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SUBDIVISION REGULATIONS  
FOR  
BIG HORN COUNTY  
ADOPTED  
NOVEMBER 10, 1975  
AMENDED  
JUNE 21, 1978  
AMENDED  
OCTOBER 3, 1979  
AMENDED  
October 19, 2004  
AMENDED  
August 1, 2006

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Chapter I

FINDINGS

Section 1. Findings. The Board of County Commissioners of Big Horn County, Wyoming, hereby find that the improper and ill-planned subdivision of lands in neighboring states and counties and in Big Horn County itself has had serious adverse effects on the general health and welfare. Among these adverse effects are:

- a. Loss of access to individual tracts of land.
- b. Limiting of access to public lands.
- c. Traffic hazards resulting from ill-planned transportation systems and increased traffic loads on existing roads and highways.
- d. Sale of residential lots where no effective means of sewage disposal is available and the consequent pollution of ground and surface water.
- e. Disruption of irrigation systems.
- f. Loss of valuable top soil and consequent damage to stream channels, irrigation systems, crops, road and bridge works, reservoirs, and municipal water supplies.
- g. Loss of wildlife habitat.
- h. Loss of impairment of scenic resources.
- i. Loss of property, public improvements, and life which may result when subdivisions are improperly located with respect to steep slopes, floodplains, and other areas of geological hazard.
- j. Costly and illogical extension of municipal and county services brought on by “leap frog” developments.
- k. Increased costs of rural fire protection, law enforcement, road maintenance and other public services.
- l. Conversion of productive agricultural lands to residential or other uses.
- m. Possible conflicts among land uses in subdivided areas.

Section 2. Resolution. Now, in light of the above findings, the Board of County Commissioners of Big Horn County, Wyoming, does hereby resolve that the process of the subdivision of land should adhere and conform to the following regulations which are developed pursuant to W.S. 18-5-301 through 18-5-315.

Chapter II

1  
2 PURPOSE  
3

4 Section 1. Purpose. It is the purpose of these guidelines to protect the general  
5 health and welfare of the citizens of Big Horn County by eliminating or mitigating the  
6 potential adverse effects of poorly planned subdivisions as listed in the finding of the  
7 Board.  
8

9 Chapter III  
10

11 APPLICABILITY  
12

13 Section 1. Purpose of Chapter. It is the purpose of this chapter to define a  
14 subdivision and to show exemptions from the application of this resolution.  
15

16 Section 2. What a Subdivision is. For the purpose of this resolution a subdivision  
17 is: the creation or division of a lot, tract, parcel or other unit of land for the immediate or  
18 future purpose of sale, building development or redevelopment, for residential,  
19 recreational, industrial, commercial or public uses. The word "subdivide" or any  
20 derivative thereof shall have reference to the term subdivision. For the purposes of this  
21 resolution a mobile home court shall be considered to be a subdivision.  
22

23 Section 3. Exemptions.  
24

25 a. Unless the method of sale is adopted for the purpose of evading this  
26 resolution, this resolution shall not apply to any subdivision of land that:  
27

28 1. Is a subdivision of land outside platted subdivisions for the purpose of a  
29 single gift or sale to a member of the landowner's immediate family,  
30 subject to the following requirements:  
31

32 a. A member of the immediate family is limited to any person who is  
33 a natural or adopted child, stepchild, spouse, sibling, grandchild,  
34 grandparent or parent of the landowner;  
35

36 b. The purpose of the division is to provide for the housing, business  
37 or agricultural needs of the grantee;  
38

39 c. the land shall have been titled in the name of the grantor for a  
40 period of not less than five (5) years prior to the division and  
41 parcels created under this paragraph shall be titled in the name of  
42 the immediate family member for whom the division is made for a  
43 period of not less than one (1) year unless such parcels are subject  
44 to involuntary transfer including, but not limited to, foreclosure,  
45 death, judicial sale, condemnation or bankruptcy;  
46

47 d. No parcel smaller than five (5) acres created under this paragraph  
48 shall be further divided unless the owner obtains a subdivision  
49 permit pursuant to W.S. 18-5-304.  
50

1 e. Where the landowner is a corporation and eighty (80%) of the  
2 shares are held by individuals related by blood or marriage, the  
3 sale or gift may be made subject to the provisions of this section to  
4 an immediate family member of any shareholder who has owned at  
5 least five percent (5%) of the outstanding shares for at least five (5)  
6 years continuously before the date of the sale or gift.  
7

8 ~~f. Parcels created under this paragraph shall be titled in the name of~~  
9 ~~the immediate family member for whom the division is made for a~~  
10 ~~period of not less than one year unless such parcels are subject to~~  
11 ~~involuntary transfer including, but no limited to, foreclosure, death,~~  
12 ~~judicial sale, condemnation, or bankruptcy;~~  
13

14 ~~g. No parcel smaller than five (5) acres created under this paragraph~~  
15 ~~shall be further divided unless the owner obtains a subdivision~~  
16 ~~permit pursuant to W.S. 18-5-304;~~  
17

- 18 2. May be created by any court of this state pursuant to the law of eminent  
19 domain, by the operation of law or by order of any court in this state;
- 20
- 21 3. Is created by a lien, mortgage, deed of trust or any other security  
22 instrument, easements and rights-of-way;
- 23
- 24 4. Concerns lands located within incorporated cities or towns;
- 25
- 26 5. Is created by the sale or other disposition of land to the state of Wyoming  
27 or any political subdivision thereof;
- 28
- 29 6. Affects railroad rights-of-way;
- 30
- 31 7. Is a sale or other disposition of land for agricultural purposes or effects the  
32 alignment of property lines for agricultural purposes;
- 33
- 34 8. Is created by boundary line adjustments where the parcel subject of the  
35 sale or other disposition is adjacent to and merged with other land owned  
36 by the grantee;
- 37
- 38 9. Creation of cemetery lots;
- 39
- 40 10. Is created by the acquisition of an interest in land in the name of the  
41 husband and wife or other persons in joint tenancy or as tenants in  
42 common, and the interest shall be deemed for the purposes of this  
43 subdivision as one (1) interest;
- 44
- 45 11. A division of land creating a parcel five (5) acres or less for the purpose of  
46 establishing unmanned communication facilities, compressor stations,  
47 metering stations, fiber optic booster stations or similar unmanned  
48 facilities.
- 49
- 50 b. Except as provided in W.S. 18-5-316, ~~This this~~ article shall not apply to the  
51 sale or other disposition of land where the parcels involved are thirty-five (35)

1 acres or larger, subject to the requirement that ingress and egress, and utility  
2 easements shall be provided to each parcel by binding and recordable  
3 easements of not less than forty (40) feet in width to a public road unless  
4 specifically waived by the grantee or transferee in a binding and recordable  
5 document.

6  
7 Chapter IV

8  
9 GENERAL PROVISIONS

10  
11 Section 1. Purpose of Chapter. It is the purpose of this chapter to set forth  
12 general provisions relating to the administration of this resolution.

13  
14 Section 2. Permit Required. No Person shall ~~subdivide~~ ~~sell~~ land ~~subject to~~  
15 ~~subdivision regulation under this resolution, record a plat or commence~~ ~~begin the~~  
16 ~~physical layout or~~ construction of a subdivision, without first obtaining a subdivision  
17 permit from the Board.

18  
19 Section 3. Nature of Permit. The signature of the Chairman of the Board on the  
20 final plat of the subdivision shall constitute the subdivision permit.

21  
22 Section 4. Recording of Plats. The clerk shall not record any plat of any  
23 subdivision of any land subject to this resolution until a subdivision permit has been  
24 issued by the Board.

25  
26 The definition of subdivision includes mobile home courts that are to be leased or rented  
27 as well as sold.

28  
29 Section 5. Penalties. Any person who willfully violates any provision of these  
30 regulations, and any person who, as an agent for a subdivider, developer or owner of  
31 subdivided lands, offers for sale any subdivided lands or subdivision lots without first  
32 complying with the provision of this resolution shall upon conviction be fined not more  
33 than five hundred (\$500.00) dollars or be imprisoned in the county jail for not more than  
34 thirty (30) days or be punished by both fine and imprisonment. Each day of the violation  
35 constitutes a new offense.

36  
37 Section 6. Falsification of Information. Any person who intentionally falsifies or  
38 distorts information required by this resolution shall be subject to the penalties provided  
39 for in this chapter.

40  
41 Section 7. Burden of Proof. The burden of proof shall, in all proceedings under  
42 these regulations, be assigned to the applicant.

43  
44 Section 8. Severability. If any provision of this resolution of the applicability  
45 thereof to any person or circumstance is held invalid, the remainder of the resolution and  
46 its application to other persons or circumstances shall not be affected.

47  
48 Section 9. Relationship to Other Resolutions or Regulations. Where other county  
49 or state regulations apply concurrently with this resolution, the ~~more strict~~ ~~stricter~~ shall  
50 govern.

1 The subdivider should be aware that the ~~Big Horn County Comprehensive plan 2009~~  
2 **Land Use Plan** may impose **outline** requirements in addition to those contained in this  
3 resolution.

4  
5 Section 10. Construction. The provisions of the resolution shall be liberally  
6 construed in the public interest.

