

**AMENDMENTS TO
THE BIG HORN COUNTY
SUBDIVISION REGULATIONS
AND ASSOCIATED RESOLUTIONS**

RESOLUTION/CERTIFICATION
to the
BIG HORN COUNTY COMMISSIONERS
for RECOMMENDATION to ADOPT the AMENDED
SUBDIVISION REGULATIONS

WHEREAS, the Big Horn County Planning and Zoning Commission has prepared and drafted amendments to the Big Horn County Subdivision Regulations; and

WHEREAS, the amendments consist of clarifications of Wyoming Statutes, clarification of Big Horn County Road and Address Management Policy, Clarification of development agreements, clarification of water supply and water rights, additional definitions, addition of an Application for Exemption for an Affidavit of Exemption, additional plat requirements, amended fees, various grammatical errors: and

WHEREAS, the Commission held public hearings on December 20, 2021 in Basin, Wyoming and on December 22, 2021 in Lovell, Wyoming for the purpose of receiving public comments on the subdivision amendments; and

WHEREAS, the Commission has considered the public hearing testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Big Horn County Planning and Zoning Commission does hereby certify the Amended Subdivision Regulations (with the minor amendments accepted on this day) to the Big Horn County Board of County Commissioners and recommends its adoption.


DATED December 22, 2021

PLANNING AND ZONING COMMISSION

BIG HORN COUNTY, WYOMING



Alan Bair, Chairman



Cliff Alexander, Secretary

RESOLUTION NO. 2022-#7
RESOLUTION FOR THE ADOPTION OF THE LAND DIVISION AFFIDAVIT
FOR BIG HORN COUNTY, WYOMING

WHEREAS, the Board of County Commissioners adopted rules to regulate and control the subdivision of land in unincorporated areas;

WHEREAS, amendments to Subdivision Regulations of Big Horn County of 2012 are in progress by the Big Horn County Planning and Zoning Commission;

WHEREAS, the Board of County Commissioners deems it necessary to require landowners to accept responsibility for land divisions qualifying for an exemption from the Subdivision Regulations;

NOW, THEREFORE, BE IT RESOLVED that this County hereby adopts the Big Horn County Land Division Affidavit.

PASSED, APPROVED and ADOPTED this 18th DAY OF JANUARY 2022.

By: Dave Neves

Dave Neves, Chairman
Big Horn County Commissioner

Not in attendance

Felix Carrizales
Big Horn County Commissioner

B. Jolley

Bruce Jolley
Big Horn County Commissioner

ATTEST:

Lori Smallwood

Lori Smallwood, Big Horn County Clerk

CERTIFICATE

I, Lori Smallwood, Clerk of Big Horn County, hereby certify that the foregoing Resolution was adopted by the BIG HORN COUNTY BOARD OF COMMISSIONERS at a public meeting held on January 18, 2022, and that the meeting was held in accordance with applicable law; and that said Resolution has been duly entered in the RECORD of the BIG HORN COUNTY BOARD OF COMMISSIONERS.

Lori Smallwood

RESOLUTION NO. 2022-#7
RESOLUTION FOR THE ADOPTION OF AMENDED FEES AND APPLICATIONS FOR
LAND SUBDIVISIONS IN BIG HORN COUNTY, WYOMING

WHEREAS, the Board of County Commissioners adopted rules to regulate and control the subdivision of land in unincorporated areas;

WHEREAS, amendments to Subdivision Regulations of Big Horn County of 2012 are in progress by the Big Horn County Planning and Zoning Commission;


WHEREAS, the Board of County Commissioners deems it necessary to separate the fee schedule from the Regulation, allowing it to stand on its own, and clarify fees related to land subdivisions;

WHEREAS, the Board of County Commissioners deems it necessary to separate applications for subdivisions from the Regulation, allowing them to stand on their own;

NOW, THEREFORE, BE IT RESOLVED that this County hereby adopts an amended fee schedule and applications for land subdivisions in Big Horn County.

PASSED, APPROVED and ADOPTED this 18th DAY OF JANUARY, 2022.

By: 
Dave Neves, Chairman
Big Horn County Commissioner


Felix Carrizales
Big Horn County Commissioner

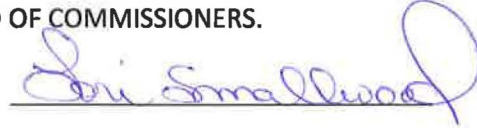

Bruce Jolley
Big Horn County Commissioner

ATTEST:


Lori Smallwood, Big Horn County Clerk

CERTIFICATE

I, Lori Smallwood, Clerk of Big Horn County, hereby certify that the foregoing Resolution was adopted by the BIG HORN COUNTY BOARD OF COMMISSIONERS at a public meeting held on January 18, 2022, and that the meeting was held in accordance with applicable law; and that said Resolution has been duly entered in the RECORD of the BIG HORN COUNTY BOARD OF COMMISSIONERS.

A handwritten signature in blue ink, reading "Lori Smallwood", is written over a horizontal line.

**FEE SCHEDULE FOR LAND SUBDIVISIONS
IN BIG HORN COUNTY, WYOMING**

SIMPLE SUBDIVISION or MODIFICATION (VACATION, REPLAT, ETC)	
Non-refundable Down Payment (due at the time of application)	\$100
Final Payment (due when final plat is submitted to Land Planning)	\$200
Additional Fee for Retroactive Permit for Non-Compliant Subdivision	\$100
MOBILE HOME COURT SUBDIVISION	
Non-refundable Down Payment (due at the time of application)	\$250
Final Payment (due when final plat is submitted to Land Planning)	\$250 minimum or \$25.00 per lot up to a maximum fee of \$1,500
MAJOR SUBDIVISION or MAJOR SUBDIVISION AMENDMENT	
Non-refundable Down Payment (due at the time of application)	\$250
Final Payment (due when final plat is submitted to Land Planning)	\$250 minimum or \$25.00 per lot up to a maximum of \$1,500
SUBDIVISION EXEMPTION APPLICATION	
Processing fee (ensure the correct exemption is used)	\$20

RESOLUTION NO. 2022-#7
RESOLUTION FOR THE ADOPTION OF AMENDED
SUBDIVISION REGULATIONS FOR BIG HORN COUNTY

WHEREAS, Article 3 of the Wyoming Statutes (W.S. 18-5-301 through 18-5-315) authorizes the board of county commissioners to regulate and control the subdivision of land in unincorporated areas;

WHEREAS, the following proposed amended Subdivision Regulations of Big Horn County of 2012 have been recommended by the Big Horn County Planning and Zoning Commission;

WHEREAS, the Board of County Commissioners have given notice of public hearing thereon by two publications in the newspapers of general circulation in Big Horn County, such hearings having been held on December 22, 2021, and January 18, 2022, and this Board having given full consideration thereto; and

WHEREAS, the Board of County Commissioners deem it necessary and advisable to adopt these Subdivision Regulations, as amended, for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of Big Horn County, Wyoming, by establishing minimum standards for the design and development of subdivisions;

NOW, THEREFORE, BE IT RESOLVED that this County hereby adopts the following Subdivision Regulations for Big Horn County, amended during the period between April 2014 and December 22, 2021.

