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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
AMENDED
April 17, 2012

RESOLUTION #11 (2011-2012)
COUNTY COMMISSIONERS
OF
BIG HORN COUNTY, STATE OF WYOMING

April 17, 2012

WHEREAS: the Board of County Commissioners of Big Horn County find it desirable to amend the subdivision regulations within Big Horn County and

WHEREAS: this resolution is in conformance with the policies in the Big Horn County Comprehensive Plan and

WHEREAS: the public has had numerous and sufficient opportunities to provide input in the preparation of this resolution and

THEREFORE, be it resolved by the Board of County Commissioners of Big Horn County, Wyoming to amend the Subdivision Regulations for Big Horn County adopted November 10, 1975, amended June 21, 1978, October 3, 1979, October 19, 2004 and August 1, 2006, under the authority of Wyoming Statutes 18-5-301 through 18-5-315 as follows:

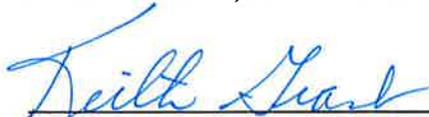
- Require public hearings for all simple subdivisions and major subdivisions
- Irrigation review and approval completed within 60 days of notification
- Addition of signature block standard page
- Minor grammatical errors

April 17, 2012

BOARD OF COUNTY COMMISSIONERS
Big Horn County, Wyoming



Jerold S. Ewen, Commission Chairman



Keith Grant, Commission Member



Thomas S. Hinman, Commission Member
Clerk

Attest:



Dori Noyes, Big Horn County

Clerk of the Board

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 clarification of Wyoming Statutes, Fire Protection Requirements, additional plat requirements, documentation on Home Owner Associations, clarification on development agreements, additional definitions, subdivision application, increase in fees, various grammatical errors, and the addition Appendix Six; and

WHEREAS, the regulations are consistent with the 2009 Land Use Plan, Recommended Actions, Section 2.3.1.7; and

WHEREAS, the Commission held a public hearing on February 7, 2012 for the purpose of receiving public comments on the subdivision amendments; and

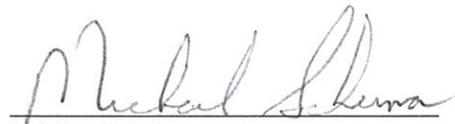
WHEREAS, the Commission has considered the public hearing testimony.

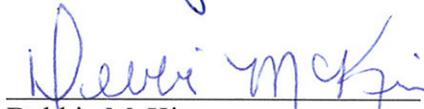
NOW, THEREFORE, BE IT RESOLVED, that the Big Horn County Planning and Zoning Commission does hereby certify the Amended Subdivision Regulations (with minor amendments accepted on this day) to the Big Horn County Board of County Commissioners and recommends its adoption.

DATED February 7th, 2012

PLANNING AND ZONING COMMISSION
BIG HORN COUNTY, WYOMING


Mary Flitner, Chairperson


Michael Scherman


Debbie McKim


Mary Russell


Alan Bair



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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 or 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.

1 Chapter II

2
3 PURPOSE

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

9
10 Chapter III

11
12 APPLICABILITY

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

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

23
24 Section 3. Exemptions.

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

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

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

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

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

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

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
- 9 2. May be created by any court of this state pursuant to the law of eminent
10 domain, by the operation of law or by order of any court in this state;
11
- 12 3. Is created by a lien, mortgage, deed of trust or any other security
13 instrument, easements and rights-of-way;
14
- 15 4. Concerns lands located within incorporated cities or towns;
16
- 17 5. Is created by the sale or other disposition of land to the state of Wyoming
18 or any political subdivision thereof;
19
- 20 6. Affects railroad rights-of-way;
21
- 22 7. Is a sale or other disposition of land for agricultural purposes or effects the
23 alignment of property lines for agricultural purposes;
24
- 25 8. Is created by boundary line adjustments where the parcel subject of the
26 sale or other disposition is adjacent to and merged with other land owned
27 by the grantee;
28
- 29 9. Creation of cemetery lots;
30
- 31 10. Is created by the acquisition of an interest in land in the name of the
32 husband and wife or other persons in joint tenancy or as tenants in
33 common, and the interest shall be deemed for the purposes of this
34 subdivision as one (1) interest;
35
- 36 11. A division of land creating a parcel five (5) acres or less for the purpose of
37 establishing unmanned communication facilities, compressor stations,
38 metering stations, fiber optic booster stations or similar unmanned
39 facilities.
40

41 b. Except as provided in W.S. 18-5-316, this article shall not apply to the sale or
42 other disposition of land where the parcels involved are thirty-five (35) acres
43 or larger, subject to the requirement that ingress and egress, and utility
44 easements shall be provided to each parcel by binding and recordable
45 easements of not less than forty (40) feet in width to a public road unless
46 specifically waived by the grantee or transferee in a binding and recordable
47 document.
48
49
50
51

Chapter IV

GENERAL PROVISIONS

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

Section 2. Permit Required. No Person shall sell land subject to subdivision regulation under this resolution, record a plat or commence construction of a subdivision, without first obtaining a subdivision permit from the Board.

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

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

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

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

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

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

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

Section 9. Relationship to Other Resolutions or Regulations. Where other county or state regulations apply concurrently with this resolution, the stricter shall govern.

The subdivider should be aware that the 2009 Land Use Plan may outline requirements in addition to those contained in this resolution.

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

CONSIDERATIONS IN SUBDIVISION REGULATION

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

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

Section 3. Simple Subdivision. A simple subdivision is a division of one unit of land into one or two lots smaller than 35 acres. All simple subdivisions require a subdivision permit. A 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
- 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.
- d. The land to be divided is unsuitable for subdivision.

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

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

- a. Compliance of the proposed subdivision with this resolution.
- b. Compliance with adopted comprehensive plans or land use plans whether they be town or county. A subdivision not fully in compliance with adopted plans shall not receive any clearance or approval.
- c. Population impact of the subdivision.
- d. Water supply and sewage.
- e. Public services including law enforcement, fire protection, emergency medical services, recreational facilities, schools, airports and other services.
- f. Access, parking, traffic safety and road maintenance.

