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FREMONT COUNTY CLERK
STATE OF WYOMING

FREMONT COUNTY

SIMPLE 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 (2014 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 September 24, 2015; 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 29, 2015; 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 Simple 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. (FEMA WEBSITE DEFINITION)

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 the 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 thereof, 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.

Comprehensive Master Plan – Shall mean 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 – Shall mean the Board of Fremont County Commissioners, Fremont County, Wyoming.

Dwelling Unit – Means 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. (Law.com)

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 and not an encumbrance under this article except such taxes and assessments as may be delinquent. (Wyoming State Statute 18-5-302(a)(iii))

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. (Black's Law Dictionary, fifth edition)

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 – Means 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. (FEMA Website Definition)

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

Governing Body – Means 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.

Irrigation Facilities – Means 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. (Black’s Law Dictionary, Fifth Edition)

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 – means 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. (Wyoming State Statute 37-1-101(a)(xxiii)(A))

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. (Wyoming State Statutes 31-2-501(a)(ii) and 31-1-101(a)(xxiv)(C))

Modular Home – means a residential dwelling constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards. (Wyoming Statute 31-1-101(a)(xxiv)(A))

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. (See other related definitions)

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.

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 in any easement shown on the approved plat;
 - Any change that affects any Plat legally filed prior to the adoption of any regulations controlling subdivisions.
- Professional Land Surveyor – a surveyor who is licensed to practice professional land surveying under W.S. 33-29-201 through 33-29-801, and has a current license for that calendar year. (Wyoming State Statute 33-29-902)

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.

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. (Wyoming State Statute 18-5-302(a)(v))

Sewage system – means all pipelines, conduits, pumping stations, force mains and other constructions used for collecting or conducting wastes to a treatment plant or disposal system; any plant or other works used for the purpose of treating, stabilizing or holding wastes; and any system used for disposing of wastes, either by surface or underground methods, including any treatment plant, disposal wells and absorption fields. (Wyoming State Statute 18-5-302(a)(viii))

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. (FEMA DEFINITION)

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, 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 – means any person who lays out any subdivision or parts thereof either for the account of the Subdivider or others. (Wyoming State Statute 18-5-302(a)(vi))

SUBDIVISIONS

- 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. (Wyoming State Statute 18-5-302(a)(vii))
- Regular Subdivision – The subdivision of one (1) or more units of land into six (6) or more units of land.
- Re-subdivision – Re-subdivision is 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 interchangeable with the term “lot”, particularly in the context of subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, or interests. (Model Subdivision Regulations – Freilich)

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 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 others. (West's Encyclopedia of American Law, edition 2)

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. (Real Estate Law.com)

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. (Wyoming State Statutes 18-5-302(a)(ix))

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) 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 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;

- d) No parcel smaller than five (5) acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304.
 - e) Where the landowner is a business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by 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;
- B. 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 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. (Wyoming State Statute 18-5-303(b))
 - C. Whenever a parcel which existed on July 1, 2001 is divided, with the exception of the above numbered exemptions, a subdivision has been created.
 - D. 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.

CHAPTER II ADMINISTRATION

None of these regulations shall be construed to require replatting of previously legally recorded plats.

1. Administration:

- A. The regulations stated herein are minimum standards. The County Commissioners shall reserve the authority to apply reasonable restrictions, limitations, or modifications deemed necessary to protect bona-fide and legitimate health and safety issues related to, or caused by, the subdivision.
- B. It shall be the responsibility of the Subdivider to prepare plats and plans consistent with design criteria and standards and accomplish improvements consistent with improvement standards as contained in these regulations and as set forth by the County Commissioners.
- C. These regulations shall be administered by the Planning Department. It shall be responsible for providing technical planning advice to the Subdivider, Planning Commission, and County Commissioners. It shall review all proposed subdivisions for conformance with existing land development regulations, ordinances and standards, and to coordinate the public and private interests.
- D. All plats submitted to the County Commissioners shall first have been examined by the Planning Commission in accordance with the procedures established by these regulations. As a part of its examination, the Planning Commission may give notice to any interested public or private entity for the purpose of determining whether or not the plat is in full conformity with all requirements for the orderly growth and development of Fremont County. All materials required to be submitted by these regulations shall be provided to the Planning Department. Preliminary Plats, Final Plats, supporting documentation, and Planning Department comments shall be reviewed and evaluated by the Planning Commission. After concluding its review, the Planning Commission shall: for Preliminary Plats; notify the Subdivider of its decision and requirements in writing. For Final Plats; communicate its recommendations to the Subdivider, or their representative, and the County Commissioners in writing. The Planning Department, Planning Commission, and the County Commissioners shall be guided by the procedures and schedules set forth in this document.
- E. In all cases, the Planning Commission shall act on Final Plats within forty-five (45) days from the date of filing with the Planning Commission or the Secretary of the Planning

Commission. If no action is taken by the Planning Commission within that time, the Plat shall be deemed to be approved by the Planning Commission.

- F. The County Commissioners shall have final jurisdiction and shall approve or disapprove the subdivision application and issue a subdivision permit or ruling within forty-five (45) days after receiving a report and recommendation from the Planning Commission.
- G. Pursuant to the provisions of W.S. 34-12-103, when any part of a subdivision lies outside the limits of an incorporated city or town, but within one (1) mile of the boundary of an incorporated city or town, that subdivision shall be approved by both the Board and the governing body of the city or town before the plat shall be filed by the County Clerk.

2. Appeals:

- A. Any Subdivider aggrieved by the action of the Planning Commission or the Planning Department in their administration of these regulations may request an informal hearing before the County Commissioners (This hearing does not have to conform to the contested cause procedures set forth in the Wyoming Administrative Procedures Act). The written request shall be submitted within thirty (30) days of the action appealed, and shall state the specific relief which the Subdivider or landowner seeks. Within thirty (30) days of receipt of such request, the County Commissioners shall hold a hearing to determine the proper application of these regulations. At the hearing, the County Commissioners shall consider not only the Subdividers appeal, but also the written or verbal comments of the Planning Commission, agency or person and note the decision in its record of the hearing. The Subdivider may then proceed with the process to subdivide his land based upon the decision of the County Commissioners. This decision shall be binding upon all agencies and administrative personnel of Fremont County.
- B. Any Subdivider aggrieved by the action of the County Commissioners in their administration of the provisions of this chapter may seek judicial review in accordance with the Wyoming Administrative Procedures Act and the Wyoming Rules of Civil Procedure.