7  
8 Chapter V

9  
10 CONSIDERATIONS IN SUBDIVISION REGULATION

11  
12 Section 1. Classifications of Subdivisions. These subdivision regulations apply  
13 to three classes of subdivisions as specified below. Land unsuitable for subdivision will  
14 not be precluded from the subdivision approval process provided the subdivision is  
15 reviewed as a major subdivision and obstacles to beneficial development are addressed  
16 therein by appropriate engineering and administrative controls.

17  
18 Section 2. Exempt Divisions of Land. Exempt divisions are divisions that are not  
19 subject to the subdivision permit requirement W.S. 18-5-304. Exemptions are listed in  
20 CHAPTER III Section 3 of these regulations.

21  
22 Section 3. Simple Subdivision. A simple subdivision is a division of one unit of  
23 land into one or two lots smaller than 35 acres ~~and 5 acres or greater. The commission~~  
24 ~~may allow for smaller simple subdivisions providing specific utilities are easily~~  
25 ~~accessible and minimum site distances can be met for septic systems.~~ All simple  
26 subdivisions require a subdivision permit. A division shall not be classified as a simple  
27 subdivision if any of the following are present:

- 28  
29 a. The subdivision will be served by a central sewage system  
30  
31 b. The subdivision will be served by a central water supply system not owned or  
32 operated by a public entity.  
33  
34 ~~c. The land to be divided was created by an exemption after July 1, 2001~~  
35  
36 d. The land to be divided is located within a platted subdivision.  
37  
38 e. The land to be divided is unsuitable for subdivision.

39  
40 Section 4. Major Subdivision. A major subdivision is the subdivision of one unit  
41 of land into three or more lots each smaller than 35 acres. A major subdivision includes  
42 any subdivision that does not qualify as a simple subdivision.

43  
44 Section 5. List of Considerations. In acting on a preapplication subdivision plan  
45 or an application for a subdivision permit the Planning Commission shall take into  
46 account the following:

- 47  
48 a. Compliance of the proposed subdivision with this resolution.  
49



1 Section 2. Notifying Planning and Zoning Commission. The Planning  
2 Coordinator shall notify the Planning and Zoning Commission in writing of all Simple  
3 Subdivision Applications on file with the Planning Office.  
4

5 Section 3. On-Site Inspection. The Board shall cause an on-site inspection of any  
6 proposed subdivision to be made. Filing of a Simple Subdivision Application constitutes  
7 permission for the staff to conduct this inspection. In cases where inclement weather or a  
8 snowpack make this inspection impractical, the consideration of the Simple Subdivision  
9 Application shall be postponed until the inspection is possible.  
10

11 Section 4. Additional Plans or Limiting Factors. After notifying the Commission  
12 and performing an on-site inspection, the Planning Office may require additional plans or  
13 information before acting on the Simple Subdivision application. Required additional  
14 plans or information shall be submitted to the staff by the subdivider according to a  
15 schedule agreed upon by the Planning Office and the transmitted in writing to the  
16 subdivider with in five (5) days after the consideration of the Preapplication Subdivision  
17 Plan.  
18

19 Section 5. Conservation District. The Planning Staff shall transmit one copy of  
20 the Simple Subdivision application to the Conservation District in which the proposed  
21 subdivision is located. Review and recommendation shall be completed within sixty (60)  
22 days.  
23

24 Section 6. Public Notice. The subdivider, immediately following the first  
25 consideration of the Simple Subdivision Application, shall notify all adjacent landowners  
26 and the Drainage District or Association if applicable of their intent to subdivide by  
27 certified mail to their last known address and place a public notice in the local paper.  
28 Notices shall include the owners name filing for subdivision, a general description of the  
29 location of the proposed subdivision; its total acreage, and the acreage of the lots being  
30 created, ~~and the date of the public hearing.~~ The newspaper notice shall run weekly for  
31 two consecutive weeks.  
32

33 Section 7. Plat Approval. The applicant may proceed to have the simple  
34 subdivision plat prepared once all application material is submitted reviewed and  
35 approved. The plat must conform to the specifications in Chapter VIII of these  
36 regulations.  
37

38 Section 8. Subdivision Permit. Upon signature of the plat by the Commission,  
39 the Planning Coordinator shall present the plat to the Board for approval and signature at  
40 the next available Board meeting. The Board shall make its decision within 21 days of  
41 receiving the plat.  
42

43 Section 9. Duration. The applicant shall have one year from the date of the  
44 application to present a plat for signature. If the applicant does not complete this action  
45 within one year, the application will expire.  
46

## 47 Chapter VII

### 48 SIMPLE SUBDIVISION APPLICATION REQUIRMENTS

1 Section 1. Content of the Simple Subdivision Application. The Application shall  
2 include the following maps, plans, and documents. All maps and plans shall be to scale  
3 and of sufficient clarity for decision making purposes. The maps should all be  
4 represented at the same scale. They may be separate or presented as a series of overlays.  
5 The Planning Staff shall reject any maps or plans considered to be incomplete or  
6 inaccurate.

- 7
- 8 a. A map of the proposed subdivision showing the two lots, right-of-way,  
9 easements, etc. Lot dimensions shall be indicated. All access right-of-ways  
10 and or easements shall be at least 40 feet in width. In bold capital letters “NO  
11 PUBLIC MAINENANCE OF STREETS OR ROADS” shall appear on all  
12 offers, solicitations, advertisements, contracts, agreements, plats, and or  
13 records relating to the subdivision.  
14
- 15 b. A plan identifying the water system for the proposed subdivision. If the  
16 subdivider proposes to tie into an existing central water system, then evidence  
17 showing they will be allowed access to the water system must be submitted.  
18 If no domestic water source is proposed then the words “NO PROPOSED  
19 CENTRAL WATER SUPPLY SYSTEM” in bold capital letters shall appear  
20 on all offers, solicitations, advertisements, contracts, agreements, plats, and or  
21 records relating to the subdivision.  
22
- 23 c. A plan identifying the sewage system. This plan shall include a letter from  
24 the County’s designated local official for the small wastewater system  
25 program indicating that septic systems are feasible on the proposed lots noting  
26 any special conditions which may exist. When requesting this letter, the  
27 applicant shall submit the results of a site investigation. This site  
28 investigation shall include one percolation test and soil profile data for each  
29 lot. The designated local official shall witness the investigation. This  
30 witnessing of the soils tests is not required if the tests are conducted by a  
31 Wyoming Licensed Professional Engineer or Wyoming Licensed Professional  
32 Geologist. If no public sewage disposal system is proposed the word “NO  
33 PROPOSED CENTRAL SEWAGE SYSTEM” shall appear on all offers,  
34 solicitations, advertisements, contracts, agreements, and plats relating to the  
35 subdivision.  
36
- 37 d. A soils map for the proposed subdivision.  
38
- 39 e. A map showing all natural water courses and irrigation structures within and  
40 immediately adjacent to the proposed subdivision.  
41
- 42 f. A completed impact questionnaire.  
43
- 44 g. Obtain review and recommendations from a fire protection district in which  
45 any portion of the subdivision lies, from the authority having jurisdiction over  
46 fire prevention and protection in the area or from the nearest fire protection  
47 district if no part of the subdivision lies within a fire protection district,  
48 regarding adequacy of fire protection measures. If the entire subdivision does  
49 not lie within a fire protection district and no city, town or fire protection  
50 district is obligated to provide fire protection pursuant to an agreement  
51 authorized by law the subdivider shall put a legend on the plat of the

1 subdivision and on all offers, contracts or agreements for the sale and  
2 purchase of lots within the subdivision showing in capital letters "**LOTS**  
3 **ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE**  
4 **PROTECTION IS NOT OTHERWISE PROVIDED**". Fire Protection  
5 review  
6

7 Section 2. Review by the Irrigation District or Association. If the subdivision is  
8 located within an irrigation district or within lands served by a ditch or irrigation  
9 company or association, evidence shall be provided that the distribution plan has been  
10 approved by the district board, company, or association. In the case were the subdivision  
11 is located within lands served by an unorganized ditch, the remaining appropriators will  
12 review the plan and submit their recommendations. Review and approval shall be  
13 completed within sixty (60) days.  
14

15 Section 3. Municipal Approval. Lands within one mile of a municipal boundary  
16 must have a resolution from that municipality to commence with the subdivision.  
17

18 Chapter VIII

19  
20 SIMPLE SUBDIVISION PLAT REQUIREMENTS  
21

22 Section 1. Quaility of the Simple Subdivision Plat. The simple subdivision plat  
23 shall conform to the following standards:  
24

- 25 a. The name of the subdivision shall start with S.S. and follow a numbering  
26 sequence starting with the year and followed by number based determined by  
27 the Planning Office. Any other reference to the name of the subdivision shall  
28 appear below the numbering sequence and shall be in parenthesis Example  
29 S.S. 05-000 (John Doe Subdivision).  
30
- 31 b. One (1) reproducible plat on a stable base polyester film or equivalent shall be  
32 prepared. The plat shall be 8 ½ inches x 14 inches consisting of any number  
33 of pages. Three copies of the plat on paper shall also be provided.  
34
- 35 c. The bearings, distance, and curve data of all perimeter boundary lines shall be  
36 indicated outside the boundary line. When the plat is bounded by an irregular  
37 shoreline or a body of water, the bearings and distance of a closing meander  
38 traverse shall be given.  
39
- 40 d. On curved boundaries and on all curves on the plat, sufficient data shall be  
41 given to enable the re-establishment of the curves on the ground. This curve  
42 data shall include the following:  
43
  - 44 1. Radius of curve.
  - 45 2. Delta Angle
  - 46 3. Arc Length.
  - 47 4. Notation of non-tangent curves.
  - 48
  - 49
  - 50