- 1 g. The ease and adequacy of provision of private utilities.
- 2
- 3 h. Impact of the subdivision on local government finances.
- 4
- 5 i. Effect of the proposed subdivision on irrigated cropland, hay meadows, or
- 6 pastures, on productive grazing lands and on potential irrigation projects.
- 7
- 8 j. Effect of the proposed subdivision on irrigation and drainage systems.
- 9
- 10 k. Soils conditions and limitations
- 11
- 12 l. Measures taken to preserve native vegetation and to control soil erosion at the
- 13 site.
- 14
- 15 m. Mineral values and operations on or adjacent to the proposed subdivision.
- 16
- 17 n. Wildlife habitat value to the site.
- 18
- 19 o. Recreation, historic, archeological, and paleontological values.
- 20
- 21 p. Aesthetic and architectural quality of the proposed subdivision and its impact
- 22 on scenic resources.
- 23
- 24 q. Comments of interested parties and neighboring landowners.
- 25
- 26 r. Other factors they may deem pertinent.
- 27

28 Chapter VI

29 CONSIDERATION OF THE SIMPLE SUBDIVISION APPLICATION

30 Section 1. Filing of Simple Subdivision Application Plan. The Simple
31 Subdivision Application shall be filed with the planning staff at least ten (10) days prior
32 to the regular meeting of the commission. Simple Subdivision Applications filed after
33 this deadline but before a regular meeting of the Commission shall not be considered
34 until the next regular meeting.
35

36 Section 2. Notifying Planning and Zoning Commission. The Planning
37 Coordinator shall notify the Planning and Zoning Commission in writing of all Simple
38 Subdivision Applications on file with the Planning Office.
39

40 Section 3. On-Site Inspection. The Board shall cause an on-site inspection of any
41 proposed subdivision to be made. Filing of a Simple Subdivision Application constitutes
42 permission for the staff to conduct this inspection. In cases where inclement weather or a
43 snowpack make this inspection impractical, the consideration of the Simple Subdivision
44 Application shall be postponed until the inspection is possible.
45

46 Section 4. Additional Plans or Limiting Factors. After notifying the Commission
47 and performing an on-site inspection, the Planning Office may require additional plans or
48 information before acting on the Simple Subdivision application. Required additional
49 plans or information shall be submitted to the staff by the subdivider according to a
50
51

1 schedule agreed upon by the Planning Office and then transmitted in writing to the
2 subdivider with in five (5) days after the consideration of the Preapplication Subdivision
3 Plan.

4
5 Section 5. Conservation District. The Planning Staff shall transmit one copy of
6 the Simple Subdivision application to the Conservation District in which the proposed
7 subdivision is located. Review and recommendation shall be completed within sixty (60)
8 days.

9
10 Section 6. Public Notice. The subdivider, immediately following the first
11 consideration of the Simple Subdivision Application, shall notify all adjacent landowners
12 and the Drainage District or Association if applicable of their intent to subdivide by
13 certified mail to their last known address and place a public notice in the local paper.
14 Notices shall include the owners name filing for subdivision, a general description of the
15 location of the proposed subdivision; its total acreage, and the acreage of the lots being
16 created. The newspaper notice shall run weekly for two consecutive weeks.

17
18 Section 7. Plat Approval. The applicant may proceed to have the simple
19 subdivision plat prepared once all application material is submitted reviewed and
20 approved. The plat must conform to the specifications in Chapter VIII of these
21 regulations.

22
23 Section 8. Subdivision Permit. Upon signature of the plat by the Commission,
24 the Planning Coordinator shall present the plat to the Board for approval and signature at
25 the next available Board meeting. The Board shall make its decision within 21 days of
26 receiving the plat.

27
28 Section 9. Duration. The applicant shall have one year from the date of the
29 application to present a plat for signature. If the applicant does not complete this action
30 within one year, the application will expire.

31 32 Chapter VII

33 34 SIMPLE SUBDIVISION APPLICATION REQUIRMENTS

35
36 Section 1. Content of the Simple Subdivision Application. The Application shall
37 include the following maps, plans, and documents. All maps and plans shall be to scale
38 and of sufficient clarity for decision making purposes. The maps should all be
39 represented at the same scale. They may be separate or presented as a series of overlays.
40 The Planning Staff shall reject any maps or plans considered to be incomplete or
41 inaccurate.

- 42
43 a. A map of the proposed subdivision showing the two lots, right-of-way,
44 easements, etc. Lot dimensions shall be indicated. All access right-of-ways
45 and or easements shall be at least 40 feet in width. In bold capital letters “NO
46 PUBLIC MAINENANCE OF STREETS OR ROADS” shall appear on all
47 offers, solicitations, advertisements, contracts, agreements, plats, and or
48 records relating to the subdivision.
- 49
50 b. A plan identifying the water system for the proposed subdivision. If the
51 subdivider proposes to tie into an existing central water system, then evidence

1 showing they will be allowed access to the water system must be submitted.
2 If no domestic water source is proposed then the words “NO PROPOSED
3 CENTRAL WATER SUPPLY SYSTEM” in bold capital letters shall appear
4 on all offers, solicitations, advertisements, contracts, agreements, plats, and or
5 records relating to the subdivision.
6

