip of land acquired by reservation, dedication, prescription or condemnation and used or intended to be used, wholly or in part, as a public street, road, alley, sidewalk, walkway, drain, public utility line or similar public dedication, whether improved or not.

Rights-of-way intended for any use involving maintenance by a public agency may be required to be dedicated to public use on the plat on which such right-of-way is established.

**PUBLIC WATER SUPPLY**

A system that serves water to 15 service connections or an average of 25 people per day for a period of at least 60 days each year. This is as defined by the Department of Environmental Quality Water Quality Division.



### **RIGHT-OF-WAY**

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another dedicated 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 area of such lots or parcels.

### **RIGHT-OF-WAY WIDTH**

The distance between property lines measured at right angles to the center line of the right-of-way.

### **SELL or SALE (see W.S. §18-5-302(a)(v))**

Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.

### **SAME OWNERSHIP**

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

### **SERVICE ROAD**

A street paralleling and abutting major streets or limited access highways to provide access to abutting properties.

### **SEWAGE TREATMENT SYSTEM**

All pipelines, conduits, pumping stations, force mains and other construction use for collecting or conducting domestic waste to a treatment plant or disposal system that are managed by municipalities, water districts, joint powers boards and homeowners and property owners’ associations.

### **SHARED WATER WELL**

A water well permitted through the State Engineer’s Office that provides water for up to 3 parcels or dwelling units. A shared well is not considered a centralized or community water system.

### **SKETCH PLAN**

A map of a proposed subdivision drawn and submitted in accordance with these regulations to evaluate feasibility and design characteristics at an early stage in the planning.

### **SMALL WATEWATER SYSTEM**

Any sewer system, disposal system or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than four families or which treats and disposes of 2,000 gallons or less of domestic sewage per day.

## **SPECIFICATIONS**

The Engineering Specifications of the County or Carbon prepared by the County Engineer for the purpose of regulating the installation of any public improvement of facility required to be installed as a condition of approval of the subdivision plat.

## **STREET OR ROAD**

A right-of-way reserved for public or private use which provides vehicular and pedestrian access to adjacent properties including designations as highway, thoroughfare, avenue, boulevard, parkway, throughway, lane, place, trail, alley or however otherwise designated. A street may be used for utilities and access to the properties.

## **STREET CLASSIFICATIONS**

- 1) Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- 2) Collector Street: A street collecting traffic from local streets, and connecting the same with an arterial street, or another collector street.
- 3) Local Street: A street exclusively or primarily providing access to abutting properties.

## **STREET LINE**

The boundary between the street right of way and the adjacent or abutting property, also known as right-of-way line.

## **STREET, MAJOR**

A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic between communities of large areas.

## **STREET, STUB**

A street which temporarily terminates at the boundary of the subdivision with no permanent vehicular turnaround area.

## **STREET WIDTH**

The distance between street right-of-way lines measured at right angles to the centerline of the street.

## **SUBDIVIDER**

Means any person who lays out any subdivision or parts thereof either for the account of the subdivider or others.

## **SUBDIVISION**

“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. The lease of land for agricultural, utility or temporary purposes does not constitute a subdivision.

- 1) Minor Subdivision: The division of one (1) lot, tract or parcel into no more than five (5) lots, tracts or parcels, any of which is smaller than thirty-five (35) acres in size.
- 2) Large Acreage Subdivision: The division of land that creates parcels that are no greater than 140 acres and no less than 35 acres in size.
- 3) Replat: The alteration of lot lines or the combination of continuous lots into one lot within a previously platted subdivision.
- 4) Major Subdivision: The division of land that creates more than five parcels, lots or tracts which are smaller than thirty-five (35) acres in size.

## **SUBDIVISION PERMIT**

Approval granted by the Board in accordance with this regulation and State Statute that allows for the subdivision of land. A subdivision plat or resolution signed by the Board or Commission shall be recorded at the Office of the Carbon County Clerk and once signed and filed shall constitute a subdivision permit.

## **SUBDIVISION PLAT**

A map prepared as a requirement for a subdivision permit, in accordance with the provisions of these regulations and State Statute which has been reviewed at one or more public hearings and has been approved by the Board prior to being submitted for recording with the County Clerk.

## **SURVEYOR**

Any person licensed to practice professional land surveying in the State of Wyoming as specified in W.S. §33-29-403 Wyoming Statutes.

## **THROUGH LOTS**

Lots which have street frontage on two opposite ends of lots.

## **TO SUBDIVIDE**

To make or offer to make a disposition of land which is defined herein as a subdivision, subdivided land, condominium subdivision or planned unit development subdivision.

## **VARIANCE**

A waiver or modification of the strict terms of the relevant regulations. where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**VICINITY MAP**

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within a city or the county in order to better locate and orient the area in question.

**WAIVER**

Authorization to depart from the required submission requirements and documents of these subdivision regulations.

**WALKWAY**

A dedicated public way for pedestrian use only, whether along the side of a road or not.

**WATER SUPPLY SYSTEM**

Includes development of the source and all structures for conveyance of raw water to the treatment plant or delivery system; all water treatment plants including disinfection facilities; and all finished water delivery systems including pipelines, pumping stations and finished water storage facilities. This phrase is intended to mean any form of water supply and distribution system, such as a single well or multiple wells with distribution piping, water supplied and distributed by a municipality or other government body through a central system, or any other mechanism that the subdivider may utilize to provide water to each and every lot within a subdivision.