Be it further resolved that all existing or previously adopted subdivision regulations for Big Horn County, Wyoming, are repealed and superseded by these "Subdivision Regulations for Big Horn County, Wyoming."

PASSED, APPROVED and ADOPTED this 18th DAY OF JANUARY 2022.

By: Dave Neves

Dave Neves, Chairman
Big Horn County Commissioner

not in attendance

Felix Carrizales
Big Horn County Commissioner

Bruce Jolley

Bruce Jolley
Big Horn County Commissioner

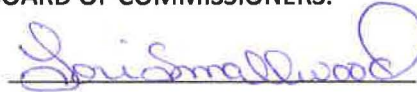
ATTEST:

Lori Smallwood

Lori Smallwood, Big Horn County Clerk

CERTIFICATE

I, Lori Smallwood, Clerk of Big Horn County, hereby certify that the foregoing Resolution was adopted by the BIG HORN COUNTY BOARD OF COMMISSIONERS at a public meeting held on January 18, 2022, and that the meeting was held in accordance with applicable law; and that said Resolution has been duly entered in the RECORD of the BIG HORN COUNTY BOARD OF COMMISSIONERS.



SUBDIVISION REGULATIONS
FOR
BIG HORN COUNTY, WYOMING

ADOPTED November 10, 1975
AMENDED June 21, 1978
AMENDED October 3, 1979
AMENDED October 19, 2004
AMENDED August 1, 2006
AMENDED April 17, 2012
AMENDED Januray 18, 2022

Table of Contents

CHAPTER 1. ADMINISTRATION	5
Section 1 – Title	5
Section 2 – Statutory Authority.....	5
Section 3 – Findings of Fact.....	5
Section 4 – Statement of Purpose.....	6
Section 5 – Lands to Which These Regulations Apply.....	6
Section 6 – Fees.....	7
Section 7 – Enforcement	7
Section 8 – Penalties	7
Section 9 – Falsification of Information	8
Section 10 – Burden of Proof	8
Section 11 – Interpretation	8
Section 12 – Warning and Disclaimer of Liability.....	8
Section 13 – Severability	8
Section 14 – Repeal of Conflicting Provisions	8
CHAPTER 2. DEFINITIONS	9
Section 1 – General Provisions.....	9
Section 2 – Definitions	9
CHAPTER 3. GENERAL REQUIREMENTS FOR SUBDIVISIONS	13
Section 1 – General requirements	13
Section 2-- Documentation Required.....	14
Section 3 – Lands Unsuitable for Subdivision	15
Section 4 – Proof of Adequate Access	16

Section 5 – Wastewater Management	16
Section 6 – Water Supply and Water Rights	17
Section 7 –Preliminary Plat Requirements	18
Section 8--Required Notices and Responses.....	20
CHAPTER 4. FINAL PLAT REQUIREMENTS.....	23
Section 1--General Requirements for Final Plats.....	23
Section 2--Final Plat Layout Elements.....	23
Section 3--Required Certificates.....	25
Section 4 – Planning And Zoning Commission Review and Approval	26
Section 5 – Board of County Commissioners Review and Approval	26
CHAPTER 5. EXEMPTIONS	27
Section 1—General Requirements for Exemptions	27
Section 2 –Types of Exemptions	27
CHAPTER 6. SIMPLE SUBDIVISION REQUIREMENTS	30
Section 1-- Simple Subdivision Requirements	30
Section 2--Filing requirements.....	30
Section 3--Exemptions from Subdivision Requirements.....	30
CHAPTER 7. MANUFACTURED HOME COURT REQUIREMENTS.....	31
Section 1 – Manufactured Home Court Requirements	31
Section 2 – Access	31
Section 3 – Manufactured Home Court Final Plat Requirements.....	32
CHAPTER 8. MAJOR SUBDIVISION REQUIREMENTS	34
Section 1 –Major Subdivision Requirements	34

Section 2 – Filing Requirements.....	34
Section 3 – Access and Roads	34
CHAPTER 9. MODIFICATIONS OF RECORDED PLATS	36
Section 1 – Vacation of a Plat or a Portion Thereof.....	36
Section 2 – Amending Recorded Plats	37
Section 3—Re-plats.....	38
CHAPTER 10. APPEAL PROCESS.....	40
Section 1 – Filing an Appeal	40
Section 2 – Hearing	40
Section 3 – Decision on Appeal:.....	40
CHAPTER 11. VARIANCES.....	42
Section 1--Variance Criteria.....	42
Section 2--Variance Process.....	42
APPENDIX	1
APPLICATION FOR EXEMPTION	
AFFIDAVIT OF EXEMPTION	

CHAPTER 1. ADMINISTRATION

SECTION 1 – TITLE

These regulations shall be known as the Subdivision Regulations for Big Horn County, Wyoming and may also be referred to as the “subdivision regulations” or “these regulations.”

SECTION 2 – STATUTORY AUTHORITY

- A. The Legislature of the State of Wyoming, in W.S. 18-5-301, authorizes each board of county commissioners to regulate and control the subdivision of land in unincorporated areas of the county. W.S. 18-5-305 allows for the adoption and enforcement of these regulations.
- B. The Board of County Commissioners of Big Horn County, Wyoming, has appointed a Land Planner with supporting staff to oversee land subdivision processes in unincorporated Big Horn County.
- C. The Board established the Big Horn County Planning and Zoning Commission, pursuant to W.S. 18-5-202, giving them authority to review and provide recommendations for subdivisions in the unincorporated areas of the County.

SECTION 3 – FINDINGS OF FACT

The Board of County Commissioners of Big Horn County, Wyoming, have found that the improper and ill-planned subdivision of lands in neighboring states and counties, and Big Horn County itself, has adversely affected the health and well-being of the public. Among these adverse effects are:

- 1. Loss of access to individual tracts of privately-owned land.
- 2. Decreased access to public lands.
- 3. Traffic hazards resulting from ill-planned transportation systems and increased traffic loads on existing roads and highways.
- 4. Sale of residential lots where no effective means of sewage disposal is available and the consequent pollution of ground and surface water.
- 5. Disruption of irrigation systems.
- 6. Loss of valuable topsoil and consequent damage to stream channels, irrigation systems, crops, roads, bridges, reservoirs and municipal water supplies.

7. Loss of wildlife habitat.
8. Loss or impairment of scenic resources.
9. Loss of property, public improvements and life, which may result when subdivisions are improperly located with respect to steep slopes, floodplains and areas prone to geologic hazards.
10. Costly and illogical extension of municipal and county services brought on by "leapfrog" developments.
11. Increased costs of rural fire protection, law enforcement, road maintenance and other public services.
12. Conversion of productive agricultural lands to residential or other uses.
13. Possible conflicts among land uses in subdivided areas.