- 7 c. A plan identifying the sewage system. This plan shall include a letter from
8 the County’s designated local official for the small wastewater system
9 program indicating that septic systems are feasible on the proposed lots noting
10 any special conditions which may exist. When requesting this letter, the
11 applicant shall submit the results of a site investigation. This site
12 investigation shall include one percolation test and soil profile data for each
13 lot. The designated local official shall witness the investigation. This
14 witnessing of the soils tests is not required if the tests are conducted by a
15 Wyoming Licensed Professional Engineer or Wyoming Licensed Professional
16 Geologist. If no public sewage disposal system is proposed the word “NO
17 PROPOSED CENTRAL SEWAGE SYSTEM” shall appear on all offers,
18 solicitations, advertisements, contracts, agreements, and plats relating to the
19 subdivision.
20
- 21 d. A soils map for the proposed subdivision.
22
- 23 e. A map showing all natural water courses and irrigation structures within and
24 immediately adjacent to the proposed subdivision.
25
- 26 f. A completed subdivision questionnaire.
27
- 28 g. Obtain review and recommendations from a fire protection district in which
29 any portion of the subdivision lies, from the authority having jurisdiction over
30 fire prevention and protection in the area or from the nearest fire protection
31 district if no part of the subdivision lies within a fire protection district,
32 regarding adequacy of fire protection measures. If the entire subdivision does
33 not lie within a fire protection district and no city, town or fire protection
34 district is obligated to provide fire protection pursuant to an agreement
35 authorized by law the subdivider shall put a legend on the plat of the
36 subdivision and on all offers, contracts or agreements for the sale and
37 purchase of lots within the subdivision showing in capital letters "**LOTS
38 ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE
39 PROTECTION IS NOT OTHERWISE PROVIDED**".
40

41 Section 2. Review by the Irrigation District or Association. If the subdivision is
42 located within an irrigation district or within lands served by a ditch or irrigation
43 company or association, evidence shall be provided that the distribution plan has been
44 approved by the district board, company, or association. In the case were the subdivision
45 is located within lands served by an unorganized ditch, the remaining appropriators will
46 review the plan and submit their recommendations. Review and approval shall be
47 completed within sixty (60) days.
48

49 Section 3. Municipal Approval. Lands within one mile of a municipal boundary
50 must have a resolution from that municipality to commence with the subdivision.
51

Chapter VIII

SIMPLE SUBDIVISION PLAT REQUIREMENTS

Section 1. Quality of the Simple Subdivision Plat. The simple subdivision plat shall conform to the following standards:

- a. The name of the subdivision shall start with S.S. and follow a numbering sequence starting with the year and followed by number based determined by the Planning Office. Any other reference to the name of the subdivision shall appear below the numbering sequence and shall be in parenthesis Example S.S. 05-000 (John Doe Subdivision).
- b. One (1) reproducible plat on a stable base polyester film or equivalent shall be prepared. The plat shall be 8 ½ inches x 14 inches consisting of any number of pages. Three copies of the plat on paper shall also be provided.
- 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. This 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 plat shall show or contain, on the face of the plat or on separate sheets references:
 1. North Point
 2. Scale (may not be less than 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, witness monuments, basis of bearings, and length of lines.

- 1 5. Title block indicating the quarter-section(s), section, township, range,
2 principal meridian, and county or other proper legal description of the
3 subdivision.
- 4
- 5 6. The exterior boundaries of the platted tract, giving such boundaries by
6 courses and distances.
- 7
- 8 7. An identification system for all lots created.
- 9
- 10 8. All lots in the subdivision designated by number, the dimensions of each
11 lot, and the area of each lot listed as gross and net acres.
- 12
- 13 9. Each lot corner shall be monumented with permanent markers.
14 Description of all monuments found or set shall be shown either by legend
15 or separate description.
- 16
- 17 10. A certificate of the land surveyor responsible for the survey.
- 18
- 19 11. A signature block prepared for the signature of the Board of County
20 Commissioners, County Clerk, the Planning and Zoning Chairman and
21 secretary and in the case of within one mile of the limits of an
22 incorporated town for the Mayor of that town. (See Appendix 4 for the
23 signature block standards)
- 24
- 25 12. Notes identifying any limitations from sewage reports, water studies,
26 conservation reviews, irrigation/drainage reviews, or fire protection
27 reviews as required in Chapter VI, Section 5 and Chapter VII, Section 1-3.
- 28

29 Chapter IX

30 SIMPLE SUBDIVISION APPROVAL STANDARDS

31 Section 1. Approval. The Commission and the Board shall approve the simple
32 subdivision if applicant has submitted and conformed to all the required information and
33 documentation as required by Chapter VII Simple Subdivision Application
34 Requirements. (See Appendix 2.)
35

36 Section 2. Recordation. After the Board has approved the Simple Subdivision
37 plat, the Planning Coordinator shall submit the approved record to the Big Horn County
38 Clerk, who will, upon the applicant's payment of the subdivision fee and recording fees
39 shall file and record the plat in the County Clerk's Office as required by W.S. §18-5-309.
40 (See Appendix 6).
41

42 Chapter X

43 CONSIDERATION OF MAJOR SUBDIVISION PREAPPLICATION PLAN

44 Major subdivision applications must comply with all requirements of W.S. §18-5-306;
45 Minimum Requirement for Subdivision Permits, including review of the application by
46 the Department of Environmental Quality. The major subdivision process shall include
47

1 three phases; preapplication review, preliminary plat review, and final plat. Major
2 subdivisions require a public hearing before the Commission.

3
4 Section 1. Filing of Major Subdivision Preapplication Plan. The application shall
5 be filed, in triplicate, with the planning staff at least ten (10) days prior to the regular
6 meeting of the commission. Preapplication Subdivision Plan's filed after this deadline
7 but before a regular meeting of the Commission shall not be considered until the next
8 regular meeting.

9
10 Section 2. On-Site Inspection. The Board shall cause an on-site inspection of any
11 proposed subdivision to be made. Filing of a Preapplication Subdivision Plan constitutes
12 permission for the staff to conduct this inspection. In cases where inclement weather or a
13 snowpack make this inspection impractical, the consideration of the Preapplication
14 Subdivision Plan shall be postponed until the inspection is possible.

