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JULIE A. FREESE
FREMONT COUNTY CLERK
STATE OF WYOMING

FREMONT COUNTY

REGULAR SUBDIVISION REGULATIONS

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**Amended
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September 5, 2017**

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Julie A. Freese
FREMONT COUNTY CLERK
STATE OF WYOMING

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REGULAR SUBDIVISION REGULATIONS

RESOLUTION

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, WYOMING

WHEREAS the regulation and control of the subdivision of land, including mobile home parks, lying within the unincorporated area of Fremont County is vested in the Board of County Commissioners by Wyoming Statutes 18-5-301 through 18-5-318 (2017 Edition); and

WHEREAS the Board of County Commissioners did request the Fremont County Planning Commission to prepare and recommend certain subdivision regulations and from time to time amendments thereto; and

WHEREAS the Fremont County Planning Commission has prepared and recommended such recommendations to the Board of County Commissioners on March 23rd, 2017, June 29th, 2017 and October 8th, 2017; and

WHEREAS the Board of County Commissioners did receive said recommendations and after thoroughly reviewing them did properly advertise and hold a public hearing on September 5th, 2017; and

WHEREAS all testimony given at the public hearing has been carefully and thoughtfully considered; and

WHEREAS the Board of County Commissioners has determined that the health, safety, and welfare of the citizens of Fremont County, Wyoming will be substantially benefited by the adoption and enforcement of the following subdivision regulations.

NOW THEREFORE BE IT RESOLVED:

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CHAPTER I

TITLE, AUTHORITY, PURPOSE AND DEFINITIONS

1. Title.

- A. This resolution shall be known as the “Fremont County Regular Subdivision Regulations.” These regulations establish rules and standards governing the platting of land into subdivisions and administrative procedures to be followed by the Board of County Commissioners and the Planning and Zoning Commission and set forth penalties for violations thereof.

2. Authority.

- A. The regulation and control of the subdivision of land within the unincorporated areas of Fremont County are vested in the Fremont County Board of County Commissioners by Wyoming Statutes (1997 Edition) Title 18 Chapter 5, Section 101 through Section 315.

3. Purpose and Intent.

- A. The purpose of the Fremont County Subdivision Regulations is to implement the ongoing Comprehensive Planning Program in Fremont County intended to safeguard the public health, safety, and general welfare by establishing minimum regulations and standards of design, improvement, survey and construction of subdivisions and land developments hereafter platted in Fremont County in order to provide and insure the orderly and proper growth thereof and to aid in the prevention of pollution of land and water resources.

4. Definitions.

For the purposes of these regulations, certain words, terms and phrases as used herein shall have the following meanings:

Accessory Structure – Any additional structure either attached or free standing, which is located on an individual lot including, but not limited to, awning, patio cover, carport, porch, storage unit, shelter or screen.

Base Flood Elevation – The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

Block – A piece or parcel of land or group of lots entirely surrounded by streets and/or land on one side of a street lying between the streets and un-subdivided lands, railroads or parks, bodies of water or waterways.

Building Setback Line – A line drawn parallel to and a prescribed distance from the street right-of-way line(s) which establishes the minimum distance allowable between the street right-of-way line(s) and any building or structure or portion thereof.

Building Site – A lot or parcel of land containing not less than the prescribed minimum area required by any applicable regulations at the time and occupied or intended to be occupied by buildings or structures.

Central Water System – A system for providing potable water through pipes or constructed conveyances that serves at least fifteen (15) residences or twenty five (25) individuals.

Cistern – A water storage tank, used for potable water when an individual well, Central Water System or Community Water System are unavailable.

Cluster Subdivision – A single family residential subdivision of land containing lots which are smaller than allowed under the zoning district regulations, if applicable, provided that the land area saved in the lot reduction is included in the subdivision as common open space.

Commercial Septic System – A septic system that serves a business or profit-making venture.

Common Area – An area of land set aside within a subdivision for the use in common by the residents thereto; such areas shall be subject to approved legal controls and the governing body may require that it be made a party to legal agreements thereof.

Community Water System – A water supply system providing potable water to a minimum of four (4) homes and up to nine (9) homes.

Common Element - Non-lot land area(s) within the subdivision including dedicated roads and common areas.

Comprehensive Master Plan – The Comprehensive Master Plan of Fremont County, Wyoming, when and as adopted, amended and supplemented, including revisions.

Conditional Approval – An affirmative action by the Planning Commission indicating approval of a Preliminary Plat subject to certain stipulations.

Contiguous – Touching at a point or along a boundary.

County Commissioners –The Board of Fremont County Commissioners, Fremont County, Wyoming.

Dwelling Unit – A place of residence and may be located in either a single or multiple dwelling unit building.

Easement – The right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

Engineer – As used in these regulations means a person licensed by the State of Wyoming as a professional engineer.