- 1 e. Lengths shall be shown to at least hundredths of a foot, and angles or bearings  
2 shall be shown to at least the nearest second.  
3
- 4 f. The plat shall show or contain, on the face of the plat or on separate sheets  
5 references:  
6
- 7 1. North Point
  - 8
  - 9 2. Scale (may not be less than 1 inch=200 feet)
  - 10
  - 11 3. All monuments found, set, reset or replaced describing their kind, size,  
12 location and giving other data relating thereto.
  - 13
  - 14 4. Bearing, witness monuments, basis of bearings, and length of lines.
  - 15
  - 16 5. Title block indicating the quarter-section(s), section, township, range,  
17 principal meridian, and county or other proper legal description of the  
18 subdivision.
  - 19
  - 20 6. The exterior boundaries of the platted tract, giving such boundaries by  
21 courses and distances.
  - 22
  - 23 7. An identification system for all lots created.
  - 24
  - 25 8. All lots in the subdivision designated by number, the dimensions of each  
26 lot, and the area of each lot listed as gross and net acres.
  - 27
  - 28 9. Each lot corner shall be monumented with permanent markers.  
29 Description of all monuments found or set shall be shown either by legend  
30 or separate description.
  - 31
  - 32 10. A certificate of the land surveyor responsible for the survey.
  - 33
  - 34 11. A signature block prepared for the signature of the Board of County  
35 Commissioners, County Clerk, the Planning and Zoning Chairman and  
36 secretary and in the case of within one mile of the limits of an  
37 incorporated town for the Mayor of that town. (See Appendix 4 for the  
38 signature block standards)
  - 39
  - 40 12. Notes identifying any limitations from sewage reports, water studies,  
41 conservation reviews, irrigation/drainage reviews, or fire protection  
42 reviews as required in Chapter VI, Section 5 and Chapter VII, Section 1-3.  
43

## 44 Chapter IX

### 45 SIMPLE SUBDIVISION APPROVAL STANDARDS

46  
47  
48 Section 1. Approval. The Commission and the Board shall approve the simple  
49 subdivision if applicant has submitted **and conformed** to all the required information and  
50 documentation as required by Chapter VII Simple Subdivision Application  
51 Requirements. **(See Appendix 2.)**

1  
2 Section 2. Recordation. After the Board has approved the Simple Subdivision  
3 plat, the Planning Coordinator shall submit the approved record to the Big Horn County  
4 Clerk, who will, upon the applicant's payment of the **subdivision fee and** recording fees  
5 shall file and record the plat in the County Clerk's Office as required by W.S. §18-5-309.  
6 (See Appendix 6).

7  
8 Chapter X

9  
10 CONSIDERATION OF MAJOR SUBDIVISION PREAPPLICATION PLAN

11  
12 Major subdivision applications must comply with all requirements of W.S. §18-5-306;  
13 Minimum Requirement for Subdivision Permits, including review of the application by  
14 the Department of Environmental Quality. The major subdivision process shall include  
15 three phases; preapplication review, preliminary plat review, and final plat. Major  
16 subdivisions require a public hearing before the Commission.

17  
18 Section 1. Filing of Major Subdivision Preapplication Plan. The application shall  
19 be filed, in triplicate, with the planning staff at least ten (10) days prior to the regular  
20 meeting of the commission. Preapplication Subdivision Plan's filed after this deadline  
21 but before a regular meeting of the Commission shall not be considered until the next  
22 regular meeting.

23  
24 Section 2. On-Site Inspection. The Board shall cause an on-site inspection of any  
25 proposed subdivision to be made. Filing of a Preapplication Subdivision Plan constitutes  
26 permission for the staff to conduct this inspection. In cases where inclement weather or a  
27 snowpack make this inspection impractical, the consideration of the Preapplication  
28 Subdivision Plan shall be postponed until the inspection is possible.

29  
30 Section 3. Additional Plans of Information. After consideration of the  
31 Preapplication Subdivision Plan and the results of the on-site inspection the Commission  
32 may require additional plans or information before acting on the Preapplication  
33 Subdivision Plan. Required additional plans or information shall be submitted to the staff  
34 by the subdivider according to a schedule agreed upon by the Commission and the  
35 subdivider and transmitted in writing to the subdivider within five (5) days after the  
36 consideration of the Preapplication Subdivision Plan.

37  
38 Section 4. Conservation District. The Planning Staff shall transmit one copy of  
39 the Preapplication Subdivision Plan to the Conservation District in which the proposed  
40 subdivision is located. Comments or a waiver of right to comment from the Conservation  
41 District shall be submitted to the Commission prior to its granting clearance to prepare a  
42 final plat.

43  
44 Section 5. Comments. Comments on the Preapplication Subdivision Plan shall  
45 be provided in writing to the subdivider with in five (5) days after the regular  
46 Commission meeting. These comments will include a description of any additional  
47 information or plans required, revisions suggested, a schedule for the submission of  
48 additional plans and information, and a hearing date.

49  
50 Section 6. Public Hearings. At a regular meeting following the first  
51 consideration of an initial subdivision plan the Commission shall hold a public hearing on

1 the Preapplication Subdivision Plan. The hearing date shall be agreed upon by the  
2 Commission and subdivider at the first consideration of the Preapplication Subdivision  
3 Plan.

4  
5 Section 7. Notification. The subdivider, immediately following the first  
6 consideration of his Preapplication Subdivision Plan, shall notify all adjacent landowners  
7 and the Drainage District or Association if applicable of his/her intent to subdivide by  
8 certified mail to their last known address and shall place in a newspaper of general  
9 circulation in the area of the subdivision a notice of intent to subdivide. Notices shall  
10 include a general description of the location of the proposed subdivision, its total acreage,  
11 the number of lots planned, and the date of the public hearing. Newspaper notice shall  
12 run weekly for two consecutive weeks.

13  
14 Section 8. Action on Preapplication Subdivision Plan. The Commission shall  
15 within thirty days of the public hearing on the Preapplication Subdivision Plan notify the  
16 subdivider in writing that:

- 17  
18 a. Clearance is granted to submit an application for a subdivision permit. The  
19 clearance may contain certain conditions to be reflected in the application, or  
20  
21 b. The Preapplication Subdivision Plan must be resubmitted in a revised form.  
22 Reasons for revisions shall be clearly stated  
23

24 Section 9. Duration of Approval. The Final Plat shall be submitted within one  
25 (1) year after notification of clearance to submit an Application for Subdivision Permit  
26 has been given. If a Final Subdivision Plat is not submitted within the foregoing time  
27 period clearance to submit an Application for Subdivision permit may be revoked and  
28 approval of any Preapplication Subdivision Plan may be rescinded. Upon a showing of  
29 good cause by the subdivider, the Commission may grant an extension of time for  
30 submission of a Final Subdivision Plat. Such extension shall be no longer ~~then 6 months~~  
31 **than one (1) year** in duration. ~~computed from the expiration date of the original one year~~  
32 ~~period herein set forth and no more than 2 such extensions shall be granted for any~~  
33 ~~proposed subdivision.~~ Request for extension of time shall be made in writing to the Big  
34 Horn County Planning Commission by the subdivider at least 60 days in advance of the  
35 expiration date of any one year period or extension thereof.

36  
37 Chapter XI

38  
39 MAJOR SUBDIVISION PREAPPLICATION REQUIREMENTS

40  
41 Section 1. Purpose of Preapplication Subdivision Plan. The Preapplication  
42 Subdivision Plan is intended to be the focus of discussions between the subdivider, the  
43 Planning Staff, and the Commission. A Preapplication Subdivision Plan is not a final  
44 plan or plat; it must be susceptible to modification in response to recommendation by the  
45 commission. It is suggested that prior to submission of the Preapplication Subdivision  
46 Plan, the subdivider thoroughly acquaint himself with the Big Horn County  
47 Comprehensive Plan and discuss his plans with member of the staff who are available for  
48 the purpose of providing technical assistance to citizens. The Preapplication Subdivision  
49 Plan is not an application for a subdivision permit within the meaning of W.S. 18-5-304  
50 through 18-5-309.