15
16 Section 3. Additional Plans of Information. After consideration of the
17 Preapplication Subdivision Plan and the results of the on-site inspection the Commission
18 may require additional plans or information before acting on the Preapplication
19 Subdivision Plan. Required additional plans or information shall be submitted to the staff
20 by the subdivider according to a schedule agreed upon by the Commission and the
21 subdivider and transmitted in writing to the subdivider within five (5) days after the
22 consideration of the Preapplication Subdivision Plan.

23
24 Section 4. Conservation District. The Planning Staff shall transmit one copy of
25 the Preapplication Subdivision Plan to the Conservation District in which the proposed
26 subdivision is located. Comments or a waiver of right to comment from the Conservation
27 District shall be submitted to the Commission prior to its granting clearance to prepare a
28 final plat.

29
30 Section 5. Comments. Comments on the Preapplication Subdivision Plan shall
31 be provided in writing to the subdivider with in five (5) days after the regular
32 Commission meeting. These comments will include a description of any additional
33 information or plans required, revisions suggested, a schedule for the submission of
34 additional plans and information, and a hearing date.

35
36 Section 6. Public Hearings. At a regular meeting following the first
37 consideration of an initial subdivision plan the Commission shall hold a public hearing on
38 the Preapplication Subdivision Plan. The hearing date shall be agreed upon by the
39 Commission and subdivider at the first consideration of the Preapplication Subdivision
40 Plan.

41
42 Section 7. Notification. The subdivider, immediately following the first
43 consideration of his Preapplication Subdivision Plan, shall notify all adjacent landowners
44 and the Drainage District or Association if applicable of his/her intent to subdivide by
45 certified mail to their last known address and shall place in a newspaper of general
46 circulation in the area of the subdivision a notice of intent to subdivide. Notices shall
47 include a general description of the location of the proposed subdivision, its total acreage,
48 the number of lots planned, and the date of the public hearing. Newspaper notice shall
49 run weekly for two consecutive weeks.

50

1 Section 8. Action on Preapplication Subdivision Plan. The Commission shall
2 within thirty days of the public hearing on the Preapplication Subdivision Plan notify the
3 subdivider in writing that:

- 4
- 5 a. Clearance is granted to submit an application for a subdivision permit. The
6 clearance may contain certain conditions to be reflected in the application, or
7
 - 8 b. The Preapplication Subdivision Plan must be resubmitted in a revised form.
9 Reasons for revisions shall be clearly stated

10

11 Section 9. Duration of Approval. The Final Plat shall be submitted within one
12 (1) year after notification of clearance to submit an Application for Subdivision Permit
13 has been given. If a Final Subdivision Plat is not submitted within the foregoing time
14 period clearance to submit an Application for Subdivision permit may be revoked and
15 approval of any Preapplication Subdivision Plan may be rescinded. Upon a showing of
16 good cause by the subdivider, the Commission may grant an extension of time for
17 submission of a Final Subdivision Plat. Such extension shall be no longer than one (1)
18 year in duration. Request for extension of time shall be made in writing to the Big Horn
19 County Planning Commission by the subdivider at least 60 days in advance of the
20 expiration date of any one year period or extension thereof.

21

22 Chapter XI

23

24 MAJOR SUBDIVISION PREAPPLICATION REQUIREMENTS

25

26 Section 1. Purpose of Preapplication Subdivision Plan. The Preapplication
27 Subdivision Plan is intended to be the focus of discussions between the subdivider, the
28 Planning Staff, and the Commission. A Preapplication Subdivision Plan is not a final
29 plan or plat; it must be susceptible to modification in response to recommendation by the
30 commission. It is suggested that prior to submission of the Preapplication Subdivision
31 Plan, the subdivider thoroughly acquaint himself with the Big Horn County
32 Comprehensive Plan and discuss his plans with member of the staff who are available for
33 the purpose of providing technical assistance to citizens. The Preapplication Subdivision
34 Plan is not an application for a subdivision permit within the meaning of W.S. 18-5-304
35 through 18-5-309.

36

37 Section 2. Content of the Preapplication Subdivision Plan. The Preapplication
38 Subdivision Plan shall contain the following maps, plans, and documents. Maps and
39 plans shall be drawn to scale and be of sufficient clarity for decision making purposes.
40 Maps should all be of the same scale. They may be separate or presented as a series of
41 overlays. The staff shall reject any maps or plans considered to be incomplete or
42 inaccurate.

- 43
- 44 a. A map of the proposed subdivision showing all lots, right-of-ways, easements,
45 etc. Lot dimensions shall be indicated.
 - 46
 - 47 b. A list, including addresses, of all adjacent property owners. The list should,
48 also, include the names and addresses of any holders of valid leases or mineral
49 extraction on the property to be subdivided.
- 50

- 1 c. A plan for the water supply system for the proposed subdivision including
2 appropriate maps. Where no central water system is planned or where a new
3 central system depends on a well or wells, available well test records must be
4 submitted.
- 5
- 6 d. A plan for the sewerage system for the proposed subdivision including
7 appropriate maps.
- 8
- 9 e. A road and street plan for the subdivision including appropriate maps, and
10 cross sections of the roads or streets to be constructed. The width and grade
11 of all roads or streets must be indicated and the proposed surface material
12 described.
- 13
- 14 f. A map showing any proposed easements and rights-of-way for private
15 utilities.
- 16
- 17 g. A soils map of the proposed subdivision.
- 18
- 19 h. A map showing all natural water courses and irrigation structures within and
20 immediately adjacent to the proposed subdivision.
- 21
- 22 i. A completed impact questionnaire.
- 23

24 Chapter XII

25 CONSIDERATION OF APPLICATION FOR A SUBDIVISION PERMIT

26 Section 1. Purpose. It is the purpose of this chapter to describe the process by
27 which an Application for Subdivision Permit is made and acted upon.

28 Section 2. Filing of the Application for a Subdivision Permit. The Application
29 for Subdivision Permit shall be filed with the staff at least ten (10) days before a regular
30 Commission meeting. An Application for Subdivision Permit filed after this deadline but
31 before a regular meeting shall not be considered until the next regular meeting.