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

Engineering Plans – Plans, profiles, cross-sections, and other required details for the construction of improvements, prepared in conjunction with the final plat and in compliance with the standards of design and construction as required by the Board of County Commissioners.

Exceptions – Any parcel of land located within the perimeter of the subdivision, but which is not included on the plat.

Fee Simple – A fee simple is an estate limited absolutely to a man and his heirs and assigns forever without limitation or conditions. A fee simple estate is one in which the owner is entitled to the entire property, with unconditional power of disposition during his life, and descending to his heirs and legal representatives upon his death. Such estate is unlimited as to duration, disposition, and descendibility.

Final Approval – Approval of the final plat by the Board of County Commissioners as evidenced by certification on the plat by said Board of County Commissioners of Fremont County, Wyoming. Final approval constitutes authorization to record the final plat.

Flood Hazard – Possible occurrence of overflow storm water causing flooding of lands or improvements, or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings, or to cause erosion of the banks or channels of waterways, streams and rivers.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Geologist – As used in these regulations means a person licensed by the State of Wyoming as a professional geologist.

Governing Body – The Board of County Commissioners of Fremont County, Wyoming.

Ground Anchors – Devices placed in the ground such as cast-in-place concrete “dead men” eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors or other devices.

Holding Tank – A watertight receptacle designed to receive and store wastewater.

Homeowners’ Association – A non-profit organization operating under recorded agreements through which each lot owner in a subdivision or other described land area is a member and such lot is subject to a charge for a proportionate share of the expenses for the organization’s activities as related to the maintenance of the common elements.

Improvement and Service District – A Special Tax District set up to provide services that local governments are not able to provide including road, well and common area maintenance pursuant to W.S. 18-12-101 et seq.

Irrigation Facilities – Canals, ditches, laterals, conduits, gates, pumps, reservoirs and any allied equipment necessary for the supply, delivery, storage and drainage of irrigation waters.

Large Acreage Parcel – Any parcel of 35 acres or more.

Lease – To grant the possession and use of land to another in return for rent or other consideration.

LOTS

- **Lot** – A piece or parcel of land separated from other pieces or parcels by legal description, as in a subdivision, or by metes and bounds, for the purpose of sale, lease, or separate use.
- **Lot Width** – The distance between side lot lines measured parallel to the street at the minimum front setback line.
- **Lot Depth** – The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.
- **Lot Lines** – The lines bounding a lot.

Merchantable Title – A good and marketable title in fee simple, free from litigation, palpable defects, and grave doubts, a title which will enable the owner not only to hold it in peace but to sell it to a person of reasonable prudence.

Merged – The process by which multiple parcels are legally transferred through the deeding process into one single surveyed parcel where all remnant division lines are removed.

Micro Home – A dwelling that is typically less than 500 square feet with a fully functioning kitchen and bathroom.

Micro Home Park Subdivision – A parcel of land where the owner proposes to develop and rent or lease six (6) or more lots or sites within a planned development.

MOBILE HOME

- **Dependent Mobile Home** – Any mobile home that does not have a flush toilet or shower.
- **Independent Mobile Home** – A mobile home that has a flush toilet and a bathtub or shower.
- **House trailer** – Every trailer which is:
 - Designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily;
 - Equipped for use as a conveyance on streets and highways; and
 - Eight and one-half (8 1/2) feet or less in width, excluding appurtenances, or more than eight and one-half (8 1/2) feet in width and used primarily as a mobile laboratory or mobile office.
- **Mobile Home/Manufactured Home** – A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards which is a unit more than eight and one-half (8 1/2) feet in width which is designed, constructed and equipped as a dwelling place, living abode or place of business to which wheels may be attached for movement upon streets and highways except a unit used primarily as a mobile laboratory or mobile office.
- **Modular Home** – A residential dwelling constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards.

Mobile Home Lot – A parcel of land for the placement of a mobile home and the exclusive use of its occupants within a Mobile Home Park Subdivision.

Mobile Home Park Subdivision – A parcel of land which has been so designated and improved that it contains six (6) or more lots or sites available for the occupancy of mobile homes.

Mobile Home Stand – The part of the mobile home lot reserved for the actual placement of the mobile home.

Mountain Terrain Subdivision – A subdivision in which over twenty-five percent (25%) of its area is in slopes exceeding twenty percent (20%).

Municipal Critical Area – An area defined and delineated by official ordinance of an incorporated municipality and accepted and approved by official resolution of the Board of County Commissioners in which subdivision or mobile home court development could adversely affect the health, safety and welfare of the municipality. Such areas shall generally be limited to a distance of one-half (1/2) mile from municipal water sources, septic treatment facilities and sanitary landfills.