SECTION 4 – STATEMENT OF PURPOSE

It is the purpose of these regulations to protect the general health and welfare of the citizens of Big Horn County by preventing or mitigating the potential adverse effects of poorly planned subdivisions, as listed in Section 3 – Findings of Fact, while providing for the orderly growth, development and division of land within the county.

SECTION 5 – LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply to the unincorporated areas of Big Horn County, Wyoming. Nothing in these regulations is intended to allow uses that are otherwise prohibited by other existing regulations.

No person shall sell land subject to subdivision regulation without first completing the subdivision process in the manner prescribed in these regulations, pursuant to W.S. 18-5-304 through 18-5-306.

SECTION 6 – FEES

- A. Any proposed modification to the fee schedule related to subdivisions shall be reviewed by the Planning and Zoning Commission prior to going before the Board of County Commissioners for review and consideration.
- B. The submission of an application for a subdivision shall be accompanied by a non-refundable fee.
- C. The submission of a final plat for consideration by the Planning and Zoning Commission and the Board of County Commissioners shall be accompanied by final payment, including the current fee for recording the plat and any supporting documentation.

SECTION 7 – ENFORCEMENT

- A. The Board of County Commissioners may act upon a violation or attempted violation of any provision of these regulations as provided in W.S. 18-5-311 through 18-5-314.
- B. No owner or agent of an owner of any land shall transfer or sell any land by reference to, exhibition of, or use of a plan or plat of a subdivision before such plan or plat has been approved and recorded, unless exempt from these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from these regulations.
- C. All subdivision applications submitted after the effective date of these regulations shall comply with the requirements of these regulations.
- D. Any subdivision application pending on the effective date of these regulations shall be processed in accordance with the regulations in effect at the time the application was submitted.

SECTION 8 – PENALTIES

Any person who willfully violates any provision of these regulations, and any person who, as an agent for an applicant, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivision lots without first complying with the provision of these regulations, shall upon conviction be fined not more than five hundred dollars (\$500.00) 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 the violation constitutes a new offense. (Refer to W.S. 18-5-314)

SECTION 9 – FALSIFICATION OF INFORMATION

Any person who intentionally falsifies or distorts information required by these regulations shall be subject to the penalties provided in W.S. 18-5-313.

SECTION 10 – BURDEN OF PROOF

The burden of proof shall, in all proceedings under these regulations, be assigned to the applicant.

SECTION 11 – INTERPRETATION

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 12 – WARNING AND DISCLAIMER OF LIABILITY

These regulations shall not create liability on the part of Big Horn County or by any officer or employee thereof for damages that result from reliance on these regulations or an administrative decision lawfully made hereunder.

SECTION 13 – SEVERABILITY

The regulation is hereby declared to be severable. Should any portion of these regulations be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the regulation before the declaration of partial invalidity.

SECTION 14 – REPEAL OF CONFLICTING PROVISIONS

These regulations shall not in any way impair or remove the necessity of compliance with any other laws, regulations, etc. Where other county or state regulations apply concurrently with this regulation, the stricter shall govern.

CHAPTER 2. DEFINITIONS

SECTION 1 – GENERAL PROVISIONS

This chapter contains definitions of terms used throughout these regulations. The following rules of construction shall apply to the text of these regulations:

- A. Unless specifically defined in Chapter 2, words or phrases used in these regulations shall be interpreted according to the meaning they have in common usage.
- B. Bolded terms were selected from W.S. 18-5-302; the definitions may have been modified to provide clarity sought by Big Horn County.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. The Land Planning Department staff shall interpret all definitions and their application in these regulations. Appeals of the Land Planning Department staff interpretation may be submitted to the Big Horn County Planning and Zoning Commission for review and recommendation and to the Board of County Commissioners for final determination.

SECTION 2 – DEFINITIONS

“Access” means a means of approaching, entering or exiting a parcel of land.

“Adjacent landowner” means the owner of land contiguous to and/or across the street, road or highway from another parcel of land.

“Affidavit” means a sworn statement in writing affirmed before an authorized magistrate or officer.

“Board” means the Big Horn County Board of Commissioners.

“Commission” means the Big Horn County Planning and Zoning Commission.

“County” means Big Horn County, Wyoming.

“Easement” means the right given by the owner of land to another party for specific limited use of that land; contained in the deed to the property or in a separate instrument recorded against the property.

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

“Exemption” means a land division that creates new parcels and is not subject to the subdivision permit requirements of W.S. 18-5-304; documentation requirements do apply.

“Floodplain” means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of a flood.

“Irrigation District” means an organized district that is subject to the provisions of Title 41, Chapter 7 of the Wyoming Statutes.

“Land owner” means a person or persons holding legal title to a parcel of land.

“Major Subdivision” means the subdivision of one unit of land into more than five lots, each smaller than 35 acres.

“Manufactured Home” means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 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 in the structure. This term includes all structures that meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to § 3282.13 of this chapter and complies with the construction and safety standards set forth in this part 3280. The term does not include any self-propelled recreational vehicle. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows. Nothing in this definition should be interpreted to mean that a manufactured home necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b). (From the Code of Federal Regulations, Title 24, Part 3280.2.)

“Manufactured Home Court (Park)” or Manufactured (Mobile) Home Court Subdivision— Where more than five manufactured (mobile) homes are placed on a parcel, regardless of the size of the parcel, acquisition of a manufactured home court subdivision permit is required.

"Municipality" means an incorporated city or town including all property within its corporate limits.

"Parcel" means a contiguous piece of property lawfully created or conveyed of record as a single piece of property.

"Plat" means a document, drawn to scale, showing the divisions of a piece of land. Plats are most often drawn up by a surveyor but in some instances may be drawn by others.

"Final Plat" is the plat submitted for recording, after preliminary approval and survey has been completed.

"Preliminary Plat" is the first rendering of the plat submitted to the proper authorities for review and approval. The preliminary plat typically includes more details than are required on the final plat.

"Re-plat" means the re-subdivision of a lot, tract or parcel that is part of a platted subdivision, or the relocation or addition of roads within an existing subdivision. The re-plat may result in a decrease or increase in lots.

"Right-of-way" means an area dedicated to public use for pedestrian, equestrian or vehicular movement; railroads; public utilities; and water and sanitary sewer facilities.

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

"Sewage system" 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.

"Simple Subdivision" means a division of one unit of land into no more than five (5) lots, each smaller than 35 acres.

"Special Flood Hazard Area" means the land in the floodplain within Big Horn County subject to a one percent or greater chance of flooding in any given year.

“Applicant” means any person who lays out any subdivision or parts thereof either for the account of the applicant or others.

“Subdivision” means the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, financing or refinancing, 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.