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

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

- 40 a. Grant the subdivider clearance to prepare a Final Subdivision Plat for
41 submission to the Board or,
- 42 b. Return the Application for Subdivision Permit to the subdivider for correction
43 or revision according to a schedule agreed upon by the subdivider and the
44 Commission
- 45
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1
2 Notice of the Commission decision shall be transmitted to the subdivider within five (5)
3 days.

4
5 Chapter XIII

6
7 APPLICATION FOR SUBDIVISION PERMIT REQUIREMENTS

8
9 Section 1. Purpose. It is the purpose of this chapter to describe the contents of an
10 application for subdivision permit.

11
12 Section 2. Contents. The Application for Subdivision Permit is a draft version of
13 the Final Subdivision Plat and accompanying documents as described in this resolution.
14 It, also, includes the erosion and runoff control plan, written comments on the
15 Preapplication Subdivision Plan from private utilities, the approved irrigation plan, and a
16 letter of recommendations and/or approval from the WDEQ resulting from the submittal
17 of a subdivision application to the WDEQ as required as part of the subdivision process
18 per W.S. 18-5-306(a)(c). **(SEE APPENDIX 3 FOR PRELIMINARY PLAT**
19 **DOCUMENTS)**

20
21 Chapter XIV

22
23 FINAL SUBDIVISION PLAT

24
25 Section 1. Quality of Final Plat. The Final Subdivision Plat shall conform to the
26 following standards:

- 27
28 a. Two (2) reproducible plats on a stable base polyester film or equivalent shall
29 be prepared. Plats shall be either 18x24 or 24x36 inches in size. Three (3)
30 copies of the plat on paper shall also be provided.
- 31
32 b. Whenever more than one (1) sheet must be used to accurately portray the
33 lands subdivided, each sheet must show the number of that sheet and the total
34 number of sheets included. All certifications shall be shown or referenced on
35 one sheet.
- 36
37 c. The bearings, distance, and curve data of all perimeter boundary lines shall be
38 indicated outside the boundary line. When the plat is bounded by an irregular
39 shoreline or a body of water, the bearings and distance of a closing meander
40 traverse shall be given.
- 41
42 d. On curved boundaries and on all curves on the plat, sufficient data shall be
43 given to enable the re-establishment of the curves on the ground. These curve
44 data shall include the following:
- 45
46 1. Radius of curve
47
48 2. Delta Angle
49
50 3. Arc Length
51

- 1 4. Notation of non-tangent curves
- 2
- 3 e. Lengths shall be shown to at least hundredths of a foot, and angles or bearings
- 4 shall be shown to at least the nearest second.
- 5
- 6 f. The final plat shall show or contain, on the face of the plat or on separate
- 7 sheets references on the face of the plat:
- 8
- 9 1. North Point
- 10
- 11 2. Scale (may not be less the 1 inch=200 feet)
- 12
- 13 3. All monuments found, set, reset or replaced describing their kind, size,
- 14 location and giving other data relating thereto.
- 15
- 16 4. Bearing or witness monuments, basis of bearings, and length of lines.
- 17
- 18 5. Names of any adjoining platted subdivisions and number of any adjoining
- 19 certificates of survey previously recorded.
- 20
- 21 6. The areas of any parcels created by the final plat.
- 22
- 23 7. A title block indicating the quarter-section (s), section township, range,
- 24 principal meridian, and county or other proper legal description of the
- 25 subdivision.
- 26
- 27 8. The exterior boundaries of the platted tract, giving such boundaries by
- 28 courses and distances.
- 29
- 30 9. The location of all corners of legal subdivisions pertinent to the
- 31 subdivision boundary.
- 32
- 33 10. All lots and blocks in the subdivision, designated by number, the
- 34 dimensions of each lot, and block, and the area of all lots. (Excepted
- 35 parcels shall be marked "Not included in this subdivision" and "Not
- 36 included in the plat", as appropriate, and the boundary completely
- 37 indicated by bearings and distances.)
- 38
- 39 11. All streets, alleys, avenues, roads, and highways, their widths, centerline
- 40 bearings, and the width and purpose rights-of-way, the name of all streets,
- 41 roads, highways, and certificate of dedication of all public rights-of-way
- 42 and easements which includes the signatures of all mortgagors and
- 43 leinholders or other having interest in the property.
- 44
- 45 12. The location and dimensions of all parks, common areas, and all other
- 46 ground dedicated for public use.
- 47
- 48 13. Acreage of the subdivision, gross and net.
- 49
- 50 14. All monuments to be of record must be adequately described and clearly
- 51 identified on the plat. All monuments or other evidence found during re-

1 tracements which would influence the position of any corner or boundary
2 indicated on the plat must be clearly shown.

3
4 15. A certificate of the land surveyor responsible for the survey.

5
6 16. A signature block prepared for the signature of the Chairman of the Board
7 of County Commissioners - and in the case of subdivision within one mile
8 of the limits of an incorporated town, a signature block for the Mayor of
9 that town.

10
11 Section 2. Corners. All corners established during the preparation of the final
12 plat shall be properly monumented or witnessed.