Mutual Benefit Association – A domestic corporation which is formed as a mutual benefit corporation pursuant to the Wyoming Nonprofit Corporations Act.

Open Title Commitment – A document that shows the complete chain of custody and any encumbrances on a parcel of land from Patent to the current date.

Parcel – “Parcel” means a contiguous piece of property lawfully created or conveyed of record as a single piece of property.

Pedestrian Way – A walkway for pedestrians designed as an integral part of a subdivision either for public or private use and delineated on the preliminary and final plat.

Personal Notice – The sending of notice by certified letter with return receipt request, mailed by the Planning Department, cost to be paid for by petitioner.

Planning Commission – Shall mean the Planning and Zoning Commission of Fremont County, and shall consist of five (5) members, as appointed by the Board of County Commissioners.

Planning Department – Shall mean the Fremont County Planning and Rural Addressing Department.

Planned Unit Development (PUD) – A development containing a variety of residential types (i.e. single family and multi-family) and related commercial, industrial and recreational facilities designed as a single project in which certain normal restrictions and regulations, such as lot size, density, setbacks and land use may be relaxed in return for development conformance to an approved plat.

PLATS

- **Plat** – A map of a subdivision.
- **Preliminary Plat** – A preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with Chapter III of these regulations.

- **Final Plat** – A map of all or part of a subdivision conforming to an approved preliminary plat, prepared in accordance with the provisions of Chapter III of these regulations.
- **Recorded Plat** – A final plat bearing all the executed certifications of approval required by these regulations and duly recorded in Fremont County, Wyoming.
- **Re-Plat** – A re-plat includes:
 - Any change in any public street or road layout or any other public improvement;
 - Any change in layout of any private street or road dedicated for common use;
 - Any change in any lot line;
 - Any change in the amount of land reserved for public use or the common use of lot owners;
 - Any change that affects any Plat legally filed prior to Fremont County’s adoption of any regulations controlling subdivisions.

Professional Land Surveyor – A surveyor as defined by W.S. 33-29-902 who is licensed to practice professional land surveying pursuant to W.S. 33-29-201 through 801.

Public Improvement Standards – The County standards and design criteria required by the Board of County Commissioners regulating the design and construction of public improvement in Fremont County, and as provided in these regulations.

Public Sewer System – Any sewerage system whose operation is controlled by a governmental agency, public utility or private utility.

Public Utilities – Underground, above ground or overhead facilities furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, flood control, irrigation water, refuse disposal, wind power, solar power etc., owned and operated by any person, firm, corporation, or other legal entity, county department, city or board duly authorized by applicable laws.

Restrictive Covenants – A clause in a Deed, an Appendix or Addendum to a Deed or a standalone recorded document that places restrictions upon a future use of the property.

Retained Ownership – The process where a long time landowner wishes to split off a small portion of land containing their residence, from their larger parcel of land. The parcel to be retained (parcel with the residence and minor amount of land) is intended for their long term (greater than one (1) year) use. The result is the retained parcel (smaller parcel with their residence) and a larger parcel which must be thirty-five (35) acres or greater and which is exempt from the Subdivision Regulations.

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

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

Skirting – Any type of wainscoting around the lower part of a mobile home covering the wheels and undercarriage.

Small Wastewater System – Any sewerage 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 (4) families or which distributes 2,000 gallons or less of domestic sewage per day.

Special Flood Hazard Area – The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Steep Slope – Any land having an average slope of fifteen percent (15%) or more. A steep slope shall be determined by measurement of an average slope perpendicular to the proposed street line between the proposed rear lot line and the center of the street. Any block frontage shall be considered a steep slope area if the slope of thirty percent (30%) or more of its length equals or exceeds fifteen percent (15%).

STREETS (GENERAL)

- **Street** – Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct, or easement for vehicular access; or a street shown on a plat heretofore approved pursuant to applicable laws; or a street on a plat duly filed and recorded in Fremont County, Wyoming. A street includes all land within the street right-of-way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges, viaducts, lawn and trees.
- **Alley** – A public way providing secondary vehicular access and service to properties
- **Arterial Street** – A general term including freeways, expressways, major arterial street and interstate, state and county highways having regional continuity.

- **Collector Street** – A street generally with limited continuity serving the primary function of moving traffic between arterial streets and local streets and the secondary function of providing access to abutting properties.
- **Cul-de-sac** – A short local street having one end permanently terminating in and including a vehicular turning area.
- **Frontage Road** – A local street parallel to and abutting an arterial street which provides access to abutting property, intercepts other local streets, and controls access to the arterial street.
- **Local Street** – A street serving the primary function of providing access to abutting property.
- **Mountain Roads** – Roads used for access in areas that have steep slopes, environmental problems or heavy snowfall and require special design considerations.
- **Parkways** – Roads developed primarily for low speed traffic to provide access to recreational areas, scenic attractions and vistas and historical and cultural sites and areas.
- **Private Street** – Any parcel of land or nonexclusive easement not owned by a public entity and not accepted for dedication to the general public, that is used or intended to be used for vehicular access to a building site.