3. Variances:

- A. When it can be shown by the Subdivider that strict compliance with the provisions of these regulations would cause undue hardship, the Planning Commission may recommend a variance to these requirements. The discussion of any variance shall be based upon a finding that unusual topographical or other special circumstances require such a variance

and that it's approval will not adversely affect the general public health, safety, or welfare nor nullify the intent and purpose of these regulations. Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.

- B. All requests for variances shall be submitted in writing to the Planning Department and will be referred to the Planning Commission. The findings and actions of the Planning Commission, with respect to each variance request, shall be stated in writing in the minutes of the Planning Commission. Should a variance be recommended, the Planning Commission may require such conditions as will ensure substantial compliance with the objectives and standards of these regulations. The provisions of any variance granted shall be incorporated into the Final Plat which must be approved by the County Commissioners.

4. Fees:

- A. To initiate the review of a Simple Subdivision, the petitioner shall file the necessary Permit Application with the specified fees as outlined in the current Fremont County Planning and Rural Addressing Fee Schedule as found in Appendix B.
- B. Upon completion of the review, and approval of a Simple Subdivision, Regular Subdivision, Re-Subdivision, Re-Plat or Plat Vacation, by the County Commissioners, and when all required infrastructure checks have been completed and approved, the Planning Department shall notify the Subdivider that the Final Plat mylar is ready to be recorded. Prior to recording, all remaining fees, including postage for mailings, any road signage fees, and all fees determined appropriate as described in Appendix B shall be paid to the Planning Department by the subdivider at which time the Final Plat may be filed with the Fremont County Clerk and Recorder.

CHAPTER III SIMPLE SUBDIVISIONS

1. General Conditions

- A. No subdivision of land or the commencement of the physical layout or construction of a subdivision shall occur without first obtaining a subdivision permit from the County Commissioners.
- B. The subdivision of one (1) or more units of land into not more than a total of five (5) units of land is defined by Fremont County as a "Simple Subdivision."
- C. A parcel of land as it existed as of January 13, 2009 may have only one simple subdivision of a total of five (5) lots created within that parcel, once for every three (3) year period. Three (3) years after the recording of the previous Simple Subdivision, that parcel may have another Simple Subdivision presented to the Planning Commission for pre-plat review, and if accepted by the Planning Commission, may be presented for approval, unless a variance is recommended by the Planning Commission and approved by the County Commissioners.
- D. If, after the final approval of a Simple Subdivision, the developer or owner of a lot or lots of that simple subdivision wishes to re-subdivide one or more lots within that subdivision, thereby creating more than a total of five (5) lots, the re-subdivision shall be reviewed under the provisions of the regular subdivision procedures and minimum standards.
- E. Every subdivision shall conform to existing land development regulations, ordinances and standards as adopted by the County Commissioners and to Wyoming State Statutes.
- F. The design and development of subdivisions shall preserve, insofar as possible, natural terrain, natural drainage, existing top soil and existing trees.
- G. Site Considerations:
 - I. Steep land, unstable land and areas having inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such areas shall not be platted for residential occupancy

- II. Any land in a natural drainage channel shall not be platted for occupancy unless adequate provisions to eliminated or control flood hazards are made and approved. The provisions shall be made to protect the health, safety, and welfare of the public, as well as to eliminate any flood hazard resulting from the development of the area.

2. Requirements Prior to Planning Commission Review

- A. The applicant shall apply to the Planning Department for a simple subdivision permit. Fees shall be paid in accordance with the Approved Fremont County Planning and Rural Addressing Fee Schedule as found in Appendix B.
- B. The applicant must meet with the Planning Department to review the soil suitability information for the proposed subdivision. This discussion will involve review of potential areas within the proposed subdivision boundary that may restrict the use of conventional septic systems, and/or the use of standard construction techniques for basements or slabs. Additionally, the discussion will focus on water availability, well locations, septic system locations and necessary setbacks and offsets.
- C. The applicant shall submit to the Planning Commission evidence that it has complied with Wyoming State Statute 18-5-306(b) regarding review of the simple subdivision by the local conservation district. A copy of the letter from the local conservation district with recommendations shall be placed on file in the Office of the Planning Department. The Planning Department shall notify the Planning Commission of the receipt of verification by the local conservation district.
- D. Open Title Commitment: The Subdivider shall submit an “Open Title Commitment” prepared by a title company to the Planning Department as part of the application packet.
 - I. The Open Title Commitment shall show that:
 - a) The subdivided land is free of all encumbrances and that any person who offers any part of the subdivision for sale or who solicits any offer for the purchase thereof, directly or through agents, may convey merchantable title thereto free of any encumbrances, subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any sale may be legally affected; or
 - b) Binding arrangements have been made by any such person to assure purchaser of any part of the subdivision that upon full payment of the full purchase price a deed

can and will be delivered conveying merchantable title thereto free of any assessments thereon as may be levied or assessed for the year in which such sale may be legally affected.

II. Detailed information to be contained in the Open Title Commitment:

- a) In order to assure the plat is complete, it is necessary to include all road, easement, pipeline, Right Of Way, ditch, and any other known physical encumbrances on the plat. Additionally, it is necessary to include the record location of each of those items on the plat to insure completeness and accuracy of the recorded document;
- b) In order to insure the completeness of the plat, and of the Open Title Commitment, it is necessary for the Title Company to include research of the parcel to be subdivided from ORIGINAL PATENT through the date of the request for the Open Title Commitment;
- c) To facilitate review by the Planning Department, the Open Title Commitment shall include a legible copy of each recorded background document used to secure chain of ownership and any easement that impacts the parcel being subdivided.

E. The Subdivider shall provide a Water Distribution Plan to the Planning Department and provide a copy to the local irrigation district board, association, or remaining appropriators in the case of an unorganized ditch or pipeline system for distribution of the water rights within and through the subdivision.

I. The Water Distribution Plan must include:

- a. All existing water rights which will remain attached to the lands proposed to be subdivided;
- b. How each water right is to be conveyed from the source to and beyond the lands proposed to be subdivided;
- c. How the water is to be delivered to the various lots within the proposed subdivision;
- d. How much acreage of each water right is to remain appurtenant to each lot within the proposed subdivision;

- e. Because property owners are responsible for drainage of their waste water, depict how waste water is to be managed to ensure it does not damage adjoining lands nor alter historic return flow patterns. It may be necessary to design and show waste ditches or drains to capture water or return flow from upper lots.
- F. The Subdivider shall obtain an approved access document and submit a copy to the Planning Department. Subdivisions requiring a new or upgraded access must receive an access permit from the appropriate State, County or Local Government agency authorizing and approving the access location.
- G. The access road shall be surveyed and recorded on the plat or other recorded document.
- H. Whenever access from a public road to a subdivision is to be provided over land that does not lie within the boundaries of the proposed subdivision it shall be the responsibility of the Subdivider to improve said access road (if such improvement is necessary) to meet the minimum standards for roadway development within subdivisions contained within these regulations, and found in Table 1.
- I. The Planning Department shall send a letter and copy of the proposed Plat to all Public Utilities to obtain a letter signifying approval that the proposed utility easements are sufficient to install backbone power, telephone, gas, or any other service within and through the proposed subdivision. All postage fees shall be the responsibility of the Subdivider.
- J. The Planning Department shall send a letter and copy of the proposed Plat to Emergency Services to allow review and comment on the adequacy of roads and facilities within the proposed subdivision. All postage fees shall be the responsibility of the Subdivider.