13
14 Section 3. Attachments to Final Subdivision Plat. The Final Subdivision Plat
15 shall be accompanied by:

- 16
17 a. Written certification of a licensed Wyoming engineer, certifying as to the
18 adequacy and safety of any sewage disposal system proposed for the
19 subdivision, including the adequacy of the proposed system for the proposed
20 population, soil conditions and water sheds located on or draining into or over
21 the proposed subdivision. If no public sewage disposal system is proposed,
22 the words “NO PROPOSED CENTRAL SEWAGE SYSTEM” in bold capital
23 letters shall appear on all offers, solicitations, advertisements, contracts,
24 agreements, and plats relating to the subdivision. Where a central sewerage
25 system is proposed approval of the Wyoming Department of Environmental
26 Quality must be submitted with the Final Subdivision Plat.
27
- 28 b. A written certification of a licensed Wyoming engineer certifying to the
29 adequacy and safety of any domestic water system intended to be used for the
30 subdivision, and that the plan for domestic water supply meets State and
31 Federal Standards. If no domestic water source is proposed by the subdivider,
32 the legend “NO PROPOSED CENTRAL WATER SUPPLY SYSTEM” in
33 bold capital letters shall appear on all offers, solicitations, advertisements,
34 contracts, agreements and plats relating to the subdivision. Where a central
35 water system is proposed approval of the Wyoming Department of
36 Environmental Quality must be submitted with the Final Subdivision Plat.
37
- 38 c. Copies of all covenants relating to the subdivision.
39
- 40 d. Documentation showing the creation of a Home Owner Association or other
41 entity that will have the ability to address maintenance, responsibility and
42 operation of all subdivision improvements.
43
- 44 e. Evidence satisfactory to the Board that:
45
- 46 1. The subdivider or his agent who offers any part of the subdivision for sale
47 or who solicits any offers for the purchase thereof, may convey
48 merchantable title subject only to noted reservations or restrictions of
49 record and subject only to a proportionate share of real property taxes or
50 assessments charged or assessed for the year in which any such sale may
51 be legally effected; or

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2. Binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and free encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments hereon as may be levied or assessed for the year in which such sale may be legally effected.
- f. Evidence satisfactory to the Board that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the standards adopted by the Board. Acceptance of a Final Subdivision Plat does not imply in any way the acceptance of roads or streets for county maintenance. If no public maintenance is contemplated, the subdivider shall put a warning on the plat of the Final Subdivision Plat, on the advertisements for the subdivision and on the contracts or agreements for the sale and purchase of lots within the subdivision showing in bold capital letters "NO PUBLIC MAINTENANCE OF STREETS OR ROADS."
- g. If the subdivider proposes to utilize adjoining property for drainage, sewer lines, power lines or other utilities, the subdivider 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 and shall provide a minimum access right-of-way of sixty (60) feet to the subdivision for all public roads.
- h. Evidence satisfactory to the Board that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water systems, sewerage systems, streets and roadways. The applicant shall provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed; or escrow sufficient moneys out of land sales to guarantee that the above facilities are installed.
- i. Evidence deemed sufficient by the Board that all standards set forth in this resolution and all recommendations of the Commission have been or will be followed.
- j. A schedule of subdivision permit fees is hereby established. The Final Subdivision Plat shall be accompanied by a certified check for the greater of \$500 or \$25 per lot up to a maximum fee of \$12,500. Fees collected shall be credited to the county general fund (See Appendix 6).

CONSIDERATION OF THE FINAL SUBDIVISION PLAT

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

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

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

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

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

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

1 Chapter XVI

2
3 APPEALS

4
5 Section 1. Purpose. It is the purpose of this chapter to describe the procedure for
6 appealing decisions of the Commission to the Board.

7
8 Section 2. Appeal Process. Any decision of the Commission may be appealed to
9 the Board of County Commissioners. Appeals shall be filed in writing with the Clerk at
10 least ten (10 days) prior to a meeting of the Board. Upon receiving an appeal the Board
11 shall set a hearing date and notify all affected parties of the hearing. The hearing must be
12 held within 30 days. At the hearing the subdivider will state his case and the
13 Commission may reply.

14
15 Section 3. Decision on Appeal. The Board shall within 30 days of an appeal
16 hearing issue a written decision which:

- 17
18 a. Confirms the decision of the Commission,
19
20 b. Upholds the appeal and reverses or modifies the decision of the Commission.

21
22 Chapter XVII

23
24 SUBDIVISION PERFORMANCE STANDARDS

25
26 Section 1. Lot Location, Size, Shape, and Orientation.

- 27
28 a. The location, size, shape, and orientation of lots shall be determined with
29 regard to natural limitations on development and public service costs. Major
30 factors in determining lot layout shall be:
31
32 1. Access for streets or road and public or private utilities and services.
33
34 2. Off-street parking.
35
36 3. Suitability for private sewage disposal systems and safe distances between
37 private sewage disposal systems and wells and streams.
38
39 4. Relationship of structures to be erected.
40
41 5. Provision of open space and maximization of scenic values.
42
43 6. Minimum disruption of natural topography.
44
45 7. Local climatic conditions, especially snow and icing patterns
46
47 8. Minimization of storm water run-off and soil erosion.
48
49 9. Minimum disruption of irrigation and drainages systems serving other
50 lands. The Planning Commission shall require measures to minimize
51 disruption of irrigation.

1
2 10. Design elements intended to create identify and interest in the subdivision.
3

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

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

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

30 e. The guarantees required in this chapter shall be provided in writing, signed
31 and agreed between the County Commissioners and subdivider. A copy of
32 these guarantees shall be provided to all purchasers of lots within the
33 subdivision. This guarantee and/or agreement shall be known as a
34 development agreement.
35

36 f. No lot shall be located in the areas of a known geologic or avalanche hazard.
37

38 g. No lot shall include any active mineral extraction facilities, including but not
39 limited to, oil and gas wells, pipelines transporting mineral commodities,
40 gravel pits, and minerals processing facilities. The Commission may require
41 that a buffer zone be left between any subdivision and existing minerals
42 extraction facilities. No lot shall be platted in such a buffer zone. Where the
43 possibility of future mineral development exists (as evidenced by active leases
44 on the parcel being subdivided) the Commission may require an appropriate
45 warning on the plat and all conveyances, contracts, or advertisements relating
46 thereto.
47

48 h. The creation of building sites through mass pad grading and successive
49 padding or terracing of building sites is prohibited.
50

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

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Section 2. Water Supply.