“Substantial Changes” include any changes that significantly affect the size or layout of the proposed subdivision. These changes include but are not limited to: additions to or removal of roads or portions thereof, lot size changes greater than ½ acre or the increase in the number of lots in the subdivision.

“Variance” means a grant of relief from all or portion of the requirements of these regulations which permits construction or use in a manner that would otherwise be prohibited by these regulations.

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

CHAPTER 3. GENERAL REQUIREMENTS FOR SUBDIVISIONS

Any land that is to be subdivided in the unincorporated areas of Big Horn County is required to complete the process according to these regulations. This chapter applies to all types of subdivisions except as noted within these regulations.

SECTION 1 – GENERAL REQUIREMENTS

- A. All proposed subdivisions must be accompanied by the appropriate application and preliminary plat. Submission of an application and preliminary plat to the Land Planning Department does not constitute approval of the subdivision.
- B. It is highly recommended that the applicant contact the Big Horn County Land Planning Department to discuss the intent to subdivide land in unincorporated Big Horn County prior to submittal of an application.
- C. Notification to the public and other parties of the intent to subdivide may be required. Proof of notifications, when required, must be submitted to the Land Planning Department.
- D. Filing of any type of application under these regulations constitutes permission for the Land Planning Department staff to conduct an on-site inspection. In cases where inclement weather or a snowpack make inspection impractical, the consideration of the application may be postponed until the inspection is possible.
- E. Upon review of a completed application and preliminary plat, the Land Planning Department will determine if additional permits or documentation are required. Examples of conditions that may warrant additional documentation include, but are not limited to, the following:
 - 1. Addressing issues
 - 2. Access issues
 - 3. The presence of one or more of the following within the proposed subdivision:
 - a. Floodplain
 - b. Wetlands
 - c. Other conditions regulated by State or Federal departments

- F. When all requirements of the subdivision application have been met, a summary of the plan for the proposed subdivision shall be presented by Land Planning staff at the next regularly scheduled meeting of the Planning and Zoning Commission. It is recommended, but not required, that the applicant attend the meetings where the subdivision is an item for discussion.
- G. After approval and when all required conditions have been met, the final plat can be submitted along with the applicable fee and recording cost to the Land Planning Department for review.
- H. The applicant shall have two years from the date of approval of the preliminary plat to present an approved final plat for review and signature. If the applicant does not complete this action within the required time frame, the approval will expire. The applicant may request an extension by submitting a written request to the Land Planning office for approval by the Planning and Zoning Commission prior to the expiration date of the preliminary plat approval.

SECTION 2 – DOCUMENTATION REQUIRED

In addition to the plat requirements noted in this chapter, the following documentation is required:

- A. At the time of preliminary application:
 - 1. A Title report issued by a title agency dated within a year of the time of submittal of the subdivision application is required in accordance with Wyoming Statutes 18-5-306(a)(iii).
- B. At the time of final plat submission:
 - 1. If there is an existing mortgage on the property, an affidavit from the mortgage holder is required, stating that they do not object to the subdivision.
 - 2. If the title report submitted with the preliminary plat is over one-year-old, an updated title report is required. If no changes have occurred, a signed Affidavit of No Change may be acceptable.

SECTION 3 – LANDS UNSUITABLE FOR SUBDIVISION

A. No land shall be subdivided which is deemed unsuitable for the proposed use for reasons which may include:

- Flooding
- Inadequate drainage
- Soil and rock formations with severe limitations for development
- Severe erosion potential
- Unfavorable topography
- Incompatible surrounding land use
- Inadequate water supply or sewer disposal capabilities
- Presence of or proximity to high voltage lines
- Presence of or proximity to high pressure gas lines
- Danger from fire or explosion or other hazardous features
- Any other condition likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or surrounding areas.

The presence of these conditions does not preclude subdivision approval provided the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.

B. The Land Planning Department and Planning and Zoning Commission shall determine the issue of suitability or unsuitability as part of the application and plat review process. The applicant shall be afforded the opportunity to present evidence regarding the issue of suitability or unsuitability at the public hearing set to consider the plat. At the hearing, any party may appear in person or by agent or attorney. Following the hearing, the Planning and Zoning Commission shall issue a written decision which shall set forth the facts upon which the conclusion of unsuitability, conditional approval or rejection is based.

SECTION 4 – PROOF OF ADEQUATE ACCESS

- A. The applicant shall provide recorded proof that permanent adequate access has been provided to each subdivision lot proposed, including parcels which may be exempted from these regulations but are affected by the creation of the proposed lots.
- B. If any public road abuts the property, they shall be identified on the plat. If no public road abuts the property, proof of recorded access to the parcel shall be provided and noted on the plat.
- C. Where a road maintained by the county will provide the intended point of access to the subdivision parcel(s), an access permit must be secured from the Engineering Department. Where access is planned along a state-maintained thoroughfare, a permit from the Wyoming Department of Transportation (WYDOT) must be secured. If the access is existing, proof of approval from the appropriate entity is required.

SECTION 5 – WASTEWATER MANAGEMENT

- A. Where individual, on-lot sewage systems are proposed a septic application is required to be submitted and the system(s) must comply with the Big Horn County small wastewater facilities regulations.
- B. Where utilization or connection to an existing private or public sewage system is proposed, the applicant shall provide documentation that application to such entity has been made and the entity can and will provide service.
- C. If the applicant proposes to utilize adjoining property for sewers or sewer lines, the applicant shall provide copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend, except that the board may accept copies of binding easements of a width less than twenty (20) feet if the subdivider demonstrates to the board's satisfaction that the easement is adequate to protect the safety and health of the public and provides adequate access for the maintenance of the facilities.
- D. If no systems are proposed, a soils report, percolation test and groundwater cut are required to be submitted with the preliminary plat. No groundwater cut/perc test required if lots are larger than five acres.

SECTION 6 – WATER SUPPLY AND WATER RIGHTS

- A. Where utilization or connection to an existing private or public water system is proposed, the applicant shall provide documentation that application to such entity has been made and the entity can and will provide service.
- B. Wyoming Statute 18-5-306(a)(xi) provides for the disposition of water rights appurtenant to the lands involved in a proposed subdivision development prior to its approval by county officials.
 - 1. If there are no water rights found on the lands to be subdivided, the applicant shall obtain a statement from the State Engineer's Office confirming this fact.
 - 2. If the proposed subdivision is within an irrigation district, the applicant shall submit a plan for distribution of water rights within and through the subdivision, certified by a Professional Engineer or Land Surveyor, to the State Engineer in accordance with Wyoming Statute 18-5-306. A copy of the distribution plan shall be provided to the affected irrigation district(s).
 - 3. In the case of an unorganized ditch or pipeline system, the applicant shall submit a plan for distribution of water rights within and through the subdivision to the remaining appropriators for comment. The remaining appropriators shall have 30 days to review and comment on the proposed water distribution plan. The comments shall be submitted to the Land Planning Office along with a copy of the water distribution plan prior to approval of the preliminary plat.
 - 4. The Water Distribution plan must show or satisfy that:
 - 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. The water right items to be shown on the distribution plan shall include:

- 1) Permit number, proof and certificate record (if adjudicated), court decree priority (if applicable), stream name, name of supply facility, priority date and source of the water right(s).
- 2) Number of acres permitted or adjudicated and currently being actively irrigated.
- 3) The facility that conveys water from the source stream to the proposed subdivision shall be shown in its entirety on the location map.
- 4) The means of conveyance of the water shall be shown on each lot entitled to water delivery. Culverts to convey the delivery under driveways and streets shall be shown.
- 5) Contour lines, direction of slopes or other means of showing direction of water flow shall be included.
- 6) Property owners are responsible for drainage of their waste water. Depict how waste water is to be managed to insure it does not damage adjoining lands nor alter historic return flow patterns.
- 7) Since 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. A statement to this effect shall be included in the water distribution plan.