3. Plat Requirements:

A. Type of Presentation

- I. The final plat shall be drawn in permanent black ink on linen or polyester base film.
- II. The final plat submitted for official county approval shall be either the original drawing or a photographic reproduction on a polyester film. Diazo reproductions on polyester film will not be accepted. Overall sheet size shall be 24"x 36". If more than two (2) sheets are required, the final plat shall include an index sheet of the same

dimensions as other sheets showing the entire plat on one sheet and indicating the portion thereof contained on each of the other sheets.

B. Survey and Other Descriptive Information

- I. Name of subdivision and location by section, township, range, meridian, and county, including a complete legal description.
- II. Designation as a SIMPLE SUBDIVISION.
- III. Name, address, and registration number of the surveyor who shall be licensed in Wyoming.
- IV. Graphic scale, north point, and date of preparation.
- V. Bearings, distances and curve data on subdivision perimeter boundaries and lot boundaries. Bearings shall be shown to seconds of arc and distances to hundredths of a foot. Curve data shall include radius, central angle, chord bearing, and distance and arc lengths. (Permissible error of closure 1-10,000)
- VI. A small scale location map showing the perimeter of the subdivision and its relationship to existing community facilities including arterial streets, railroads, recreation facilities, waterways, water bodies and other pertinent areas.
- VII. Location of city, town, and other governmental agency boundary lines crossing or adjoining the subdivision.
- VIII. Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced. The subdivision shall be tied to a minimum of two (2) corners, established in the United States Land Survey, and the plat shall be tied to any contiguous plat(s). Ties for all public corners shall be shown.
- IX. Location and description of all physical encroachments upon the boundaries of the tract.
- X. Total acreage of the subdivision and total number of lots.
- XI. Street name, right-of-way lines, courses, lengths, width of all streets, alleys, pedestrian ways, and utility easements or easements of any kind, radii, points of

tangency and central angles of all curvilinear streets and alleys; radii of all intersections.

- XII. All roads/streets shall be named, and those names approved, in accordance with Fremont County Rural Addressing Rules and Regulations.
- XIII. Roads and streets shall be dedicated for public use or designated for private use.
- XIV. Ingress and egress and utility easements shall be provided to the plat boundary and each parcel by binding and recordable easements. Easements for utilities only shall be a minimum of twenty (20) feet in width. Utility easements within the plat boundary shall be twenty (20) feet in width along the exterior boundary and ten (10) feet in width on each side of interior lot lines. Easements for ingress and egress shall be a minimum of forty (40) feet in width. Combined road and utility easements shall be sixty (60) feet.
- XV. All permanent drainage ways, irrigation canals, laterals and ditches shall be accurately located and recorded on the final plat.
- XVI. Lots and blocks shall be clearly dimensioned.
- a. Lots shall be a minimum of one (1) acre if they contain:
- Both a Small Wastewater System or Holding Tank and a private water well.
- b. Lots shall be a minimum of one-half (1/2) acre if they contain:
- A Cistern and a Small Wastewater System or Holding Tank;
 - A Central Water System and a Small Wastewater System or Holding Tank;
 - A Community Water System and a Small Wastewater System or Holding Tank;
 - A Private Water Well and a Public Sewer System.
- c. Lots shall be a minimum of 10,000 square feet if they contain:
- A Cistern and a Public Sewer System;
 - A Central Water System and a Public Sewer System;

- A Community Water System and a Public Sewer System.

XVII. Location of all adjoining subdivisions by name and all un-platted land by ownership.

XVIII. If any portion of the land within the boundaries of the final plat is subject to inundation, storm flow conditions, geologic hazard or other hazard, the land so affected shall be clearly marked and noted on the plat sheet or sheets.

XIX. The Subdivider shall note the areas of Special Flood Hazard identified by the Federal Emergency Management Agency per the Fremont County Floodplain Regulations. In those areas identified by the FEMA Flood Insurance Rate Map, the 100 year event probability lines, and the Base Flood Elevation shall be shown. Those areas within the 100 year probability line shall be clearly marked on the plat and labeled in bold capital letters:

“FLOODPLAIN DEVELOPMENT PERMIT REQUIRED”

XX. Those areas within the Floodway shall be clearly marked on the plat and labeled in bold capital letters:

“ALL ENCROACHMENTS INCLUDING FILL, CONSTRUCTION OR DEVELOPMENT ARE PROHIBITED”

(Fremont County Floodplain Zoning Regulations)

4. Disclaimers

A. Within a dedicated section of the plat, the following statements relative to water supply, sewage disposal, irrigation water rights, road maintenance, telephone services, soil conditions, pipelines, noise, agricultural conditions, mineral exploration, solid waste and dedication of land need to be made depending on the conditions present within the subdivision, or at the request of the Planning Commission:

- I. Surface Water Rights Disclaimer – Whenever the subdivision is bounded or intersected by a natural stream or river, or an irrigation ditch, the Subdivider shall include the following disclaimers in capital letters:

“WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN WATER RIGHTS. LOT OWNERS HAVE NO RIGHT TO WATER FLOWING PAST OR THROUGH THE PROPOSED SUBDIVISION OTHER THAN FOR PERMITTED USE(S) SPECIFICALLY APPROPRIATED OR ADJUDICATED TO THEIR LOT VIA THE STATE ENGINEER’S OFFICE OR THE STATE BOARD OF CONTROL”

“NO LOT OWNER SHALL IMPEDE, OBSTRUCT, DIVERT, OR IN ANY WAY POLLUTE ANY IRRIGATION DITCH ON LAND WITHIN THIS SUBDIVISION”

- II. Private Roads and Streets Disclaimer – If the Subdivider proposes to make any streets, alleys or roadways private, the Subdivider shall include the following disclaimer in capital letters, and in all contracts or agreements for the sale and purchase of lots within the subdivision:

“ROADS AND STREETS WITHIN THE SUBDIVISION ARE FOR THE PRIVATE USE OF THE LOT OWNERS WITHIN THE SUBDIVISION. THERE IS NO PUBLIC MAINTENANCE OF STREETS OR ROADS”

- III. Public Roads and Streets, No Public Maintenance Disclaimer – If the roads and streets within the plat are dedicated to the public, the Subdivider shall include the following disclaimer in capital letters, and in all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision:

“THERE IS NO PUBLIC MAINTENANCE OF STREETS OR ROADS”

- IV. Seasonal Road Closure Disclaimer – If the public access road leading to a proposed subdivision is closed during any part of the year, or where weather conditions or location of the road make regular maintenance unfeasible, the Subdivider shall include the following disclaimer in capital letters:

“SEASONAL ROAD CLOSURE OR WEATHER RELATED ROAD CLOSURES MAY OCCUR – ACCESS TO EMERGENCY SERVICES MAY BE LIMITED”

- V. Utility Right of Way Disclaimer – The Subdivider shall include the following disclaimer in capital letters:

“ALL UTILITY RIGHTS-OF-WAY AND EASEMENTS SHOWN ON THIS PLAT ARE FOR THE BENEFIT OF ALL PROPERTY OWNERS LOCATED WITHIN THIS PLAT AND ALL PROPERTY OWNERS WHO REQUIRE SERVICES BEYOND THIS SUBDIVISION”

- VI. Private Sewage Disposal Disclaimer – If no public sewage disposal system is proposed, the Subdivider shall include the following disclaimer in capital letters , and in all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision:

“NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM”

- VII. Private Water Supply Disclaimer – If no water source other than individual wells is proposed the Subdivider shall include the following disclaimer in capital letters , and in all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision:

“NO PROPOSED DOMESTIC WATER SOURCE”

- VIII. Water Availability Statement – If there is to be no proposed domestic source of water provided within the subdivision the Subdivider shall include a statement on the plat, beneath the above required disclaimer statement, describing known conditions regarding the general availability of ground water within the area. Such statement might refer to the well logs of neighboring wells or on site test wells. If no information is available regarding ground water the following statement must appear in bold capital letters:

“NO WATER ANALYLSIS WAS CONDUCTED AND THE AVAILABILTY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED”

- IX. Mineral Estate Disclaimer – The Subdivider shall place the words conspicuously on the plat in capital letters:

“THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE”

- X. Severe Soil Limitations Disclosure – If any portion of any lot is within an area classified as having severe soil limitations and noted in the Natural Resource Conservation Service report, or based on known percolations testing in the area, the Subdivider shall include the following disclaimer in capital letters, and in all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision:

“SEVERE SOIL LIMITATIONS MAY EXIST. CONDITIONS MAY PRECLUDE CONVENTIONAL BUILDING PRACTICES AND THE USE OF CONVENTIONAL SEPTIC SYSTEMS. ENGINEERED SMALL WASTEWATER SYSTEMS MAY BE REQUIRED”

- XI. Telephone Service Disclosure – If telephone service cannot be provided to the subdivision by the telephone company servicing the area, the Subdivider shall include the following disclaimer in capital letters on the Plat and in all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision:

“NO PROPOSED LAND LINE TELEPHONE SERVICE”

- XII. Airport Influence Area Disclosure – If development is proposed within the Master Plan area of an airport, the development shall abide by building location and height restrictions contained in the Master Plan. For subdivisions proposed within one half (1/2) mile of an airport, the Subdivider shall include the following disclaimer in capital letters:

“AIRCRAFT NOISE AND AIRCRAFT RELATED HAZARDS MAY EXIST WITHIN SUBDIVISION”

- XIII. Split Estate Disclaimer – If the proposed subdivision is located on property in which the surface ownership may be split from the subsurface ownership, the Subdivider shall include the following disclaimer in capital letters:

“LOTS IN THIS SUBDIVISION MAY BE SUBJECT TO THE EXPLORATION AND/OR DEVELOPMENT OF MINERALS”

- XIV. Existing Agriculture Disclaimer – If the proposed subdivision is located in an area of historic agricultural use, the Subdivider shall include the following disclaimer in capital letters:

“THIS SUBDIVISION IS WITHIN AN AREA OF HISTORIC AGRICULTURAL USE. AGRICULTURAL RELATED NUISANCES INCLUDING NOISE, ODOR, DUST AND INSECTS MAY EXIST”

- XV. Solid Waste Service Disclaimer – If Solid Waste Haulage Services are not proposed for the subdivision, the Subdivider shall include the following disclaimer in capital letters:

“SOLID WASTE HAULAGE SERVICES ARE NOT PROPOSED”

5. Dedications and Certifications

- A. Dedication and certification of owners, dated, signed by all owners of record and notarized.
- I. W.S. 34-12-103: The plat shall contain a statement to the effect that “the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors”, which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgement of deeds; Sample “Certification of Ownership and Dedication” statements can be found in Appendix A at the end of these regulations.

- B. Certification of Plat Approval by Others – The following certifications of approval from others must be placed on the final plat. Example certification of approval from others may be found in Appendix A at the end of these regulations.
- I. Surveyor’s Certification – Certification by a Wyoming licensed surveyor to the effect that the layout represents a survey made by him or her that dimensional and other details are correct and that monuments have been set in accordance with these regulations.
 - II. Approval of the City Planning Commission for any Subdivision within one (1) mile of an incorporated municipality where applicable.
 - III. Approval of the City Council for any Subdivision within one (1) mile of an incorporated municipality.
 - IV. Planning Commission Certification – Certificate of plat approval by the Chairman of the Planning Commission.
 - V. County Commissioners’ Certification – Certification of approval by the County Commissioners to be signed by the Chairman of said Board of County Commissioners and attested by the County Clerk.
 - VI. County Clerk’s Certification – Certificate of recordation from the County Clerk.

6. Minimum Road Standards

- A. Road Design – Simple Subdivision Roads shall use common sense design and construction, providing an all weather surface capable of serving emergency vehicles.
- B. Road Construction Practices – All Simple Subdivision road construction shall include, at a minimum, clearing and grubbing of a width enough to allow for the construction of side ditches on either side of the road where necessary and a twenty foot (20’) road surface with two foot (2’) shoulders on each side as shown in Table 2.
- C. Road Sub-Grades – Roads extending across soils designated as having severe or moderate limitation on local road building by the Natural Resources Conservation Service should be designed and constructed to compensate for the soils poor sub-grade characteristics. This

may require rerouting, drainage, compaction, additional sub-base or base course materials or the use of construction fabrics.