1 Section 3. Consistency with Commission Recommendations. The Application  
2 for Subdivision Permit shall be consistent with all Commission recommendations  
3 transmitted to the subdivider during consideration of the Preapplication Subdivision Plan.  
4

5 Section 4. Review and Clearance. The Planning Commission shall review the  
6 Application for Subdivision Permit for accuracy, for consistency with recommendations  
7 made and with Big Horn County Comprehensive Plan and for compliance with this  
8 resolution. Within forty five (45) days of its initial review of the Application for  
9 Subdivision Permit the Commission shall:

- 10
- 11 a. Grant the subdivider clearance to prepare a Final Subdivision Plat for  
12 submission to the Board or,  
13
- 14 b. Return the Application for Subdivision Permit to the subdivider for correction  
15 or revision according to a schedule agreed upon by the subdivider and the  
16 Commission  
17

18 Notice of the Commission decision shall be transmitted to the subdivider within five (5)  
19 days.  
20

## 21 Chapter XIII

### 22 APPLICATION FOR SUBDIVISION PERMIT REQUIREMENTS

23  
24  
25 Section 1. Purpose. It is the purpose of this chapter to describe the contents of an  
26 application for subdivision permit.  
27

28 Section 2. Contents. The Application for Subdivision Permit is a draft version of  
29 the Final Subdivision Plat and accompanying documents as described in this resolution.  
30 It, also, includes the erosion and runoff control plan, written comments on the  
31 Preapplication Subdivision Plan from private utilities, the approved irrigation plan, and a  
32 letter of recommendations and/or approval from the WDEQ resulting from the submittal  
33 of a subdivision application to the WDEQ as required as part of the subdivision process  
34 per W.S. 18-5-306(a)(c). **(SEE APPENDIX 3 FOR PRELIMINARY PLAT**  
35 **DOCUMENTS)**  
36

## 37 Chapter XIV

### 38 FINAL SUBDIVISION PLAT

39  
40  
41 Section 1. Quality of Final Plat. The Final Subdivision Plat shall conform to the  
42 following standards:  
43

- 44 a. ~~One (1)~~ **Two (2)** reproducible plats on a stable base polyester film or  
45 equivalent shall be prepared. Plats shall be either 18x24 or 24x36 inches in  
46 size. Three (3) copies of the plat on paper shall also be provided.  
47
- 48 b. Whenever more than one (1) sheet must be used to accurately portray the  
49 lands subdivided, each sheet must show the number of that sheet and the total  
50 number of sheets included. All certifications shall be shown or referenced on  
51 one sheet.

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- c. The bearings, distance, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distance of a closing meander traverse shall be given.
  
- d. On curved boundaries and on all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. These curve data shall include the following:
  - 1. Radius of curve
  - 2. Delta Angle
  - 3. Arc Length
  - 4. Notation of non-tangent curves
  
- e. Lengths shall be shown to at least hundredths of a foot, and angles or bearings shall be shown to at least the nearest second.
  
- f. The final plat shall show or contain, on the face of the plat or on separate sheets references on the face of the plat:
  - 1. North Point
  - 2. Scale (may not be less the 1 inch=200 feet)
  - 3. All monuments found, set, reset or replaced describing their kind, size, location and giving other data relating thereto.
  - 4. Bearing or witness monuments, basis of bearings, and length of lines.
  - 5. Names of any adjoining platted subdivisions and number of any adjoining certificates of survey previously recorded.
  - 6. The areas of any parcels created by the final plat.
  - 7. A title block indicating the quarter-section (s), section township, range, principal meridian, and county or other proper legal description of the subdivision.
  - 8. The exterior boundaries of the platted tract, giving such boundaries by courses and distances.
  - 9. The location of all corners of legal subdivisions pertinent to the subdivision boundary.
  - 10. All lots and blocks in the subdivision, designated by number, the dimensions of each lot, and block, and the area of all lots. (Excepted parcels shall be marked "Not included in this subdivision" and "Not

1 included in the plat”, as appropriate, and the boundary completely  
2 indicated by bearings and distances.)  
3

4 11. All streets, alleys, avenues, roads, and highways, their widths, centerline  
5 bearings, and the width and purpose rights-of-way, the name of all streets,  
6 roads, highways, and certificate of dedication of all public rights-of-way  
7 and easements which includes the signatures of all mortgagors and  
8 leinholders or other having interest in the property.  
9

10 12. The location and dimensions of all parks, common areas, and all other  
11 ground dedicated for public use.  
12

13 13. Acreage of the subdivision, gross and net.  
14

15 14. All monuments to be of record must be adequately described and clearly  
16 identified on the plat. All monuments or other evidence found during re-  
17 tracements which would influence the position of any corner or boundary  
18 indicated on the plat must be clearly shown.  
19

20 15. A certificate of the land surveyor responsible for the survey.  
21

22 16. A signature block prepared for the signature of the Chairman of the Board  
23 of County Commissioners - and in the case of subdivision within one mile  
24 of the limits of an incorporated town, a signature block for the Mayor of  
25 that town.  
26

27 Section 2. Corners. All corners established during the preparation of the final  
28 plat shall be properly monumented or witnessed.  
29

30 Section 3. Attachments to Final Subdivision Plat. The Final Subdivision Plat  
31 shall be accompanied by:  
32

33 a. Written certification of a licensed Wyoming engineer, certifying as to the  
34 adequacy and safety of any sewage disposal system proposed for the  
35 subdivision, including the adequacy of the proposed system for the proposed  
36 population, soil conditions and water sheds located on or draining into or over  
37 the proposed subdivision. If no public sewage disposal system is proposed,  
38 the words “NO PROPOSED CENTRAL SEWAGE SYSTEM” in bold capital  
39 letters shall appear on all offers, solicitations, advertisements, contracts,  
40 agreements, and plats relating to the subdivision. Where a central sewerage  
41 system is proposed approval of the Wyoming Department of Environmental  
42 Quality must be submitted with the Final Subdivision Plat.  
43

44 b. A written certification of a licensed Wyoming engineer certifying to the  
45 adequacy and safety of any domestic water system intended to be used for the  
46 subdivision, and that the plan for domestic water supply meets State and  
47 Federal Standards. If no domestic water source is proposed by the subdivider,  
48 the legend “NO PROPOSED CENTRAL WATER SUPPLY SYSTEM” in  
49 bold capital letters shall appear on all offers, solicitations, advertisements,  
50 contracts, agreements and plats relating to the subdivision. Where a central

1 water system is proposed approval of the Wyoming Department of  
2 Environmental Quality must be submitted with the Final Subdivision Plat.

- 3  
4 c. Copies of all covenants relating to the subdivision.  
5  
6 d. Documentation showing the creation of a Home Owner Association or other  
7 entity that will have the ability to address maintenance, responsibility and  
8 operation of all subdivision improvements.  
9  
10 e. Evidence satisfactory to the Board that:  
11  
12 1. The subdivider or his agent who offers any part of the subdivision for sale  
13 or who solicits any offers for the purchase thereof, may convey  
14 merchantable title subject only to noted reservations or restrictions of  
15 record and subject only to a proportionate share of real property taxes or  
16 assessments charged or assessed for the year in which any such sale may  
17 be legally effected; or  
18  
19 2. Binding arrangements have been made by the person who offers any part  
20 of the subdivision for sale, directly or through an agent, to assure  
21 purchasers of any part of the subdivision that upon full payment of the  
22 purchase price a deed can and will be delivered conveying merchantable  
23 title subject only to noted reservations or restrictions of record and free  
24 encumbrances not specifically assumed by the purchaser, subject only to a  
25 proportionate share of such taxes and assessments hereon as may be levied  
26 or assessed for the year in which such sale may be legally effected.  
27  
28 f. Evidence satisfactory to the Board that adequate access has been provided and  
29 that all proposed streets, alleys and roadways within the subdivision conform  
30 to the standards adopted by the Board. Acceptance of a Final Subdivision Plat  
31 does not imply in any way the acceptance of roads or streets for county  
32 maintenance. If no public maintenance is contemplated, the subdivider shall  
33 put a warning on the plat of the Final Subdivision Plat, on the advertisements  
34 for the subdivision and on the contracts or agreements for the sale and  
35 purchase of lots within the subdivision showing in bold capital letters "NO  
36 PUBLIC MAINTENANCE OF STREETS OR ROADS."  
37  
38 g. If the subdivider proposes to utilize adjoining property for drainage, sewer  
39 lines, power lines or other utilities, the subdivider shall provide copies of  
40 binding easements of not less than twenty (20) feet in width for the proposed  
41 facilities from each property owner over whose land such services shall  
42 extend and shall provide a minimum access right-of-way of sixty (60) feet to  
43 the subdivision for all public roads.  
44  
45 h. Evidence satisfactory to the Board that the subdivider has adequate financial  
46 resources to develop and complete any facility proposed or represented to be  
47 the responsibility of the subdivider, including but not limited to water  
48 systems, sewerage systems, streets and roadways. The applicant shall provide  
49 a performance bond, acceptable letter of credit or other sufficient financial  
50 commitment to assure that any facilities ~~pro-posed~~ proposed or represented to  
51 be part of the subdivision shall in fact be completed as proposed; or escrow

1 sufficient moneys out of land sales to guarantee that the above facilities are  
2 installed.

- 3
- 4 i. Evidence deemed sufficient by the Board that all standards set forth in this  
5 resolution and all recommendations of the Commission have been or will be  
6 followed.
- 7
- 8 j. A schedule of subdivision permit fees is hereby established. The Final  
9 Subdivision Plat shall be accompanied by a certified check for the greater of  
10 ~~\$100 or \$10~~ \$500 or \$25 per lot up to a maximum fee of ~~\$1000~~ \$12,500. Fees  
11 collected shall be credited to the county general fund (See Appendix 6).

12  
13 Chapter XV

14  
15 CONSIDERATION OF THE FINAL SUBDIVISION PLAT

16  
17 Section 1. Consideration of Final Subdivision Plat. The Final Subdivision Plat  
18 shall be considered at a regular meeting of the Board. The plat must be filed ten (10)  
19 days prior to a regular meeting to receive consideration.