- a. A plan for domestic water supply shall be submitted and meet all applicable State and Federal Standards. If the subdivision is within 1,320 feet of an existing central water supply system or within an urban growth area designated in an adopted Town Master Plan and the existing system can adequately serve the subdivision, the subdivider shall provide a connection with that existing and a central water distribution system serving the subdivision. Where connection to a central system is required all standards of that system must be met. If the existing system is not capable of providing service to the subdivision, the developer may install a private central system or allow reliance on individual systems. Any private central system will be possible. Large rural subdivisions may be required to install a centralized water supply system.
- b. The subdivider may be required to install water supply facilities of excess capacity where the Master Plan of the town providing water to the subdivision calls for an extension of the town water supply system into areas beyond the subdivision.
- c. Where the subdivider intends to provide no central domestic water system, potential groundwater sources shall be evaluated using the best available data. Where the possibility of individual wells as a satisfactory source of water supply exists, well tests shall be required. A sufficient number of tests shall be conducted to assess groundwater possibilities for the entire subdivision. The required number of tests will depend on the geology and topography of the proposed subdivision. Well test results shall be submitted prior to approval of the Application for Subdivision Permit. Tests shall include:
 - 1. A pumping test in which the well's water level is recorded, the well is pumped at a constant, measured rate for four hours, the new water level is recorded, and 24 hours later the water level recorded again to measure recovery. The pumping test results and a copy of the well log shall be submitted under the signature of the well log shall be submitted under the signature of the well driller. Where more than one test well is required the water levels in all the test wells adjacent to a well being pumped shall, also, be recorded and the distances separating the wells noted in the report of the test results.
 - 2. Bacteriological and chemical tests performed by a recognized laboratory for the following parameters: fecal coli-form bacteria, total dissolved solids, sulfates, nitrate nitrogen, and hardness. In areas where toxic compounds or metal may be found in groundwater additional tests may be required.
- d. If individual cisterns are the proposed water supply, a statement shall be submitted from the Community or water district providing the water, expressing the willingness of the district or community to provide water and the conditions under which water can be obtained.

- 1 e. A plan for the supply and distribution of irrigation water within the
2 subdivision shall be devised. The subdivider shall discuss this plan with a
3 representative of the appropriate irrigation district, ditch company, or any
4 appropriator whose water might be adversely affected. The plan must be in
5 writing and must be presented to the Planning Commission under the
6 signature of the appropriate ditch board with the Application for Subdivision
7 Permit.
8

9 Section 3. Sewage Disposal.

- 10
11 a. The plan for sewage disposal should meet all Federal and State standards. If
12 the subdivision is within 1320 feet of an existing central sewage system and
13 the existing system can adequately serve the subdivision, the subdivider shall
14 provide a connection with that existing system and central sewage collection
15 system serving the subdivision. Where connection to an existing system is
16 required all standards for that system shall be met. If the existing system is
17 not capable of providing service to the subdivision, the developer may install
18 a private central system or allow reliance on individual systems. Systems
19 installed under these circumstances shall be fully compatible with the existing
20 system so that future combination of the two systems will be possible. Large
21 rural subdivisions may be required to install a central sewage system.
22
23 b. The subdivider may be required to install sewage collection facilities of
24 excess capacity where the Master Plan for the town providing sewage
25 treatment for the subdivision calls for an extension of the town sewerage
26 system in to areas beyond the subdivision.
27
28 c. Where the subdivider will not provide a sewerage system the Wyoming
29 Department of Environmental Quality standards must be met and completed
30 by a registered Wyoming Professional Engineer as required by W.S. 18-5-
31 306(a)(c).
32

33 Section 4 Access, Transportation.

- 34
35 a. A subdivision located where year round housing is feasible, may be rejected if
36 the public access road requires substantial upgrading or maintenance of the
37 road bed to allow for all season traffic. A statement from the body
38 responsible for maintenance may be requested which states the usual
39 maintenance procedures on that road and the condition of the road bed.
40
41 b. Appropriate plat warnings shall be required for any subdivision where the
42 public access road is closed during any part of the year, or where weather
43 conditions or location of the road make regular maintenance unfeasible.
44
45 c. All lots shall be provided with useable access by public road. Roads shall be
46 constructed to the standards outlined in this section.
47
48 d. Roads shall follow the natural terrain to the extent feasible. Cuts, fill, runoff,
49 and soil erosion shall be kept to a minimum.
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- 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.
 - 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.

- 1 2. The top width shall be not less than 24 feet and must be crowned or
2 constructed for transverse drainage on slopes of 2%. An additional 6 feet
3 on either side of the 24 foot roadway shall leave a slope not steeper than
4 2:1.
5
6 3. The maximum permissible grade shall not be more than 10%.
7
8 4. Subgrade preparation, base course and gravel surfacing shall be designated
9 in accordance with good engineering practice for low traffic volume roads.
10
11 k. All utilities proposed to be installed in connection with the subdivision must
12 be installed within and parallel to the right-of-way or to approximately right
13 angle crossings thereof. The subdivider shall obtain the comments of all
14 utilities involved in the initial subdivision plan and make those comments
15 available in writing with the Application for Subdivision Permit.
16
17 l. Special attention shall be given to existing roads which are adjacent to the
18 subdivision. It may be required that some of such roads be continued into or
19 through the subdivision. If any of such roads are continued into the
20 subdivision, they shall be extended on a smooth alignment without any
21 awkward jogs or offsets.
22
23 m. The location of intersections should be so selected to avoid steep profile
24 grades and to insure that there is adequate approach sight distance to the
25 intersection. Intersections should not be located on a short crest vertical curve,
26 just beyond a short crest vertical curve, or on a sharp horizontal curve, if
27 possible. Sight distance measured from a point on the approach at least 15
28 feet from the county road pavement should not be less than 500 feet along the
29 county road. One approach on to a County road, for each two lots, will be
30 permitted if not more than 4 lots have access directly from a county road. If
31 more than 4 lots have direct access from a county road, a collector street, with
32 an approach at each end, will be required.
33
34 n. A design report shall be submitted giving the details of construction proposed
35 for all roads within the subdivision and access roads. The report shall be
36 based upon sampling and analysis of the subgrade conditions existing in the
37 location where roads are to be built. It shall propose and discuss a specific
38 design for all required construction including clearing right of way,
39 accommodation or discontinuance of existing improvements within roads;
40 bridges and other structures; culverts and road drainages; fencing and cattle
41 guards; construction of subgrade, subbase, base course and surfacing; the
42 proposed design shall comply with provisions of these regulations. Drawings
43 shall be included. This report shall be certified by a professional engineer
44 which is registered in Wyoming as follows:

45
46 The undersigned engineer has prepared this report after investigation,
47 sampling and analysis of the surfaces and subgrade conditions existing in
48 the location where roads are to be built, topography, existing
49 improvements; drainage and fencing requirements. The design proposal
50 outlines therein meet the minimum requirements of Chapter XVII Section
51 4 of the Big Horn County Subdivision Regulations.