D. Gravel Roads – The minimum acceptable base is six (6) inches of pit run course aggregate or equivalent native material.

E. Bridges and Culverts –

- I. All bridges must be designed by a professional engineer and meet the same standards as those for regular subdivisions.
- II. Should review of the topography indicate the need for culverts, a minimum twelve (12") inch culvert shall be installed under the gravel surface with a minimum cover of six (6") inches. Culverts shall extend a minimum of two (2') feet beyond each side of any fill slope. In cases where significant water flow is anticipated, an engineered culvert size may be required.

F. Easements – All roads must be surveyed and built within the approved and platted easement.

7. Monumentation

A. Survey monumentation shall meet the standards set forth by the Wyoming Board of Professional Engineers and Professional Land Surveyors Rules and Regulations Chapter 5 Sections 4.

- I. As a prerequisite to placement on the Planning Commission agenda, the Subdivider shall have a Wyoming Licensed Surveyor delimit the exterior boundary of the subdivision with permanent monumentation as well as visible flagging. Additionally, all internal roads shall be visibly marked with lath and flagging either; centerline or perimeter, in enough frequency to ensure the roadway is clearly marked. These markings must remain in place until the plat is reviewed by the Planning Commission.
- II. Permanent monuments shall, at a minimum, be set at:
 - a. Angles in the external boundary of the subdivision.
 - b. Subdivision boundary at least every twelve hundred feet (1200').

- c. Subdivision boundary corners.

8. Signs

- A. The Subdivider shall install road/street name signs at every access point to a State, County or local road and at all road intersections within every subdivision.
- B. Signs shall be designed and constructed in accordance with the Fremont County General Road/Street Name Sign Construction and Installation Standards.
- C. The initial road/street name signs or stop/yield sign purchase and installation costs are the responsibility of the Subdivider. Fremont County Planning shall, with the Subdivider, determine the type and number of signs for each subdivision. Fremont County Planning will order and acquire the signs and hardware and alert the Subdivider when they arrive. Installation of the signs is the responsibility of the Subdivider. Prior to final plat recording, Fremont County Planning will inspect the sign installation to insure compliance with these regulations. The actual sign and material costs will be added to the final Planning Department Fees as described in Chapter II, 4.

9. Construction and maintenance of partition fences.

- A. Except as otherwise provided, the owner of any lawful fence which is or becomes a partition fence separating the owner's land from that belonging to some other person may require the person to pay for one-half (1/2) of what it would or does actually cost to construct the partition fence. In case of refusal, the owner may maintain a civil action against the person refusing and is entitled to recover one-half (1/2) of what it would or did actually cost to construct that portion of the partition fence used by the person and costs of suit. The joint users of a partition fence shall contribute to the cost of maintenance in proportion to their respective interests and if either refuses to pay his share of the cost of maintenance, the other may recover maintenance costs in the manner provided for recovering the cost of construction. (Wyoming State Statute 11-28-106)
- B. For subdivisions as defined in W.S. 18-5-302(a)(vii), the Subdivider shall be responsible for the construction of a perimeter partition fence on any part of the subdivision adjacent to lands upon which livestock can be legally run at large. The costs of the perimeter

partition fence shall be paid for by the parties in accordance with subsection (A) of this section. 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. (Wyoming State Statute 11-28-106)

10. Necessary Changes to Addresses

- A. The cost for any address changes necessitated by the approval of this subdivision shall be paid for by the subdivider.

The fact that a plat is accepted does not ensure there are no errors or omissions. The Subdivider is responsible for the accuracy of the information on the plat. Fremont County shall not be liable for any damages caused by errors or omission on the approved plats.

**CHAPTER IV
PLATTING PROCEDURES
SIMPLE SUBDIVISIONS**

Outline of Procedures - The preparation, submission, review, and approval of all Simple Subdivision plats shall proceed through the stages listed below and those outlined in Chapters II and III of this document.

1. Pre-application Conference

- A. The Pre-application Conference is a mandatory meeting between the Subdivider and the Planning Department. During this meeting, the Subdivider will present his proposed development, and the Planning Department shall describe specific public objectives related to the proposed subdivision and other details regarding platting procedures and requirements. Should it be determined that a variance to an existing regulation, ordinance or standard may be necessary to permit the development, the applicant shall be notified of the requirements necessary to qualify for a variance recommendation.

- B. During the Pre-Application Conference, the Subdivider and the Planning Department shall be responsible for the following actions:
 - I. The Subdivider shall meet with the Planning Director and present a general outline of their proposal, including, but not limited to:
 - a) Sketch plans and ideas regarding land use, street and lot arrangement and tentative lot sizes;
 - b) Tentative proposals regarding water supply, sewage disposal, storm drainage and street improvements;
 - c) Tentative proposals regarding the following applicable subjects; natural hazard areas including flood zones, environmental problems, irrigation ditch and drainage issues, wildlife and fisheries considerations, erosion controls, vegetative cover and grading proposals, soils problems, slope and road alignment concerns, percolation tests and any other considerations which are a factor in reviewing the proposed development.

- II. The Planning Department shall provide the Subdivider:
 - a) A copy of the Simple Subdivision Application Package;
 - b) A description of procedural steps, overall design conformance, compliance with existing land development regulations, Master Plans, ordinances and standards;
 - c) A preliminary copy of the NRCS soils report for the proposed area and discuss with the Subdivider the implications of the soils types and their effect on building construction and Small Wastewater.

- C. Following the Pre-application meeting, the Planning Department shall then proceed with the following investigations and report its findings to the Subdivider:
 - I. Review the proposed development for conformance with existing land development regulations, Master Plans and ordinances;
 - II. Determine, if possible, potential problems that could affect the proposed development;
 - III. Determine whether a Potential Development Plan shall be prepared and approved prior to preparation and consideration of a preliminary plat.

2. Potential Development Plan

- A. Whenever the land within a proposed subdivision is part of a larger land area owned by the Subdivider, the development of a portion of which is reasonably expected, the Planning Director shall request that a Potential Development Plan be prepared for the affected land holding.
- B. If the proposed Simple Subdivision is a 2nd or additional Simple Subdivision of the original parcel, but outside the three (3) year window for re-application, the Planning Director will notify the applicant that informal review of the proposal by the Planning Commission is required.
- C. The Potential Development Plan shall be prepared to a scale and accuracy commensurate with its purpose, and shall generally show:

- I. General street patterns;
 - II. Proposed land uses and relationship to community facilities (if any);
 - III. Methods proposed for sewage disposal, water supply and storm water drainage;
 - IV. Approximate lot sizes and design layout;
 - V. General size and location of open space (if any).
- D. When the Potential Development Plan has been accepted by the Planning Director, it shall be submitted to the Planning Commission at the earliest date possible for general review and comments. Conditional approval of the Potential Development Plan by the Planning Commission shall constitute the general design approach to be followed in the preparation of all preliminary plats within its boundaries. If development is proposed to take place in several stages, the Potential Development Plan shall show the proposed staging. The Potential Development Plan shall be kept up-to-date by the Subdivider and revised to show any changes in design. The Potential Development Plan shall be presented as supporting data for each preliminary plat but shall not be binding on the Subdivider.