SECTION 7 –PRELIMINARY PLAT REQUIREMENTS

- A. Plats shall include all required information as well as any additional information to clearly show the intended action of the applicant.
- B. The size of the plat shall be such that it is clear and legible. Multiple pages are allowed.
- C. Preliminary plats must contain the following features (other features may be required):
 1. Date of preparation
 2. Scale: The drawing shall be made at a scale that is clear and legible.
 3. North arrow
 4. Vicinity Map showing the total area to be subdivided, along with the following:
 - a. Roads, water bodies, watercourses or other landmarks
 - b. Public Land Survey System (PLSS) layers

5. Location and width of Existing and proposed roads, alleys, public ways
6. Location and width of Utility rights-of-way/easements
7. Existing and/or proposed permanent buildings and structures
8. Irrigation and/or drainage ditches and related structures
9. Streams, lakes, ponds (of a size requiring a permit from the State Engineer's Office) or similar natural watercourses
10. Current floodplain boundary, if applicable
11. Airport protection zone, if applicable
12. Contour lines (in particular where steep gradients occur)
13. Parks or other public land boundaries
14. Existing wells and/or septic systems
15. Parcel Details
 - a) Boundary lines for the parcel being split and all non-exempt lots created by the subdivision
 - 1) Labels for the bearings, distance and curve data of all lines both within and around the perimeter of the subdivision.
 - Labels shall be legible and unobstructed by other features on the plat.
 - Labels shall not overlap.
 - A line table is acceptable where labels cannot otherwise be placed legibly on the plat.
 - 2) For all curves on the plat, sufficient data shall be provided to enable the re-establishment of the curves on the ground. Curve data may be provided in a table and shall include:
 - Radius
 - Delta Angle
 - Arc Length
 - Notation of non-tangent curves
 - 3) Lengths shall be shown to at least hundredths of a foot, and angles or bearings shall be shown to at least the nearest second.
 - b) Basis of bearings for the survey shall be provided
 - c) Total acreage of subdivision, gross and net
 - d) Acreage of each proposed lot to the nearest one-hundredth of an acre
 - e) Labels for each proposed lot (ex. Lot A, Lot B or Lot 1, Lot 2)

- f) Identification of exempt parcels, if applicable
 - g) Access location and/or notation regarding recorded proof of access for each parcel, including exempt parcels
- D. A request for the addition, deletion or modification of elements from any plat may be recommended by the Land Planning Department, Planning and Zoning Commission and/or Board of County Commissioners at any time throughout the subdivision review process.

SECTION 8 – REQUIRED NOTICES AND RESPONSES

The following notices and responses are required for ALL non-exempt subdivisions:

- A. Public Notice: The applicant shall publish a notice of intent to subdivide in the local newspaper, once each week for two consecutive weeks. The notice shall include the name(s) of the landowner(s), the general location of the land to be divided and the size(s) of the lot(s) proposed. The applicant shall submit an affidavit of publication to the Land Planning Department as part of this requirement.
- B. Adjacent Landowner Notice: The applicant shall send a notice of intent to subdivide, including a copy of a map/preliminary plat identifying the plan for the subdivision, to each owner of land adjacent to the parcel being divided. The notice shall include the name(s) of the landowner(s) subdividing the land, the general location of the land to be divided and the size(s) of the lot(s) proposed. Notice shall be sent via certified mail (requiring receipt confirming delivery) to the last known address of each adjacent landowner.
- C. Town Notice: If any part of the proposed subdivision lies within one (1) mile of the boundaries of an incorporated town, the applicant shall notify the town of the intent to subdivide along with a copy of the preliminary plat and request review and recommendation. In accordance with W.S. 34-12-103.
- D. Fire District Notice: If the subdivision is located within the boundaries of a fire district, the applicant shall notify the fire district of the intent to subdivide along with a copy of the preliminary plat and request review and recommendation from the fire district regarding fire protection for the lots proposed.
- E. Irrigation District Notice: If the subdivision is located within the boundaries of an irrigation district that is subject to Title 41, Chapter 7 of the Wyoming statutes, or served by a ditch or irrigation company or association, the applicant shall notify the district of the intent to subdivide along with a copy of the preliminary plat and proposed water distribution plan and request a review and recommendations from the irrigation district regarding the attached water rights and the irrigation district's easements.

- F. **Drainage District Notice:** If the subdivision is located within the boundaries of a drainage district, the applicant shall notify the district of the intent to subdivide along with a copy of the preliminary plat and request review and recommendation from the drainage district.
- G. **Conservation District Notice:** In accordance with W.S. 18-5-306(b), the applicant shall obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The applicant will notify the appropriate conservation district of the intent to subdivide along with a copy of the preliminary plat and a soils map and request review and recommendation be completed within sixty (60) days of receipt.
- H. **Water System Access Confirmation:** Where utilization or connection to an existing private or public water system is proposed, the applicant shall provide documentation that application to such entity has been made and the entity can and will provide service.
- I. **Sewer System Access Confirmation:** Where utilization or connection to an existing private or public sewage system is proposed, the applicant shall provide documentation that application to such entity has been made and the entity can and will provide service.

Additional notification may be required during the Land Planning Department's review of the proposed subdivision. Proof of notification and the required responses must be submitted to the Land Planning Department for all of the reviews required by this section. In the event the applicant does not receive timely response, the Land Planning Department may attempt to contact the agency/district/entity to elicit a response.

CHAPTER 4. FINAL PLAT REQUIREMENTS

SECTION 1—GENERAL REQUIREMENTS FOR FINAL PLATS

- A. No substantial changes, modifications or revisions shall be made to a plat after approval and prior to recording of the final plat without the written consent of the Board of County Commissioners.
- B. Prior to submitting the copy for recording, the Land Planning staff shall review the final plat. When the format of, and information on, the final plat has been approved by the Land Planning office, the final plat shall be prepared for recording and submitted for signatures to all required parties.