20  
21 Section 2. Considerations. In deciding whether or not to grant a subdivision  
22 permit, the Board of County Commissioners shall consider all materials accompanying  
23 the Final Subdivision Plat, the Final Subdivision Plat itself, the PSP, the  
24 recommendations of the Planning Commission, and the comments of the public at the  
25 hearing held by the Planning Commission. The Board of County Commissioners may at  
26 their first consideration of the Final Subdivision Plat:

- 27
- 28 a. Approve the Final Subdivision Plat
- 29
- 30 b. Make recommendations concerning the Final Subdivision Plat and consider it  
31 at a later meeting, as revised. Such recommendations shall be transmitted in  
32 writing to the subdivider within five (5) days.
- 33
- 34 c. Request further information or set a public hearing at the next regular meeting  
35 of the Board. Any request for further information or public hearing date shall  
36 be transmitted to the subdivider within five (5) days.
- 37
- 38 d. Reject the Final Subdivision Plat, stating in writing the reasons for doing so.

39  
40 Section 3. Public Hearings. Should consideration of the Final Subdivision Plat  
41 be extended for a public hearing, the hearing shall be advertised in a newspaper of  
42 general circulation in the area of the subdivision weekly for two consecutive weeks.  
43 Should consideration of a Final Subdivision Plat be extended due to a request for further  
44 information or due to recommended changes in the Final Subdivision Plat the information  
45 requested or the revised Final Subdivision Plat shall be filed with the staff in accord with  
46 the schedule agreed upon by the Board and the subdivider.

47  
48 Section 4. Approval or Rejection Within 45 Days. The Board shall either approve  
49 or reject the Final Subdivision Plat within 45 days of its initial consideration.

50

1 Section 5. Approval Conditioned on Compliance. Approval of a subdivision plat  
2 is approval of the entire Final Subdivision Plat - including the water and sewer plans,  
3 road and street plan, and other design elements required by the Commission. Any  
4 variation from these plans will nullify approval of the subdivision.

5  
6 Chapter XVI

7  
8 APPEALS

9  
10 Section 1. Purpose. It is the purpose of this chapter to describe the procedure for  
11 appealing decisions of the Commission to the Board.

12  
13 Section 2. Appeal Process. Any decision of the Commission may be appealed to  
14 the Board of County Commissioners. Appeals shall be filed in writing with the Clerk at  
15 least ten (10 days) prior to a meeting of the Board. Upon receiving an appeal the Board  
16 shall set a hearing date and notify all affected parties of the hearing. The hearing must be  
17 held within 30 days. At the hearing the subdivider will state his case and the  
18 Commission may reply.

19  
20 Section 3. Decision on Appeal. The Board shall within 30 days of an appeal  
21 hearing issue a written decision which:

- 22  
23 a. Confirms the decision of the Commission,  
24  
25 b. Upholds the appeal and reverses or modifies the decision of the Commission.  
26

27 Chapter XVII

28  
29 SUBDIVISION PERFORMANCE STANDARDS

30  
31 Section 1. Lot Location, Size, Shape, and Orientation.

- 32  
33 a. The location, size, shape, and orientation of lots shall be determined with  
34 regard to natural limitations on development and public service costs. Major  
35 factors in determining lot layout shall be:  
36  
37 1. Access for streets or road and public or private utilities and services.  
38  
39 2. Off-street parking.  
40  
41 3. Suitability for private sewage disposal systems and safe distances between  
42 private sewage disposal systems and wells and streams.  
43  
44 4. Relationship of structures to be erected.  
45  
46 5. Provision of open space and maximization of scenic values.  
47  
48 6. Minimum disruption of natural topography.  
49  
50 7. Local climatic conditions, especially snow and icing patterns  
51

- 1 8. Minimization of storm water run-off and soil erosion.
- 2
- 3 9. Minimum disruption of irrigation and drainages systems serving other
- 4 lands. The Planning Commission shall require measures to minimize
- 5 disruption of irrigation.
- 6
- 7 10. Design elements intended to create identify and interest in the subdivision.
- 8

9 b. No lot shall be located within an area where the capability of the soil to absorb  
10 sewage effluent is classified as severely limited unless the lot is served by a  
11 central sewerage system or by an individual sewage disposal system which  
12 does not depend upon natural soil absorption of waste for treatment. The  
13 inclusion of areas of soil classified as having severe limitations is permissible,  
14 provided the subdivider guarantees that the sewage deposal system will be  
15 installed in an area classified as having slight limitations for its use. A  
16 minimum lot size for lots served by individual sewage disposal systems shall  
17 be established on a case by case basis. The planning Commission may require  
18 the subdivider to impose covenants restricting the design of the sewage  
19 disposal system to be installed by lot purchasers.

20

21 c. No lot shall be located within areas subject to flooding or officially designated  
22 as floodplains.\* The inclusion of limited areas of floodplains ~~with-in~~ **within**  
23 lots is permissible provided the subdivider guarantees that no building or  
24 private sewage disposal system or well be located on that portion of a lot  
25 within the floodplain. **See Big Horn County Flood Damage Prevention**  
26 **Regulation Adopted 3/5/1997.**

27

28 d. No lot shall be located on slopes of 30% or more. Small areas of 30% or more  
29 slope within a lot are permissible providing the subdivider guarantees that no  
30 building or individual sewage disposal system will be located on that portion  
31 of a lot where the slope is 30% or more. Minimum lot sizes and maximum  
32 impervious coverage percentages shall be established in a case by case basis  
33 for lots on slopes of 8% or more.

34

35 e. The guarantees required in this chapter shall be provided in writing, **signed**  
36 **and agreed between the County Commissioners and subdivider.** ~~over the~~  
37 ~~signature of subdivider with Final Subdivision Plat.~~ A copy of these  
38 guarantees shall be provided to all purchasers of lots ~~with-in~~ **within** the  
39 subdivision. **This guarantee and/or agreement shall be known as a**  
40 **development agreement.**

41

42 f. No lot shall be located in the areas of a known geologic or avalanche hazard.

43

44 g. No lot shall include any active mineral extraction facilities, including but not  
45 limited to, oil and gas wells, pipelines transporting mineral commodities,  
46 gravel pits, and minerals processing facilities. The Commission may require  
47 that a buffer zone be left between any subdivision and existing minerals  
48 extraction facilities. No lot shall be platted in such a buffer zone. Where the  
49 possibility of future mineral development exists (as evidenced by active leases  
50 on the parcel being subdivided) the Commission may require an appropriate

1 warning on the plat and all conveyances, contracts, or advertisements relating  
2 thereto.

- 3  
4 h. The creation of building sites through mass pad grading and successive  
5 padding or terracing of building sites is prohibited.  
6

7 \* Floodplain maps are in file with planning staff for most parts of the county.  
8

9 Section 2. Water Supply.  
10

- 11 a. A plan for domestic water supply shall be submitted and meet all applicable  
12 State and Federal Standards. If the subdivision is within 1,320 feet of an  
13 existing central water supply system or within an urban growth area  
14 designated in an adopted Town Master Plan and the existing system can  
15 adequately serve the subdivision, the subdivider shall provide a connection  
16 with that existing and a central water distribution system serving the  
17 subdivision. Where connection to a central system is required all standards of  
18 that system must be met. If the existing system is not capable of providing  
19 service to the subdivision, the developer may install a private central system  
20 or allow reliance on individual systems. Any private central system will be  
21 possible. Large rural subdivisions may be required to install a centralized  
22 water supply system.  
23
- 24 b. The subdivider may be required to install water supply facilities of excess  
25 capacity where the Master Plan of the town providing water to the subdivision  
26 calls for an extension of the town water supply system into areas beyond the  
27 subdivision.  
28
- 29 c. Where the subdivider intends to provide no central domestic water system,  
30 potential groundwater sources shall be evaluated using the best available data.  
31 Where the possibility of individual wells as a satisfactory source of water  
32 supply exists, well tests shall be required. A sufficient number of tests shall  
33 be conducted to assess groundwater possibilities for the entire subdivision.  
34 The required number of tests will depend on the geology and topography of  
35 the proposed subdivision. Well test results shall be submitted prior to approval  
36 of the Application for Subdivision Permit. Tests shall include:  
37
- 38 1. A pumping test in which the well's water level is recorded, the well is  
39 pumped at a constant, measured rate for four hours, the new water level is  
40 recorded, and 24 hours later the water level recorded again to measure  
41 recovery. The pumping test results and a copy of the well log shall be  
42 submitted under the signature of the well log shall be submitted under the  
43 signature of the well driller. Where more than one test well is required the  
44 water levels in all the test wells adjacent to a well being pumped shall,  
45 also, be recorded and the distances separating the wells noted in the report  
46 of the test results.  
47
  - 48 2. Bacteriological and chemical tests performed by a recognized laboratory  
49 for the following parameters: fecal coli-form bacteria, total dissolved  
50 solids, sulfates, nitrate nitrogen, and hardness. In areas where toxic

1 compounds or metal may be found in groundwater additional tests may be  
2 required.

3  
4 d. If individual cisterns are the proposed water supply, a statement shall be  
5 submitted from the Community or water district providing the water,  
6 expressing the willingness of the district or community to provide water and  
7 the conditions under which water can be obtained.