3. Preliminary Plat

The Preliminary Plat Stage includes preparations, review, and Planning Commission action on the preliminary plat. Processing of the preliminary plat will be expedited by submission of all information essential to determining the intended character of the subdivision so that the preliminary plat will satisfy the requirements set forth in these regulations.

A. Preliminary Plat First Submission and Review

All the items listed below must be received by the Planning Department and deemed complete, a minimum of twenty one (21) days prior to the next scheduled Planning Commission meeting:

- I. The Subdivider shall submit a completed and signed Simple Subdivision Application and checklist;
- II. The Subdivider shall pay the subdivision application fee found in the Fremont County Planning and Rural Addressing Fee Schedule (Appendix B);

- III. The Subdivider shall provide a minimum of fifteen (15) copies of the preliminary plat;
 - IV. The Subdivider shall provide a complete Open Title Commitment for the proposed subdivision;
 - V. The Subdivider shall have a Wyoming Licensed Surveyor delimit the exterior boundary of the subdivision with permanent monumentation as well as visible flagging. Additionally, all internal roads shall be visibly marked with lath and flagging either; centerline or perimeter. These markings must remain in place until the plat is reviewed by the Planning Commission;
 - VI. The Subdivider shall provide a copy of an approved access document, or an approved Access Permit or change of access from the necessary Road or Highway Department;
 - VII. The Subdivider shall provide a Potential Development Plan if it was determined one was needed;
 - VIII. The Subdivider shall provide evidence that the appropriate Soil Conservation Service district office has been contacted, that the proposed subdivision will be reviewed, and the appropriate recommendation letter will be delivered to the Planning Department prior to the next scheduled meeting of the Planning Commission.
- B. The submittal shall be checked against the Simple Subdivision Checklist and the requirements of Chapter III of these regulations by the Planning Department for completeness:
- I. If the submittal meets all requirements of these regulations it shall be assigned a case number;
 - II. If the submittal is incomplete, it shall be returned to the Subdivider with notification of its deficiencies.
- C. The Planning Department will send copies of the Preliminary Plat to all known utility companies, irrigation companies, the State Engineers office and Fremont County Emergency Services, requesting their input on the proposed subdivision related to adequacy of easements, road dimensions, water distribution plans, or any other items they believe should be further addressed in the Final Plat.

D. All preliminary plats for Simple Subdivisions lying within one (1) mile of an incorporated municipality, within a “Municipal Critical Area” or within one-half (1/2) mile of a municipality owned airport must be submitted to said municipality for consideration, recommendation, and approval.

E. Preliminary Plat Approval

- I. When the requirements of these regulations and the Planning Department have been met, the preliminary plat is placed on the agenda for the next regular meeting of the Planning Commission for review and action.
 - a) The Planning Department shall notify the adjacent and nearby landowners within a 400’ radius of the proposed subdivision and any property owners along a privately maintained access road, via First Class Mail. The notification shall show the area of the proposed subdivision, its relationship to their property, and the meeting date so they may attend and/or make written comment.
- II. If satisfied that the plat meets all objectives and requirements of existing land development regulations, ordinances, and standards, the Planning Commission may approve the Plat without changes as final and shall direct the Planning Department to proceed to Section 4 Final Plat, below.
- III. If the plat is generally acceptable, but requires minor modification or revision related to wording or minor context before the final plat is prepared, the Planning Commission may grant conditional approval requiring the incorporation of such required revisions and modifications in the preparation of the final plat and may direct the Planning Department to proceed to Section 4 Final Plat, below.
- IV. If the preliminary plat is found to require changes in roads or easements, boundary lines or be in substantial non-conformance with the existing regulations and standards or if serious problems are raised by surrounding property owners or within other required reports, the Planning Commission shall take appropriate action to; table, deny, or take no action on the preliminary plat. Any new submittal of a plat for the same land area shall satisfactorily address the concerns raised during the initial preliminary plat review.
- V. The Subdivider or his authorized representative and the surveyor of record, must attend the meeting of the Planning Commission when the preliminary plat is submitted for action.

F. Significance of Preliminary Plat Approval

Preliminary plat approval constitutes authorization for the Subdivider to proceed with the preparation of the final plat provided that:

- I. The conditions under which preliminary approval is granted shall not be changed prior to expiration date;
- II. Approval is valid for a period of twelve (12) months from the date of the Planning Commission's action and may be extended once for six (6) months at the discretion of the Planning Commission;
- III. Such other terms and conditions as may be specified at the time of such approval of the preliminary plat.

4. Final Plat

- A. The Final Plat shall include final design changes required by the Planning Commission in the Preliminary Plat approval process and shall be reviewed by the Planning Department to insure conformance with those changes agreed to in the Preliminary Plat Approval process.
- B. Prior to Recording of the Final Plat, the Planning Department, and/or a representative of the Planning Commission, shall visit the proposed subdivision and confirm that:
 - I. All property corners have correct corner monumentation;
 - II. All required road design standards have been met, the roads have been installed in the road easements and per construction standards and all required signs have been installed.
- C. Final Plat Approval
 - I. Upon notification from the Planning Department that the plat has been processed, the case shall be placed on the agenda of the next regular County Commissioners' meeting, or as soon thereafter as possible, at which time the County Commissioners shall approve or reject the final plat.

- II. If the County Commissioners rejects the final plat, such reasons shall be recorded in the minutes and the Subdivider so notified. If the County Commissioners approves the final plat, the County Clerk shall make sure that all required certifications have been duly signed.
- III. Planning Fees Shall be Paid – Following approval of the Final Plat by the County Commissioners, and when all required infrastructure checks have been completed and approved, the Planning Department shall notify the Subdivider that the Final Plat mylar is ready to be recorded. Prior to recording, all remaining fees including; postage for mailings, any road signage fees, and all fees determined appropriate as described in Appendix B shall be paid by the Subdivider.
- IV. Recording – The Subdivider shall record the final plat in the Office of the County Clerk of Fremont County, Wyoming, within one (1) year after the date of approval by the County Commissioners, otherwise the plat shall be considered void. The applicable recording fee shall be paid by the Subdivider at the time of recording. The Subdivider shall furnish the Planning Department with one (1) true copy of each page of the final plat showing evidence of the recording.