SECTION 2—FINAL PLAT LAYOUT ELEMENTS

The final plat shall be sized such that it is clear and legible. Multiple pages are allowed. The following elements may be required on the final plat:

- A. Title block: The following items must appear at the same location on each page:
 - 1. Official subdivision number assigned by the Land Planning Department (ex. 15-020)
 - 2. The subdivision name (ex.- Smith Simple Subdivision), which shall not be such that it tends to duplicate that of another existing subdivision.
 - 3. Location of the subdivision including quarter-section/section/lot/tract, township and range, principal meridian and county or other proper legal description of the subdivision. If the legal description is too long to fit in the title block, reference a note on the plat.
- B. Date of preparation
- C. Scale: The drawing shall be made at a scale that is clear and legible.
- D. North arrow
- E. Vicinity Map showing the total area to be subdivided, along with the following:
 - 1. Roads, water bodies, watercourses or other landmarks
 - 2. Public Land Survey System (PLSS) layers
- F. Location and width of Existing and proposed roads, alleys, public ways or other means of access for each parcel, including exempt parcels.
- G. Location and width of Utility rights-of-way, easements
- H. Basis of bearings for the survey shall be provided
- I. Total acreage of subdivision, gross and net
- J. Acreage of each proposed lot to the nearest one-hundredth of an acre

- K. Labels for each proposed lot (ex. Lot A, Lot B or Lot 1, Lot 2)
- L. Identification of exempt parcels, if applicable
- M. All monuments found, set, reset or replaced
 - 1. Each lot corner shall be monumented with permanent markers. Witness or reference monuments may be used as necessary.
 - 2. The description of all monuments (including their kind, size and location) shall be shown either by legend or separate description.
- N. The approved point of access and permit number, if assigned, must be noted on the plat.
- O. If the County is under no obligation to repair, maintain or accept any dedication of private roads identified or proposed by the applicant, a note shall be required on the subdivision plat in bold, capital letters which reads: **"NO PUBLIC MAINTENANCE OF STREETS OR ROADS."**
- P. The words **"NO PROPOSED CENTRALIZED SEWAGE SYSTEM,"** in bold, capital letters, shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision in the case where individual systems are proposed.
- Q. If the entire subdivision does not lie within a fire protection district and no city, town or fire protection district is obligated to provide fire protection pursuant to an agreement authorized by law, the applicant shall note the following on the subdivision plat in bold, capital letters: **"LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED."**
- R. Where individual, on-lot wells are proposed, the following shall be required on the final plat:
 - 1. The words **"NO PROPOSED CENTRAL WATER SUPPLY SYSTEM,"** in bold, capital letters, shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.
 - 2. Water availability shall be listed on the subdivision plat using one of the following categorical statements:
 - a. **"WATER NOT PROVEN"**
 - b. **"WATER HAS BEEN PROVEN THROUGH AN EXISTING PERMITTED GROUNDWATER WELL ON THE PROPERTY TO BE SUBDIVIDED"** (Proof of permit must be submitted to the Land Planning Department and noted on the plat.)
 - c. **"WATER HAS BEEN PROVEN, BUT QUALITY IS QUESTIONABLE"** (Proof of water availability must be submitted to the Land Planning Department and noted on the plat.)
 - d. **"POTABLE WATER IS PROVEN ON EACH LOT"** (Proof of potable water availability must be submitted to the Land Planning Department and noted on the plat.)

S. Other Special Notes

1. Mineral Estate: The words, **"THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE,"** in bold, capital letters. This statement, upon approval of the plat, must be placed on all offers, contracts or agreements for the sale and purchase of lots within the subdivision pursuant to W.S. 18-5-306(d).
2. Notes identifying any limitations from required sewage studies, water studies, town reviews, conservation district reviews, irrigation/drainage district reviews or fire protection district reviews shall be included on the final plat.
3. Other notes as deemed necessary by the Land Planner, the Planning and Zoning Commission and/or the Board of County Commissioners.

SECTION 3—REQUIRED CERTIFICATES

- A. Certificate of Surveyor: The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed in the State of Wyoming. The plat shall be properly sealed and signed according to Wyoming Statutes.
- B. Certificate of Owner(s): The plat shall include a notarized statement regarding the ownership of lands.
 1. If one or more of the owners listed on the current deed for the parcel being subdivided is deceased, the remaining responsible party/parties must file or show proof of recording of an Affidavit of Survivorship in the Office of the County Clerk.
 2. A plat will not be placed before the Planning and Zoning Commission or Board of County Commissioners for review and consideration without proof of a recorded Affidavit of Survivorship.
- C. Confirmation of Notice : The plat shall include places for noting the notice to the town (if applicable), the Planning and Zoning Commission and the Board of County Commissioners.
- D. Certificate of Recordation: The plat shall include place for noting the acceptance of the plat by the Office of the Clerk and Recorder.
- E. Samples of each type of certificate can be found in the Appendix.

SECTION 4 – PLANNING AND ZONING COMMISSION REVIEW AND APPROVAL

- A. Upon completion of all requirements of preliminary approval, the Land Planning Department shall present the final subdivision plat and supporting documents to the Big Horn County Planning and Zoning Commission for review and consideration.
- B. It is recommended that all materials be submitted at least ten (10) days prior to the next Planning and Zoning Commission meeting. The Land Planning Department may be able to accommodate a shorter window of time between submission of materials and the meeting date.
- C. If the Planning & Zoning Commission does not review the final plat within forty-five (45) days of a complete submittal, the plat will be deemed approved by that body and will move on in the process.

SECTION 5 – BOARD OF COUNTY COMMISSIONERS REVIEW AND APPROVAL

- A. Following the Planning and Zoning Commission's review and consideration of the final plat, the Land Planning Department shall present the plat at the next regularly scheduled meeting of the Board of Commissioners.
- B. The Board shall approve or disapprove the subdivision application within forty-five (45) days after receiving a report from the Planning and Zoning Commission or a notice of no action.
- C. If the Board approves the plat, they shall indicate such by having each member sign the plat, attested by the County Clerk. The Board members' signatures signify approval of the subdivision.
- D. If the Board does not approve the plat, they may request additional information, plat changes or documentation for final consideration. In such cases, the requested conditions must be met before the Land Planning Department will present the subdivision plat for another review.
- E. Following the signing of the final plat by the Board, the Land Planning office will record the plat with the County Clerk within five business days.

CHAPTER 5. EXEMPTIONS

SECTION 1—GENERAL REQUIREMENTS FOR EXEMPTIONS

An exemption is a land division that is not subject to the subdivision requirements of W.S. 18-5-304. Land divisions that meet the qualifications for an exemption are not required to meet the stipulations of Chapter 3, General Requirements for Subdivisions.