8  
9 e. A plan for the supply and distribution of irrigation water within the  
10 subdivision shall be devised. The subdivider shall discuss this plan with a  
11 representative of the appropriate irrigation district, ditch company, or any  
12 appropriator whose water might be adversely affected. The plan must be in  
13 writing and must be presented to the Planning Commission under the  
14 signature of the appropriate ditch board with the Application for Subdivision  
15 Permit.

16  
17 Section 3. Sewage Disposal.

18  
19 a. The plan for sewage disposal should meet all Federal and State standards. If  
20 the subdivision is within 1320 feet of an existing central sewage system and  
21 the existing system can adequately serve the subdivision, the subdivider shall  
22 provide a connection with that existing system and central sewage collection  
23 system serving the subdivision. Where connection to an existing system is  
24 required all standards for that system shall be met. If the existing system is  
25 not capable of providing service to the subdivision, the developer may install  
26 a private central system or allow reliance on individual systems. Systems  
27 installed under these circumstances shall be fully compatible with the existing  
28 system so that future combination of the two systems will be possible. Large  
29 rural subdivisions may be required to install a central sewage system.

30  
31 b. The subdivider may be required to install sewage collection facilities of  
32 excess capacity where the Master Plan for the town providing sewage  
33 treatment for the subdivision calls for an extension of the town sewerage  
34 system in to areas beyond the subdivision.

35  
36 c. Where the subdivider will not provide a sewerage system the Wyoming  
37 Department of Environmental Quality standards must be met and completed  
38 by a registered Wyoming Professional Engineer as required by W.S. 18-5-  
39 306(a)(c).

40  
41 Section 4 Access, Transportation.

42  
43 a. A subdivision located where year round housing is feasible, may be rejected if  
44 the public access road requires substantial upgrading or maintenance of the  
45 road bed to allow for all season traffic. A statement from the body  
46 responsible for maintenance may be requested which states the usual  
47 maintenance procedures on that road and the condition of the road bed.

48  
49 b. Appropriate plat warnings shall be required for any subdivision where the  
50 public access road is closed during any part of the year, or where weather  
51 conditions or location of the road make regular maintenance unfeasible.

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- c. All lots shall be provided with useable access by public road. Roads shall be constructed to the standards outlined in this section.
- d. Roads shall follow the natural terrain to the extent feasible. Cuts, fill, runoff, and soil erosion shall be kept to a minimum.
- e. Right-of-way width shall not be less than sixty feet, and the minimum top width of the roadway cross section shall be 24 feet.
- f. Dead end streets shall be provided with the turn around with a diameter of not less than 90 feet. For dead ends which occur at the subdivision boundary where the road may someday be extended, that part of the turn around outside of the normal right-of-way width may be designated as temporary until the road is extended. Such temporary areas shall be abandoned beyond the subdivision boundary.
- g. Established right of access across the subdivision or any part thereof to adjoining property shall not be restricted in any manner by the subdivider.
- h. All physical obstructions within the right-of-way such as fences, signs, large rocks, or other obstruction shall be relocated outside the right-of-way.
- i. All required culverts, bridges, or other structures shall be inspected prior to construction of the top surfacing. Drainage structures shall be sized to pass the drainage tributary through them, as determined in accordance with good engineering practice. The following minimum requirements for culverts and bridges shall be met:
  - 1. Culverts shall be at least 15” in diameter.
  - 2. Culverts shall be installed at each private entrance entering the roadway or at roadway intersections.
  - 3. Culverts at private entrances shall be at least 20’ long. They may be installed by the lot purchaser.
  - 4. Culverts crossing roadways shall be long enough to reach to the toe of the slope on each side of the roadway they cross.
  - 5. Bridges shall be at least 24 feet in clear width and have a load bearing capacity which meets H20-44 loading requirements as defined by the American Association of State Highway and Transportation officials.
  - 6. Bridge abutments shall be reinforced concrete or steel piling.
  - 7. Bridge superstructures shall be reinforced concrete or steel.
  - 8. Steel guard rails shall be used on all bridges.

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- j. Roadways shall be graded to an acceptable profile and cross-section and adequate base and gravel surface constructed thereof. The following design standards shall be met.
  - 1. The roadway shall be designed so it will drain completely.
  - 2. The top width shall be not less than 24 feet and must be crowned or constructed for transverse drainage on slopes of 2%. An additional 6 feet on either side of the 24 foot roadway shall leave a slope not steeper than 2:1.
  - 3. The maximum permissible grade shall not be more than 10%.
  - 4. Subgrade preparation, base course and gravel surfacing shall be designated in accordance with good engineering practice for low traffic volume roads.
- k. All utilities proposed to be installed in connection with the subdivision must be installed within and parallel to the right-of-way or to approximately right angle crossings thereof. The subdivider shall obtain the comments of all utilities involved in the initial subdivision plan and make those comments available in writing with the Application for Subdivision Permit.
- l. Special attention shall be given to existing road which are adjacent to the subdivision. It may be required that some of such roads be continued into or through the subdivision. If any of such roads are continued into the subdivision, they shall be extended on a smooth alignment without any awkward jogs or offsets.
- m. The location of intersections should be so selected to avoid steep profile grades and to insure that there is adequate approach sight distance to the intersection. Intersections should not be located on a short crest vertical curve, just beyond a short crest vertical curve, or on a sharp horizontal curve, if possible. Sight distance measured from a point on the approach at least 15 feet from the county road pavement should not be less than 500 feet along the county road. One approach on to a County road, for each two lots, will be permitted if not more than 4 lots have access directly from a county road. If more than 4 lots have direct access from a county road, a collector street, with an approach at each end, will be required.
- n. A design report shall be submitted giving the details of construction proposed for all roads within the subdivision and access roads. The report shall be based upon sampling and analysis of the subgrade conditions existing in the location where roads are to be built. It shall propose and discuss a specific design for all required construction including clearing right of way, accommodation or discontinuance of existing improvements within roads; bridges and other structures; culverts and road drainages; fencing and cattle guards; construction of subgrade, subbase, base course and surfacing; the proposed design shall comply with provisions of these regulations. Drawings shall be included. This report shall be certified by a professional engineer which is register in Wyoming as follows:

1 The undersigned engineer has prepared this report after investigation,  
2 sampling and analysis of the surfaces and subgrade conditions existing in  
3 the location where roads are to be built, topography, existing  
4 improvements; drainage and fencing requirements. The design proposal  
5 outlines therein meet the minimum requirements of Chapter XVII Section  
6 4 of the Big Horn County Subdivision Regulations.  
7

8 DATE: \_\_\_\_\_  
9

11 Signature \_\_\_\_\_  
12 Address \_\_\_\_\_  
13 Wyoming Registration No. \_\_\_\_\_  
14  
15

16 o. ~~Where a unique subdivision design provides adequate access utilizing road~~  
17 ~~and streets that do not meet these standards, it may be approved by the Board~~  
18 ~~of County Commissioners. Also, in~~ In the case of subdivision roads or streets  
19 carrying a projected average daily traffic volume in excess of 400, more  
20 stringent standards may be imposed.  
21

22 p. ~~Where a subdivision borders on public lands, provisions shall be made for~~  
23 ~~public access through the subdivision to those lands.~~  
24

25 Section 5. Public Spaces.  
26

27 a. Where the size of the subdivision necessitates it, the subdivider shall dedicate  
28 sufficient land area for **public use or public facilities.** ~~public schools and parks~~  
29 ~~to the appropriate government (school district, town, county).~~ Dedicated  
30 lands shall be provided with public access and utilities where the subdivider is  
31 required to install them. Two (2) acres of public space should be dedicated for  
32 every 300 potential residents of a subdivision. The minimum useable  
33 dedicated space shall be one half (1/2) acre.  
34

35 b. Subdivision in which sufficient land is provided for common open space in  
36 the Final Subdivision Plat shall be exempt from the requirements for **public**  
37 **use or public facilities.** ~~dedication for parks but not for schools.~~  
38

39 e. ~~The Planning Commission shall have the option of requiring a cash payment~~  
40 ~~to the appropriate government equal to the fair market value of the land~~  
41 ~~dedication requirement, as developed, where it is considered that the~~  
42 ~~subdivision contains no lands suitable for school or park site.~~  
43

44 d. Areas of soils unsuitable for septic tanks, floodplains, steep or unstable slopes  
45 and geologic or avalanche hazard areas should generally remain in open  
46 space.  
47

48 e. Where the subdivision is adjacent to a town or in the area included in the open  
49 space and recreation element of a town Master Plan, the town's requirements  
50 for public spaces dedication shall apply.  
51

1 Section 6. Erosion and runoff control. Subdivisions should not increase runoff  
2 rates or soil loss from their site. In order to implement this standard the commission shall  
3 require an erosion and runoff control plan to be submitted with the Application for  
4 Subdivision Permit. The Subdivisions of less than 20 lots may be exempted from this  
5 requirement provided that the soils on the proposed subdivision do not have a high  
6 erosion hazard. The Erosion and Runoff Control Plan will vary with the site  
7 characteristics of the subdivision, it shall include:

- 8
- 9 a. Provisions for reclamation of all areas bared by construction activities.  
10 Revegetation shall be required within one year and temporary stabilization  
11 measures such as mulching shall be required immediately following  
12 construction.
  - 13
  - 14 b. Provisions for the impoundment and channeling of stormwater and runoff so  
15 that the rate of runoff leaving the subdivision does not exceed that leaving  
16 under natural conditions. Temporary or permanent basins, impervious  
17 coverage limitations on lots, check dams, grassed in covenants by the  
18 subdivider.
  - 19
  - 20 c. The Erosion and Runoff Control Plan requirement may be totally or partially  
21 waived for small subdivisions situated on slopes of under 8% and on soils  
22 which do not have severe erosion hazards.
  - 23

24 Assistance in preparing an erosion and runoff control plan may be obtained from local  
25 Soil Conservation Service Offices.