5. Withdrawal of Approval

- A. The County Commissioners may withdraw its approval of a subdivision plat if and when it is determined that information provided by the Subdivider, upon which such a decision was based, is false or inaccurate.

**CHAPTER V
MODIFICATION AND VARIANCE OF REGULATIONS**

Where, in the opinion of the Board of County Commissioners, there exists extraordinary conditions of topography, land ownership, environmental conditions or other circumstances which would better serve the interests of the public, the Board of County Commissioners may modify or vary the provisions of these regulations in such a manner and to the minimum extent necessary to carry out the intent of these regulations. Any modification and variance desired by the Subdivider to the provisions of these regulations shall be contained in a letter filed by the Subdivider at the time of preliminary plat submittal to the Planning Department.

**CHAPTER VI
AMENDMENTS**

The Board of County Commissioners may amend these regulations from time to time as necessary and appropriate. Any such amendments shall be proposed by or submitted to the Planning Commission for approval, disapproval or recommendation. Any amendment of these regulations must be accomplished by a majority vote of the Board of County Commissioners. Before final adoption of any amendment, the Board of County Commissioners shall hold a public hearing preceded by a forty-five (45) day notice to the general public in a newspaper of general circulation in the County.

**CHAPTER VII
SEVERABILITY**

If any provision of these regulations be held invalid by a court or competent jurisdiction, such invalidity shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of these regulations are declared to be severable.

**CHAPTER VIII
REPEAL OF PREVIOUSLY ADOPTED REGULATIONS**

All subdivision regulations and public improvement standards previously adopted by the Board of County Commissioners of Fremont County are hereby repealed.

**CHAPTER IX
PROHIBITION AGAINST CIRCUMVENTION OF THESE
REGULATIONS**

No person, firm, corporation or other legal entity shall hereinafter sell, lease, or agree to sell, contract to sell or transfer any lot, piece or parcel of land which constitutes a subdivision, as defined by these regulations and Wyoming State Statutes, until after the plat thereof has been recorded in accordance with the provisions of these regulations and other applicable laws and regulations.

1. Enforcement procedures. In the event it is discovered that a violation of subdivision law has occurred, the Fremont County Planning Department shall notify the grantor of the property in question that a subdivision violation has taken place and inform the grantor of the necessary procedure to bring the parcel or parcels into compliance with the Real Estate Subdivision Law. If good faith efforts to comply with the law have not been instituted within thirty (30) days from the notice of violation, the following enforcement procedure may be employed:
 - A. A "Notice of Violation" will be prepared detailing the actions leading up to and the event of the violation. The notice will contain a procedure for bringing the violation into compliance. The grantor or responsible parties will be notified by certified letter that, if a subdivision application procedure is not begun within 30 days from receipt of the certified letter, that the "Notice of Violation" shall be filed and recorded in the office of the Fremont County Clerk.
 - B. When the terms and conditions set forth in the Notice of Violation have been met to the satisfaction of Fremont County or when determined by a court, a "Notice of Compliance" shall be recorded with the office of the Fremont County Clerk. A copy of the recorded Notice of Compliance will be forwarded to the landowner and the original document will be archived with the Fremont County Planning Department. The Notice of Compliance shall comply with the recording requirements for filing public documents as stipulated in W.S. 34-1-119.

**CHAPTER X
VIOLATIONS AND PENALTIES**

Any person who willfully violates any provision of the subdivision laws of the State of Wyoming, or willfully violates any provision of these regulations or any order issued pursuant to these regulations shall, upon conviction, be fined not more than five hundred (\$500) dollars or be imprisoned in the county jail for not more than thirty (30) days or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

CHAPTER XI MISREPRESENTATION PENALTY

Any person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circulation of any false statement or misrepresentation concerning any subdivision for sale, in this or any other state, and every person with knowledge that any such advertisement, prospectus, pamphlet or letter concerning land or any subdivision thereof contains any written statement that is false or fraudulent in any material part or who issues, circulates, publishes or distributes the same, or causes the same to be circulated, published or distributed, shall upon conviction be imprisoned for a period not to exceed thirty (30) days or be fined not to exceed five hundred (\$500) dollars. Each day of violation constitutes a new offense.

CHAPTER XII INVESTIGATORY POWERS

1. **Right to Investigate.** If the Board of County Commissioners has reason to believe that a person has engaged in activity which violates any provision of these regulations, it shall make an investigation and may hold a contested case hearing, as per the Wyoming Administrative Procedure Act, W.S. 16-3-107 and, to the extent necessary, may administer oaths or affirmations and upon its own motion or upon request of any party, may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and locations of persons having knowledge or relevant facts or any other matter reasonably calculated to lead to the discovery of admissible evidence.
2. **Right to Obtain Records.** If any person subject to the provisions of these regulations has records required in Section 1 located outside this state, the person shall either make them available directly to the Board of County Commissioners or its representative for examination at the place where they are maintained. The Board of County Commissioners may designate representatives, including comparable officials of the State where the records are located, to inspect them on the Board of County Commissioners' behalf.
3. **Right to Apply to District Court.** Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Board of County Commissioners may apply to any District Court for an order compelling compliance.

**CHAPTER XIII
APPEALS**

A decision of the Board of County Commissioners may be reviewed by the District Court and the Wyoming State Supreme Court as set forth in Wyoming Statutes 18-5-203.

**CHAPTER XIV
ADOPTION**

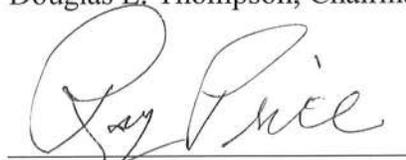
This resolution setting forth various rules, regulations and development standards applying to the subdivision of land and the platting thereof within Fremont County, Wyoming shall be in full force and effect after its adoption by the Board of County Commissioners and its proper filing with the County Clerk and Recorder in accordance with the requirements of the Wyoming Administrative Procedures Act.

APPROVED AND ADOPTED THIS 6th DAY OF October, 2015.