- A. All property owners intending to subdivide their property using one of the exemptions must first submit an Application for Exemption to the Land Planning office for review and approval. The submission shall include documentation as necessary that supports the type of exemption requested.
- B. The Land Planning office shall review the completed Application for Exemption and notify the applicant if the request meets the requirements for the exemption within ten business days.
- C. Upon notification that the request meets the qualifications for an exemption, a Big Horn County Land Division Affidavit, shall be provided to the applicant and shall accompany the filing of any warranty deed, quitclaim deed, notice of sale, contract for deed, agreement or any other instrument used to transfer land in unincorporated Big Horn County as an exemption.
- D. Any parcel created in Big Horn County by way of an exemption to the Subdivision Regulations requires prior recordation of proof of permanent access to the land being transferred if the parcel does not abut a public road.

SECTION 2—TYPES OF EXEMPTIONS

- A. Pursuant to W.S. 18-5-303, unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these regulations, these regulations shall not apply to the following subdivisions of land; **however**, the following subdivisions are subject to the documentation requirements in Section 1 of this Chapter.
 - 1. **Family Exemption:** 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 all of the following requirements.
 - a. Immediate Family – 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. Purpose – The purpose of the division is to provide for the housing, business or agricultural needs of the grantee.

- c. The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period prior to the division of not less than five (5) years for land titled before February 27, 2019, or ten (10) years for land titled on or after February 27, 2019. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years, or for not less than one (1) year if the parcel was created before February 27, 2019, unless the parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
 - d. Less Than Five Acres – 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. Corporations – Where the landowner is a business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by, or in the name of a trust controlled by, individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift.
- 2. **Court Ordered:** A division which may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state, except that this paragraph shall not exempt a partition of real property pursuant to W.S. 1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article.
 - 3. **Mortgage:** A division which is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way. A mortgage parcel may not be sold independent of the parcel from which it originated unless the property owner completes the applicable subdivision process as described in these regulations.
 - 4. **Municipal:** Lands located within incorporated cities or towns. Municipal ordinances may regulate land divisions within municipal boundaries.
 - 5. **Political Division:** A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof.
 - 6. **Railroad:** A division which affects railroad right-of-ways.

7. **Agricultural:** A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes.
 8. **Boundary Line Adjustment:** A division which is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee.
 9. **Cemetery:** A division which creates cemetery lots.
 10. **Joint Tenancy/Tenants in Common:** 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; the interest shall be deemed for purposes of this subsection as only one (1) interest.
 11. **Unmanned Facilities:** A division of land creating a parcel five (5) acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations or similar unmanned facilities.
 12. **Separate Parcels:** 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.
 13. **Cluster Development:** A division which creates a cluster development pursuant to and in accordance with article 4 of this chapter.
- B. Except as provided in W.S. 18-5-316, these regulations 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.

CHAPTER 6 SIMPLE SUBDIVISION REQUIREMENTS

SECTION 1 – SIMPLE SUBDIVISION REQUIREMENTS

Simple Subdivision – A simple subdivision is a division of a single parcel into no more than five (5) lots, where each lot is under thirty-five (35) acres.

A land division shall not be classified as a simple subdivision if any of the following are present:

- A. The subdivision will be served by a central sewage system not owned or operated by a public entity.
- B. The subdivision will be served by a central water supply system not owned or operated by a public entity.
- C. The land to be divided is located within a platted subdivision.

SECTION 2 – FILING REQUIREMENTS

To be considered at a Planning & Zoning Commission meeting, an application for a simple subdivision must meet the following requirements:

- A. The application must be received in the Land Planning office at least ten days prior to a regular meeting of the commission.
- B. The application must include all required documents and be deemed complete by the Land Planning Department in order to be placed on the agenda of the meeting.

SECTION 3 – EXEMPTIONS FROM SUBDIVISION REQUIREMENTS

No groundwater cut/perc test required if lots are larger than five acres.

CHAPTER 7. MANUFACTURED HOME COURT REQUIREMENTS

SECTION 1 – MANUFACTURED HOME COURT REQUIREMENTS

- A. Manufactured Home Court shall comply with the requirements of Chapter 3, General Requirements for Subdivisions, only if contemplated for subsequent sale of individual lots.
- B. The sections within this chapter outline additional requirements for the placement of more than five (5) manufactured homes on one parcel.
- C. Any Manufactured Home Court or Recreational Vehicle Park/Campground that is not required to comply with the requirements of Chapter 3, General Requirements for Subdivisions, must meet standards outlined in Chapter 11 of WY DEQ Water Quality Rules and Regulations.

SECTION 2 – ACCESS

- A. A minimum of two entrances to manufactured home courts shall have approved, permanent access to a public road.
- B. If the manufactured home court is isolated from public road access, the applicant shall provide recorded proof of easement(s) and/or right(s)-of-way to a public road.
- C. The interior road system shall provide for the convenient and safe circulation of vehicles into and out of the subdivision, as well as to individual lots. Manufactured homes must be 30' apart for fire safety.
- D. All roads within the boundaries of the manufactured home court shall be constructed to meet County road construction specifications.
- E. The construction and maintenance of all roads in the manufactured home court shall be the responsibility of the owner of the manufactured home park.

SECTION 3 – MANUFACTURED HOME COURT FINAL PLAT REQUIREMENTS

- A. The final plat shall consist of a site plan or record of survey prepared by a surveyor or engineer licensed in the state of Wyoming, showing the location of existing structures, roads, utilities, wastewater system(s), water system(s) and other infrastructure as well as the size and location of each manufactured home site. Distances between structures, roads, etc. shall be clearly shown. Additional information may be required as the Land Planner deems necessary.
- B. Manufactured home courts are exempt from the monumentation requirements of these regulations unless the property is going through a subdivision process in accordance with these regulations to allow separate ownership of the lots.
- C. Manufactured home sites within Manufactured Home courts are not separate lots and cannot be sold separately unless the property goes through a subdivision process in accordance with these regulations.

Manufactured home sites within Manufactured Home courts are not separate lots and are exempt from the monumentation requirements of these regulations unless the property is going through a subdivision process in accordance with these regulations to allow separate ownership of the lots.

CHAPTER 8. MAJOR SUBDIVISION REQUIREMENTS

SECTION 1 – MAJOR SUBDIVISION REQUIREMENTS

- A. Applications for a major subdivision must comply with Chapter 3, General Requirements for Subdivisions.
- B. The property proposed to be subdivided must go through the major subdivision process if any of the following are true:
 - 1. The subdivision involves more than five (5) lots, whether the property has been previously subdivided or not.
 - 2. The lots are all less than 35 acres.
 - 3. The subdivision does not qualify as any other type of subdivision under these regulations.

SECTION 2 – FILING REQUIREMENTS

Because of the complex nature of major subdivisions, the following apply:

- A. A pre-application meeting is recommended to be scheduled with the Land Planning Department prior to submittal of a major subdivision application.
- B. Applications must be submitted at least 30 days prior to a regularly scheduled meeting of the Planning & Zoning Commission.
- C. Applications must be deemed complete by the Land Planning staff in order to be placed on the agenda of the Planning & Zoning Commission.