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DATE: _____

Signature _____
Address _____
Wyoming Registration No. _____

- o. In the case of subdivision roads or streets carrying a projected average daily traffic volume in excess of 400, more stringent standards may be imposed.

Section 5. Public Spaces.

- a. Where the size of the subdivision necessitates it, the subdivider shall dedicate sufficient land area for public use or public facilities. Dedicated lands shall be provided with public access and utilities where the subdivider is required to install them. Two (2) acres of public space should be dedicated for every 300 potential residents of a subdivision. The minimum useable dedicated space shall be one half (1/2) acre.
- b. Subdivisions in which sufficient land is provided for common open space in the Final Subdivision Plat shall be exempt from the requirements for public use or public facilities.
- c. Areas of soils unsuitable for septic tanks, floodplains, steep or unstable slopes and geologic or avalanche hazard areas should generally remain in open space.
- d. Where the subdivision is adjacent to a town or in the area included in the open space and recreation element of a town Master Plan, the town's requirements for public spaces dedication shall apply.

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

- a. Provisions for reclamation of all areas bared by construction activities. Revegetation shall be required within one year and temporary stabilization measures such as mulching shall be required immediately following construction.
- b. Provisions for the impoundment and channeling of stormwater and runoff so that the rate of runoff leaving the subdivision does not exceed that leaving under natural conditions. Temporary or permanent basins, impervious

1 coverage limitations on lots, and check dams, to be addressed in covenants by
2 the subdivider.

- 3
4 c. The Erosion and Runoff Control Plan requirement may be totally or partially
5 waived for small subdivisions situated on slopes of under 8% and on soils
6 which do not have severe erosion hazards.

7
8 Assistance in preparing an erosion and runoff control plan may be obtained from local
9 Soil Conservation Service Offices.

10
11 Section 7. Fire Protection.

- 12
13 a. The subdivider shall obtain review and recommendations from a fire
14 protection district in which any portion of the subdivision lies, from the authority
15 having jurisdiction over fire prevention and protection in the area or from the
16 nearest fire protection district if no part of the subdivision lies within a fire
17 protection district, regarding adequacy of fire protection measures. If the entire
18 subdivision does not lie within a fire protection district and no city, town or fire
19 protection district is obligated to provide fire protection pursuant to an agreement
20 authorized by law the subdivider shall put a legend on the plat of the subdivision
21 and on all offers, contracts or agreements for the sale and purchase of lots within
22 the subdivision showing in capital letters **"LOTS ARE NOT PART OF A FIRE
23 PROTECTION DISTRICT AND FIRE PROTECTION IS NOT
24 OTHERWISE PROVIDED"**

1 **Appendix 1**
2 **Definitions**

3
4 **Applicant:** A person submitting an application for development; subdivider, developer,
5 or project owner.

6
7 **ASP:** Application for Subdivision Permit.

8
9 **Board:** The Big Horn County Commissioners.

10
11 **Clerk:** The Big Horn County Clerk.

12
13 **Commission:** The Big Horn County Planning and Zoning Commission.

14
15 **Comprehensive Plan:** The Big Horn County Land Use Plan.

16
17 **County:** Big Horn County, Wyoming.

18
19 **Development Agreement:** An agreement made between Big Horn County
20 Commissioners and a Subdivider/Developer pertaining to installation of all proposed
21 improvements as part of a Subdivision Final Approval.

22
23 **Easement:** A recorded right or privilege to use a certain portion of land for a specific
24 purpose or purposes, which runs with the land.

25
26 **Engineer:** A licensed professional engineer registered with the State of Wyoming.

27
28 **Final Plat:** The map or maps and specified supporting materials to be recorded with the
29 County Clerk, drawn and submitted in accordance with the requirement of these
30 Regulations.

31
32 **FSP:** Final Subdivision Plat

33
34 **Land Unsuitable for Subdivision:** Land that if subdivided, would be detrimental to the
35 health, safety, or general welfare of existing or future residents because of potential
36 hazards including flooding, landslides, steep slopes, rock falls, high water table, polluted
37 or non –potable water supply, high voltage lines, high pressure gas lines, danger from fire
38 or explosion or other hazardous features. The presence of these features does not
39 preclude subdivision approval; provided the subdivision is reviewed as a major
40 subdivision and the hazards are eliminated or will be overcome by approved design and
41 construction plans, where applicable.

42
43 **Manufactured home/mobile home:** Is a structure, transportable in one or more
44 sections, which, in the traveling mode, is eight body feet or more in width or forty body
45 feet or more in length, or, when erected on site, is three hundred twenty or more square
46 feet, and which is built on a permanent chassis and designed to be used as a dwelling with
47 or without a permanent foundation when connected to the required utilities, and includes
48 the plumbing, heating, air-conditioning, and electrical systems contained therein; except
49 that such term shall include any structure which meets all the requirements of this
50 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 for
44 deed, assignment, auction, or award by lottery, concerning a subdivision or part of a
45 subdivision. "Sell" or "Sale" does not include a contract to sell contingent on approval of
46 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.

15

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

17

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
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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

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Appendix 5
Test Well Guidelines

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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 subdivision questionnaire.

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

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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

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