Street and Highway Plan – An element of a Comprehensive Master Plan that provides for development of a system of streets and highways.

Subdivider – Any person who lays out any subdivision or parts thereof either for the account of the Subdivider or others.

SUBDIVISIONS

- **Subdivision** – The creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word “subdivide” or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.
- **Regular Subdivision** – The subdivision of one (1) or more units of land into six (6) or more units of land.
- **Re-subdivision** – The creation of additional lot(s) from the number originally approved and platted, or the reconfiguration of lot(s) and street(s) in a significant deviation from the original approved plat.

- **Simple Subdivision** – A simple subdivision is the subdivision of one (1) or more units of land into not more than a total of five (5) units of land.

Subdivision Master Plan (S.M.P.) – A preliminary map showing the tentative layout of streets and arrangement of land uses, community facilities, proposed water supply, sewage disposal method, drainage, topography, environmental considerations, vegetative cover, existing conditions, wildlife and fisheries considerations and additional information as may be required to properly consider the proposed development.

Tent Trailer – A vehicle less than twenty (20) feet in length with an expandable enclosure of canvas, fabric, or metal constructed in such a manner that temporary facilities for sleeping or dwelling are provided.

Tie Downs – Any device designated for the purpose of securing a mobile home to ground anchors.

Trail – A way designed for use by horses, snowmobiles, 4-wheel drive vehicles, motor bikes, bicycles, pedestrians or other specific use and delineated on the subdivision plat.

Tract – A lot. The term “tract” is used interchangeably with the term “lot,” particularly in the context of subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, or interests.

Travel Trailer – A vehicle used or so constructed as to permit its being used as a conveyance upon public streets and highways and duly licensable as such, constructed in such a manner as will permit occupancy thereof as a temporary or seasonal dwelling.

Truck Camper – A vehicle used or so constructed as to permit its being used as a conveyance upon public streets and highways and duly licensable as such, constructed in such a manner that temporary facilities for dwelling or sleeping are provided upon the frame or bed of such vehicle. Such facilities may be either permanently or temporarily attached.

Trust – A relationship created at the direction of an individual, in which one or more persons hold the individual's property subject to certain duties to use and protect it for the benefit of the individual or others.

Variance – A request to deviate from current subdivision regulations. If granted, it permits the owner to use his land in a way that is ordinarily not permitted by the Subdivision Regulations. It is not a change in the Subdivision Regulations, but a waiver from the requirements of the Subdivision Regulations.

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

5. Exemptions from provisions.

A. Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these Regulations, this section shall not apply to the following subdivisions of land. However, the following subdivisions are subject to requirements which may be adopted by the Board of County Commissioners regarding documentation of the proper use and implementation of the following exemptions:

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

- a) In all cases, ingress, egress and utility easements shall be provided to each parcel by binding and recorded 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 recorded document.
- b) 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;
- c) The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
- d) 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 of not less than five (5) years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one (1) year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
- e) 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.
- f) Where the landowner is a business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift. (Retained ownership shall not constitute a subdivision under this provision.)

II. A division which may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state, except that this paragraph shall not exempt a partition of real property pursuant to W.S. 1-32-101

through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article;

- III. A division which is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
 - IV. Lands located within incorporated cities or towns;
 - V. A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
 - VI. A division which affects railroad rights-of-way;
 - VII. A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;
 - VIII. A division which is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee. (Retained ownership shall not constitute a subdivision under this provision.)
 - IX. A division which creates cemetery lots;
 - X. A division which is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this subsection as only one (1) interest;
 - XI. A division of land creating a parcel five (5) acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations or similar unmanned facilities;
 - XII. 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;
 - XIII. Except as provided in W.S. 18-5-316, this section shall not apply to the sale or other disposition of land where the parcels involved are thirty-five (35) acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recorded 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 recorded document. (Wyoming State Statute 18-5-303(b)) (Retained ownership shall not constitute a subdivision under this provision.)
- B. Whenever a parcel which existed on July 1, 2001 is divided, with the exception of the above numbered exemptions, a subdivision has been created.

C. Method of sale which shall be considered as purposeful evasion shall include, but not necessarily be limited to the following:

- I. Chain Deeding – This method of sale is one in which an owner of a parcel retains a part of what he owns and conveys the rest to a second party who in turn retains a part of what he receives and conveys the remainder to a third party.
- II. Cell Splitting – This method of sale is one in which the owner of a parcel divides it into two parcels which are then conveyed to two other parties who in turn do the same thing with that which they receive.