26

27 Section 7. Fire Protection.

- 28
- 29 a. ~~The subdivider shall obtain review and recommendations from a fire~~  
30 ~~protection district in which any portion of the subdivision lies, from the~~  
31 ~~authority having jurisdiction over fire prevention and protection in the area or~~  
32 ~~from the nearest fire protection district if no part of the subdivision lies within~~  
33 ~~a fire protection district, regarding adequacy of fire protection measures. If the~~  
34 ~~entire subdivision does not lie within a fire protection district and no city,~~  
35 ~~town or fire protection district is obligated to provide fire protection pursuant~~  
36 ~~to an agreement authorized by law the subdivider shall put a legend on the plat~~  
37 ~~of the subdivision and on all offers, contracts or agreements for the sale and~~  
38 ~~purchase of lots within the subdivision showing in capital letters "**LOTS**~~  
39 ~~**ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE**~~  
40 ~~**PROTECTION IS NOT OTHERWISE PROVIDED"**. If a subdivision is~~  
41 ~~not located within a distance that can be adequately served by a fire~~  
42 ~~department or district and/or if provisions for fire protection are not made~~  
43 ~~within the subdivision or are not determined as adequate to protect all~~  
44 ~~proposed homesites by the Planning Commission a warning shall be placed~~  
45 ~~on the Final Plat which states "**NO ADEQUATE FIRE PROTECTION**~~  
46 ~~**PROVIDED."**~~
  - 47
  - 48
  - 49
  - 50
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**Appendix 1**  
**Definitions**

**Applicant:** A person submitting an application for development; subdivider, developer, or project owner.

**ASP:** Application for Subdivision Permit.

**Board:** The Big Horn County Commissioners.

**Clerk:** The Big Horn County Clerk.

**Commission:** The Big Horn County Planning and Zoning Commission.

**Comprehensive Plan:** The Big Horn County Land Use Plan.

**County:** Big Horn County, Wyoming.

**Development Agreement:** An agreement made between Big Horn County Commissioners and a Subdivider/Developer pertaining to installation of all proposed improvements as part of a Subdivision Final Approval.

**Easement:** A recorded right or privilege to use a certain portion of land for a specific purpose or purposes, which runs with the land.

**Engineer:** A licensed professional engineer registered with the State of Wyoming.

**Final Plat:** The map or maps and specified supporting materials to be recorded with the County Clerk, drawn and submitted in accordance with the requirement of these Regulations.

**FSP:** Final Subdivision Plat

**Land Unsuitable for Subdivision:** Land that if subdivided, would be detrimental to the health, safety, or general welfare of existing or future residents because of potential hazards including flooding, landslides, steep slopes, rock falls, high water table, polluted or non –potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features. The presence of these features does not preclude subdivision approval; provided the subdivision is reviewed as a major subdivision and the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.

**Manufactured home/mobile home:** Is a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements.

1 **Mobile Home Court/Park:** Is any area, parcel, or tract of land occupied or intended for  
2 occupancy by 2 or more mobile homes or spaces for mobile homes.

3  
4 **Municipality:** An incorporated city or town including all property within its corporate  
5 limits.

6  
7 **Parcel:** Means a contiguous piece of property under common ownership.

8  
9 **Planning Coordinator:** The administrative official designated by the Board to  
10 administer these subdivision regulations.

11  
12 **Plat:** A map of certain described tracts of land prepared in accordance with these  
13 regulations as an instrument for recording of subsequent real estate transactions by the  
14 County Clerk.

15  
16 **Preliminary Plat:** The map or maps of a proposed subdivision and specified supporting  
17 materials, drawn and submitted in accordance with the requirement of these Regulations,  
18 to permit the evaluation of the proposal prior to detailed engineering or design.

19  
20 **PSP:** Pre Subdivision Plan

21  
22 **Public or Community Sewer:** Municipal, city, or town or quasi-municipal (such as a  
23 sanitation district) operating trunk outfall lines and treatment facilities.

24  
25 **Public Road:** A right-of-way dedicated to the public and useable by the public, but not  
26 necessarily maintained by the County.

27  
28 **Regulations:** A body of rules, requirements, standards or principles to which a process  
29 or design must comply.

30  
31 **Road Right-of-Way:** That portion of land dedicated for roadway and utility purposes.

32  
33 **Private:** A roadway not dedicated to the use of the public but only the property  
34 owner or owners.

35  
36 **Public:** A roadway with a right-of-way dedicated to the use of the public, which  
37 allows anyone to use the road and allows for emergency and law enforcement  
38 access.

39  
40 **County:** A roadway established by the county for the use of the public and  
41 operated and maintained under the authority of state statutes.

42  
43 **Sell/Sale:** Sell or sale includes sale **as evidence by the delivery of a deed,** contract to sell  
44 **for deed, lease, assignment, auction, or award by lottery, or any offer or solicitation to do**  
45 **any of the foregoing, concerning a subdivision or part of a subdivision. "Sell" or "Sale"**  
46 **does not include a contract to sell contingent on approval of a final plat;**

47  
48 **Sewage Disposal System:** All pipelines, conduits, pumping stations, force mains and  
49 other constructions used for collecting or conducting wastes to a treatment plan or  
50 disposal system; any plant other works used for the purpose of treating, stabilizing or  
51 holding wastes and any system used for disposing of wastes, either by surface or

1 underground methods, including any treatment plant, disposal wells, and absorption  
2 fields.

3

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

9

10 **Water supply system:** In the development of the source and all structures for  
11 conveyance of raw water to the treatment plant or delivery systems; all water treatment  
12 plants including disinfection facilities; **water supply systems used for irrigation and stock**  
13 **water;** and all finished water delivery systems including pipelines, pumping stations and  
14 finished water storage facilities. ~~Separate water supply systems used solely for irrigation~~  
15 ~~or stock water are not included.~~

16

17 **WDEQ:** Is the Wyoming Department of Environmental Quality.

18

**Appendix 2**  
**Simple Subdivision Final Plat Supporting Documents**

- 1
- 2
- 3
- 4 1. Subdivision Application: Two (2) copies of a completed subdivision application
- 5 as required in Chapter VIII of these regulations.
- 6
- 7 2. Soils Review: The Conservation District review of the subdivision soils and
- 8 related information.
- 9
- 10 3. Irrigation District Review: Review and recommendations from the irrigation
- 11 district for the distribution of irrigation water to the lots within the subdivision.
- 12
- 13 4. Wastewater Review: Review and recommendations from the local delegated
- 14 official as to the adequacy of the sewage system for the subdivision.
- 15
- 16 5. Percolation Test Data:
- 17
- 18 a. Percolation hole test data:
- 19
- 20 1. Soil depth at which the tests were made;
- 21 2. The time interval and each water level measurement;
- 22 3. The computed percolation rate;
- 23 4. The name of the person conducting the test; if preformed by a
- 24 professional engineer or professional geologist certification
- 25 information;
- 26 5. The time and date of the tests;
- 27
- 28 b. A brief summary of the soil types, depth to ground water, and suitability
- 29 of on site waste water disposal. Test results shall indicate soil profile
- 30 results to at least 10 feet.
- 31
- 32
- 33

### Appendix 3

## Major Subdivision Preliminary Plat Supporting Documents

1. Subdivision Application: Two (2) copies of a completed subdivision application as required in Chapter XIV of these regulations.
2. Soils Review: The Conservation District review of the subdivision soils and related information.
3. Irrigation District Review: Review and recommendations from the irrigation district for the distribution of irrigation water to the lots within the subdivision.
4. Irrigation Plan Review: Review and recommendations from the Wyoming State Engineers Office for the distribution of the irrigation water to the individual lots located in the proposed subdivision.
5. Wastewater and Drinking Water Review: Review and recommendations from the Wyoming Department of Environment Quality as to the adequacy of the sewage system and water system for the subdivision. Provide a complete copy of the application that was submitted to the WDEQ that resulted in the approval letter and/or recommendations.

Appendix 4  
Signature Block Standards

- 1  
2  
3  
4 1. Big Horn County Planning and Zoning Commissioner Signature block shall follow  
5 this general format:  
6  
7

**Certificate of Approval**

8  
9  
10 Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20xx

11  
12 Big Horn County Planning and Zoning Commission

13  
14 By: \_\_\_\_\_  
15 Chairman

16  
17 Attest: \_\_\_\_\_  
18 Secretary

- 19  
20 2. The Board of County Commissioners Signature block shall follow this general  
21 format:  
22

**Certificate of Approval**

23  
24  
25 Approved by the Board of County Commissioners of  
26 Big Horn County this \_\_\_\_\_ day of \_\_\_\_\_, 20xx

27  
28 By: \_\_\_\_\_  
29 Chairman

30  
31 By: \_\_\_\_\_  
32 Member

33  
34 By: \_\_\_\_\_  
35 Member

36  
37 Attest: \_\_\_\_\_  
38 County Clerk

39  
40  
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46

**Appendix 5**  
**Test Well Guidelines**

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2  
3  
4 *Quaternary floodplain, landslide, or glacial deposits* – groundwater in these deposits  
5 may be highly variable, although it is usually present. The local geology should be  
6 evaluated very carefully. In landslide or glacial deposits one well per lot may be  
7 necessary. In floodplains, at least three wells on adjacent lots should be drilled to allow  
8 an accurate drawdown test.