SECTION 3 – ACCESS AND ROADS

- A. All new lots created with the proposed subdivision are required to have access to an existing approved road, unless new roads are being created with the proposed subdivision. A minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways.
- B. Roads must be completed prior to the recording of the final plat of the subdivision. A performance bond or other surety may be accepted on a case-by-case basis to allow the subdivision plat to be recorded prior to the completion of the roads. See the current county road regulations for requirements.

- C. Where roads are proposed as part of a subdivision, the roads shall be built to County standards. The developer may propose to build either public or private roads and the County may require that roads be offered for dedication to the public. Roads that are dedicated to the public are not considered County roads unless established as required by current county road standards. The County does not, as a general rule, adopt or maintain any roads within a subdivision or development. RAMP Chapter 3, 3.6.8.

CHAPTER 9. MODIFICATIONS OF RECORDED PLATS

SECTION 1 – VACATION OF A PLAT OR A PORTION THEREOF

- A. In accordance with W.S. 34-12-106 et. seq., any plat may be vacated at any time before the sale of lots by filing a written instrument duly executed with the County Clerk, provided that the vacation of the subdivision will not interfere with sound and proper development, nor deny public access to adjacent property, utilities or other improvements.
- B. The effect of vacation shall be to divest all public rights in the roads, alleys, commons and public ground laid out or described in said plat. In cases where any lots have been sold, the plat may be vacated provided all the owners of the lots in said plat join in the application to vacate.
- C. Any part of a plat may be vacated under the provisions and subject to the conditions of these regulations and provided the vacation does not abridge or destroy any of the rights and privileges of other proprietors in said plat, or authorizes the closing or obstruction of any public highways laid out according to law.
- D. The Board of County Commissioners shall review and approve the vacation of plats or portions thereof.
- E. Land covered by a vacated plat may be re-platted as described by these regulations. Any later re-platting of an area already platted and not vacated shall be construed as a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces.
- F. Procedure for Vacating a plat:
 - 1. The applicant(s) shall draft a written Declaration of Intent to Vacate indicating the following:
 - a. The intent to vacate a specific plat (or lot on a plat), including the official subdivision name, date recorded, book and page number.
 - b. Places for all current landowners of parcels in the subdivision to sign in the presence of a notary.
 - c. Places for each member of the Board of County Commissioners to sign, as well as a space for the County Clerk to attest.

2. Prior to obtaining the signatures of all landowners, the applicant(s) shall submit a copy of the draft Declaration and proof of ownership of the lands within the subdivision to be vacated to the County Clerk for review. The Land Planner and County Attorney shall be consulted as part of the review.
3. Upon the Clerk's written approval of the draft Declaration, the applicant(s) shall obtain the signatures of all current landowners on the declaration in the presence of a notary.
4. The applicant(s) shall submit the signed Declaration to the Land Planning Department at least ten (10) days prior to the next regular meeting of the Board of County Commissioners. The Land Planner will provide a copy of the Declaration to the Board for review prior to the meeting.
5. If the Declaration is approved and signed by the Board of County Commissioners, the Land Planner will record the approved instrument within five business days.
6. The original plat or portion thereof shall be marked "VACATED" by the County Clerk.

SECTION 2 – AMENDING RECORDED PLATS

- A. Amendments to correct minor survey or drafting errors in a recorded plat shall be prepared in the form of an affidavit or, where necessary for clarity, a revised plat. Either of these formats shall be certified by a Surveyor. All affidavits or corrected plats shall be submitted to the Board for approval.
- B. Amendments to a recorded plat which do not increase the number of lots or relocate or add roads shall be submitted as an Amended Final Plat.
- C. The amended plat shall meet the requirements of Chapter 4, Final Plats, for approval and recording.
- D. A note describing the nature of the amendment shall be added to the final plat.

SECTION 3—RE-PLATS

- A. Any amendment to a recorded plat including the re-division of any lots, tracts or parcels, the adjustment or modification of any lot lines, or the relocation or addition of roads within a subdivision shall be considered a re-plat when the number of resulting lots is five or less.
- B. Application for re-plats shall be prepared and submitted in accordance with Chapter 3, General Requirements for Subdivisions.
- C. No public hearing is required for re-plats that meet the above criteria.
- D. Re-plats may not need to provide all of the documentation noted in Chapter 3, General Requirements for Subdivisions, if information exists for the previous subdivision that satisfies the specific requirement.

CHAPTER 10. APPEAL PROCESS

The Big Horn County Board of Commissioners shall hear and decide appeals of any decisions made by the Big Horn County Planning and Zoning Commission.

SECTION 1 – FILING AN APPEAL

- A. An appeal shall be filed in writing with the Big Horn County Clerk at least fourteen (14) days prior to the date of the next meeting of the Board.
- B. The appeal shall set out the interpretation of the Planning and Zoning Commission and a narrative setting forth the facts relied upon by the appellant and the appellant's claim regarding the error in the interpretation.

SECTION 2 – HEARING

Upon receipt of an appeal, the Board shall set a hearing date and notify all affected parties of the hearing. The hearing shall be held within thirty (30) days of receipt of the appeal. At the hearing, the appellant will state his/her case and the Planning and Zoning Commission may reply.

SECTION 3 – DECISION ON APPEAL:

Within thirty (30) days of the hearing, the Board shall issue a written decision which either:

- A. Confirms the decision of the Planning and Zoning Commission; or
- B. Upholds the appeal and reverses or modifies the decision of the Planning and Zoning Commission.

CHAPTER 11: VARIANCES

SECTION 1—VARIANCE CRITERIA

The Board may approve a variance when it finds that all of the following conditions are met:

- A. The variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. Due to the surrounding development, shape of the property or topographical conditions of the property, strict compliance with the regulations will impose an undue hardship on the owner.
- C. Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.
- D. The variance will not cause a substantial increase in public costs, now or in the future.
- E. The variance will not result in a subdivision that conflicts with the adopted Comprehensive Plan.
- F. The variance is consistent with the surrounding community character of the area.
- G. The variance is consistent with the intent and purposes of these regulations.

SECTION 2—VARIANCE PROCESS

- A. In seeking a variance, the applicant must submit a written request to the Land Planning Department which includes the action proposed, the portion of the subdivision regulations from which relief is requested and what circumstances qualify the action for relief.
- B. The variance can be submitted at any time during the subdivision process prior to the recording of the final plat.
- C. In reviewing such requests, the County shall, at a minimum, consider whether the proposed variance meets the criteria set forth in Section 1 of this chapter.

- D. The variance will be referred to the Planning and Zoning Commission for comment and recommendations, and will then be forwarded on to the Board.
- F. The Board shall make the final decision as to the determination of any variance request. The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval or denial.
- F. If the variance is granted, a note shall be required on the final plat stating such, including the portion of the regulations the variance was granted from.