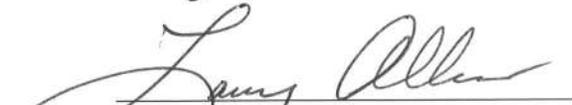
Board of County Commissioners
Fremont County, Wyoming


Douglas L. Thompson, Chairman

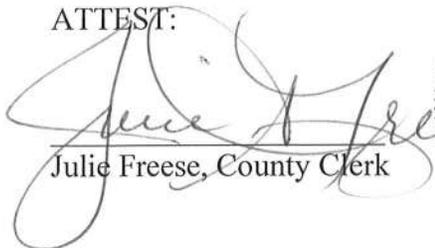

Travis Becker, Vice Chairman


Raymond Price, Commissioner


Andrea Clifford, Commissioner


Larry Allen, Commissioner

ATTEST:


Julie Freese, County Clerk



**TABLE 1
ROAD DESIGN STANDARDS**

ADT	Through Rds.		Internal Rds.		Mt. Rds. (<250)
	(>250)	(<250)	(>250)	(<250)	
Design Speed	40-50	30-50	30	20-30	20
Traveled Way (width)	24 ft.	24 ft.	24ft.	24 ft.	18 ft.
Surface Type	Gravel	Gravel	Gravel	Gravel	Gravel
Minimum Grade	0.3%	0.3%	0.3%	0.3%	0.3%
Maximum Grade	8%	10%	8%	10%	12%
Cross Slope	2%	2%	2%	2%	2%
R-O-W	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Shoulder	4 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Max. Fore Slope	2:1	2:1	2:1	2:1	2:1
Max. Back Slope	2:1	2:1	2:1	1:1	1:1

Guardrail shall be required for fore slopes steeper than 2:1.

Intersections - "T" intersections preferred over 4-way; should be aligned within ten (10) degrees of perpendicular within 100 feet of the intersection; shall have a 125 foot minimum offset.

Maximum vertical gradient of the intersecting street shall not exceed three (3) percent for a minimum of fifty (50) feet preceding intersection.

Traffic Signs – Through roads ADT 250+ shall be protected by "STOP" signs.

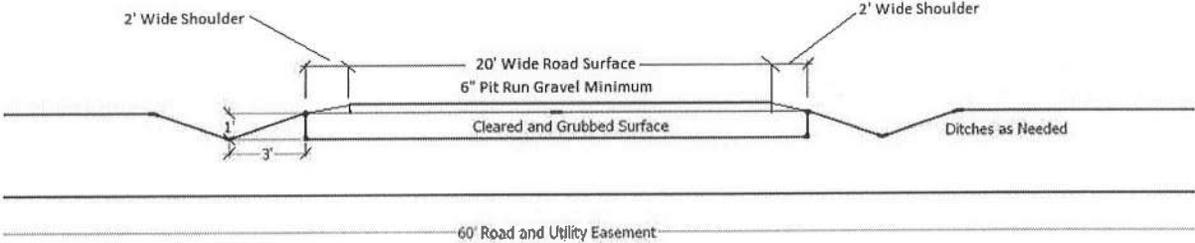
Through roads ADT 250- shall be protected by "YIELD" signs.

Cul-de-sacs – Minimum right-of-way radius shall be fifty (50) feet, Traveled surface radius shall be twenty-five (25) feet.

Drainage Ditches – Wide shallow parabolic or broadly triangular borrow pits ditches are preferred. These shall be appropriately reseeded after construction.

Vertical Clearance – Minimum of eighteen (18) feet on all roads.

Table 2



SURVEYOR'S CERTIFICATION

I, _____, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct and complete plat of the _____ as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with Fremont County subdivision regulations governing the subdivision of land.

In witness, whereof, I have set my hand and seal this _____ day of _____, 20__.

Registered Land Surveyor

Number: _____

COUNTY PLANNING COMMISSION CERTIFICATION

This plat approved by the Fremont County Planning and Zoning Commission on this _____ day of _____, 20 ____.

Chairman

Printed Name

CLERK AND RECORDER'S CERTIFICATE

This plat was filed for record in the Office of the Clerk and Recorder this _____ day of _____, 20____, at _____ o'clock __M, and is duly recorded in Plat Cabinet _____, Page _____ and as Document No. _____.

Clerk

Deputy

NOTE: ROOM MUST BE LEFT BELOW SIGNATURES FOR SEAL AND DOCUMENT LABEL

ENGINEER'S CERTIFICATE

I, _____ do hereby certify that I am a Civil Engineer licensed under the laws of the State of Wyoming, that these plats, construction drawings, specifications and other engineering representations hereby made by me are accurate and in compliance with the subdivision regulations and standards adopted by Fremont County and are in accordance with applicable State and Federal environmental and health regulations.

In witness, whereof, I have set my hand and seal this _____ day of _____,
20 ____.

Wyoming Licensed Engineer

Registration Number

COUNTY COMMISSIONER'S CERTIFICATE

This plat is hereby approved by the Board of County Commissioners of Fremont County, Wyoming this _____ day of _____, 20 ____ for filing with the Clerk and Recorder of Fremont County subject to the provision that approval in no way obligates Fremont County for financing or constructing any of the improvements on lands, streets easements or other public or common areas.

Dated this _____ day of _____, 20 ____.

Chairman

Printed Name

Witness my hand and seal of the County of Fremont this _____ day of _____
20 ____.

ATTEST:

County Clerk and Recorder

NOTE: ROOM MUST BE LEFT BELOW SIGNATURES FOR SEAL

Appendix B

Fremont County Planning and Rural Addressing

2015 Fee Schedule

\$200	SIMPLE SUBDIVISION and REGULAR SUBDIVISION APPLICATION FEE
\$250+	REGULAR SUBDIVISION PRELIMINARY PLAT FEE: (greater of \$250 or \$20 per lot not to exceed \$2,000)
\$100	SIMPLE SUBDIVISION and REGULAR SUBDIVISION FINAL PLAT FEE
\$150	SUBDIVISION - VACATION APPLICATION FEE
\$150	SUBDIVISION - REPLAT APPLICATION FEE
\$75	SUBDIVISION RECORDING FEE
\$2.50	PLAT COPY FEE PER PAGE TO BE PAID TO COUNTY CLERK (this fee can be combined with the recoding fee)
\$250	REPLACEMENT SEPTIC SYSTEM (permit fee)
\$275	NEW STANDARD SEPTIC SYSTEM (permit fee)
\$300	NEW NONCONVENTIONAL SYSTEM (permit fee)
\$500	AS BUILT SEPTIC SYSTEM (permit fee)
\$50	SEPTIC SYSTEM INSPECTION FEE (for each inspection over two (2))
\$200	FLOODPLAIN DEVELOPMENT PERMIT (permit fee)
\$20	NEW ADDRESS APPLICATION FEE
\$.25	COPY FEE PER PAGE