9  
10 *Quaternary terrace deposits* – these usually bear some water. In relatively level areas at  
11 least three wells on adjacent lots should be drilled to allow an accurate drawdown test.  
12 Any prominent high spots should, also, be tested.

13  
14 *Tatman and Willwood Formations* – potable water is not to be expected, although low  
15 yield wells are sometimes found in the Willwood. Water would most likely run in veins  
16 in sandstones. A test well on each lot would be appropriate if tests are made.

17  
18 *Fort Union, Lance, Meeteetse, and Mesaverde formations* – these are predominantly  
19 sandstones. Low yield wells are possible. The sandstones tend to be discontinuous and  
20 variable in thickness. A test well on each lot would be appropriate.

21  
22 *Cody Shale, Frontier Formation, Mowry Shale and Thermopolis Shale* – sandstone in the  
23 Frontier Formation may produce water. On-site water will not normally be possible. If  
24 the subdivider insists a test well on each lot should be required.

25  
26 *Cloverly, Morrison, Sundance, and Chugwater formations* – the sandstones in these  
27 formations may yield moderate amounts of water. The Chugwater Formation (redbeds)  
28 is unlikely to yield water. Where tests are made, one well per lot would be appropriate.

29  
30 *Tensleep Sandstone, Amsden Formation, Madison Limestone, Big Horn dolomite and*  
31 *Flathead Sandstone* – these formations include some very large aquifers but are usually  
32 below the practical depth of domestic wells. Where these formations do provide water to  
33 a subdivision at least three test wells should be drilled to provide an accurate drawdown  
34 test. Any prominent topographic variations should, also, be tests.

35  
36 *Precambrian* - Precambrian rocks are not usually aquifers.  
37  
38  
39

Appendix 6  
Fees

The following fees will apply to all subdivisions of land.

Simple Subdivisions:

Final Plat and Document Review	\$250.00
Final Plat, Permit, & Recording	\$50.00

Major Subdivisions:

Final Subdivision Sketch Plan Review	\$250.00
Final Plat & Permit	\$250.00 minimum or \$25.00/lot up to a maximum fee of \$12,500.00
Recording	\$50.00

Preapplication Subdivision Plan  
Big Horn County, Wyoming

- 1. Applicant's or representative's name \_\_\_\_\_
- 2. Applicant's or representative's address \_\_\_\_\_
- 3. Applicant's or representative's phone \_\_\_\_\_
- 4. Applicant's e-mail \_\_\_\_\_

5. Subarea in which located:

- |                    |                           |
|--------------------|---------------------------|
| _____ Shell Valley | _____ Deaver Frannie Area |
| _____ Paint Rock   | _____ Rural Lovell Area   |
| _____ Manderson    | _____ Orchard Bench       |
| _____ West County  | _____ Central County      |

6. This PSP is accompanied by:

- \_\_\_\_\_ a. A map of the proposed subdivision showing all lots, rights-of-way, easements, etc.
- \_\_\_\_\_ b. Proof that the proposed division has access to establish a driveway access to the state highway, county road, or other applicable roadway.
- \_\_\_\_\_ c. A list, including addresses, of all adjacent property owners.
- \_\_\_\_\_ d. A plan for the water supply system for the proposed subdivision including appropriate maps drawn as overlays of the base map of the subdivision.
- \_\_\_\_\_ e. A plan for the sewage system for the proposed subdivision including appropriate maps drawn as overlays of the base map of the subdivision.
- \_\_\_\_\_ f. A road and street plan for the subdivision including appropriate maps drawn as overlays of the base map of the subdivision and cross sections of the roads and/or streets to be constructed. The width and grade of all roads and/or streets must be indicated and the proposed surface material described.
- \_\_\_\_\_ g. A map showing any proposed easements and right-of-way for private utilities drawn as an overlay of the base map of the subdivision.
- \_\_\_\_\_ h. A soils map of the proposed subdivision drawn as an overlay of the base map of the subdivision.
- \_\_\_\_\_ i. A map showing all natural water courses and irrigation structures within and immediately adjacent to the proposed subdivision drawn as an overlay of the base map of the subdivision.
- \_\_\_\_\_ j. A completed ~~impact~~ **subdivision** questionnaire.

7. I have discussed this subdivision plan with the members of the planning staff.  
Yes \_\_\_\_\_ No \_\_\_\_\_

1  
2  
3  
4  
5  
6  
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18

8. This Preapplication Subdivision Plan has been filed with the appropriate officials of any town located within one mile or of any town whose Master Plan includes the area being subdivided. Yes \_\_\_\_\_ No \_\_\_\_\_ (Attach acknowledgement from the appropriate official).

9. I understand that my presence will be necessary for consideration of this application; also, I understand that I may be required to provide further information or revised plans before permit approval and that I will be required to provide notice of and appear before a public hearing.

10. I understand pursuing a subdivision will result in a reasonable fee not to exceed the cost of processing the application.

---

Applicant or representative

Date

Impact Subdivision Questionnaire

\*This is intended to assist in understanding the subdivision review.\*

PEOPLE AND SERVICES

Additional Pages may be used for answers.

1. Approximately how many persons will reside or work on the site? \_\_\_\_\_

If the proposal subdivision is a recreational site, approximately how many users could be expected on site at any one time? \_\_\_\_\_

2. How will water for this subdivision be provided? \_\_\_\_\_

Has fire protection been considered in planning the water source? If so, how? \_\_\_\_\_

Does the proposed water system and source meet all requirements of state law? \_\_\_\_\_

If the source of water is to be a well or wells, are there proven wells in the area? If so, to what depth and what are typical yields? (Attach a map showing these wells in relationship to proposed subdivisions) \_\_\_\_\_

3. How will sewage disposal and treatment be provided for this subdivision? \_\_\_\_\_

If on-site sewage disposal is planned, have you consulted with Soil Conservation Service, the planning staff, or a professional engineer regarding the adequacy of the site for this purpose? \_\_\_\_\_

Does the proposed sewage system comply with all requirements of State Law? \_\_\_\_\_

4. How will solid waste disposal be provided for this subdivision? \_\_\_\_\_

5. How will fire protection be provided for the proposed subdivision? \_\_\_\_\_

What is the location of and distance to the nearest fire station? \_\_\_\_\_

What measures are being taken to prevent wildfire in the area as a result of the subdivision and its use? \_\_\_\_\_

6. What provision will be made for police protection of the proposed subdivision? \_\_\_\_\_

7. How far is it to the nearest hospital? \_\_\_\_\_

8. What provision will be made for the maintenance of roads providing access to the subdivision? \_\_\_\_\_

- 1  
2 9. Will this subdivision add to the school population of the district in which it is  
3 located? \_\_\_\_\_  
4 If so, how many students might be added? \_\_\_\_\_  
5  
6 10. How will utilities (telephone, electricity, and gas) be provided? \_\_\_\_\_  
7 \_\_\_\_\_  
8 **Have the easements and/or utility easements been researched and located on the**  
9 **property?** \_\_\_\_\_  
10

11 **RESOURCES**

- 12  
13 1. Describe any natural water courses or irrigation works which might be affected by the  
14 proposed subdivision? \_\_\_\_\_  
15  
16 2. Have any special plans been made to overcome the limitations imposed by soil  
17 conditions? \_\_\_\_\_  
18 What plans are being made to control erosion during construction and use of the  
19 proposed subdivision? \_\_\_\_\_  
20  
21 3. Has the possibility of rockslides, mudslides, or avalanches been evaluated? \_\_\_\_\_  
22 \_\_\_\_\_  
23  
24 4. What measures will be taken to preserve natural vegetation at the site? \_\_\_\_\_  
25 \_\_\_\_\_  
26 What measure will be taken to insure that the proposed subdivision has a minimal  
27 negative impact on the aesthetic quality of the area? \_\_\_\_\_  
28 \_\_\_\_\_  
29  
30 5. Is the proposed subdivision located in or near game migration routes or areas known  
31 to be critical wildlife ranges? \_\_\_\_\_  
32  
33 6. Is the proposed subdivision located near any known areas of historical,  
34 paleontological, or archeological significance? \_\_\_\_\_  
35 \_\_\_\_\_  
36  
37 7. Is the proposed subdivision located on land used for the production of any  
38 agricultural commodity? \_\_\_\_\_  
39  
40 8. Is the proposed subdivision located on or adjacent to land now used for the  
41 production of any mineral commodity? \_\_\_\_\_  
42  
43 9. **Describe the mineral status of your land?** \_\_\_\_\_  
44 \_\_\_\_\_  
45 **Who holds the minerals for the land being subdivided?** \_\_\_\_\_  
46 \_\_\_\_\_  
47  
48

49 **LEGAL DESCRIPTION**

50 Attach a full **current** legal description of the property being subdivided.  
51

