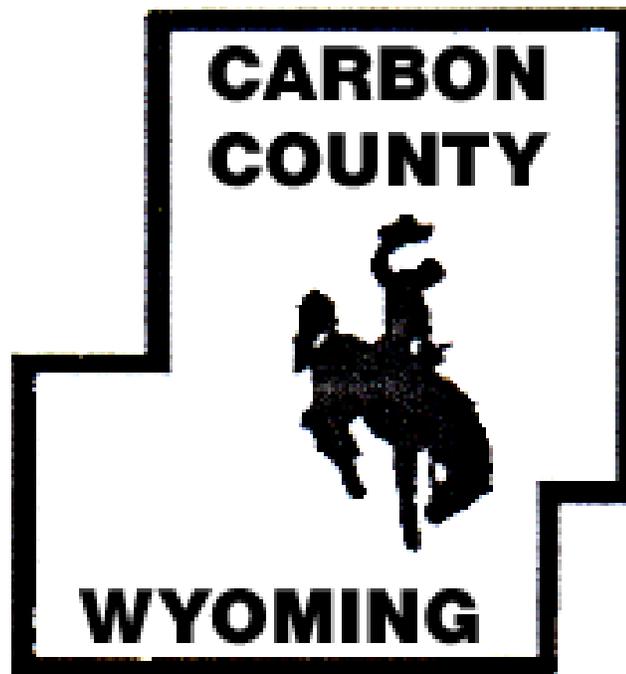


# Carbon County Wyoming

## Subdivision Regulations



The Carbon County Planning and Zoning Commission  
Carbon Building  
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CARBON COUNTY  
WYOMING  
SUBDIVISION REGULATIONS

Amending the County Subdivision Resolution of June, 1972.

Recommended by the Carbon County Planning Commission on November 7, 1979.

Adopted by the Board of County Commissioners on March 4, 1980, and

Made effective on March 5, 1980.

Amended: March 27, 1981

Amended: March 7, 2006, Resolution(s) 2006-08, 09

Carbon County Subdivision Resolution  
Prepared by Nelson, Haley, Patterson  
and Quirk, Inc., June, 1972.

Amended Resolution adopted as the  
“Subdivision Regulations of Carbon  
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Department of Planning & Development  
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RESOLUTION

THE BOARD OF COUNTY COMMISSIONERS

CARBON COUNTY, WYOMING

WHEREAS, Wyoming Statutes 18-5-301 to 18-5-315 (1977) provide for the adoption and amendment of all subdivision plans and plats and the adoption and amendment of regulations governing such plans and plats by the Board of County Commissioners; and

WHEREAS, The following proposed amendments to the Carbon County Subdivision Resolution of 1972 have been recommended by the Carbon County Planning Commission; and

WHEREAS, This Board has given notice of public hearing thereon by two publications in newspapers of general circulation in Carbon County, such hearing having been held on January 2, 1980, and February 6, 1980, and this Board having given full consideration thereto; and

WHEREAS, This Board deems it necessary and advisable to adopt these Subdivision Regulations for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of Carbon County, Wyoming, by establishing minimum standards for the design and development of subdivisions,

NOW, THEREFORE, Be it resolved by the Board of County Commissioners of Carbon County, Wyoming, at its meeting held on the 4<sup>th</sup> day of March, 1980, that these, "Subdivision Regulations of Carbon County, Wyoming," as amended, be and the same hereby adopted and shall be effective March 5, 1980.

Be it further resolved that all existing or previously adopted subdivision regulations for Carbon County, Wyoming be and the same are repealed and superseded by these "Subdivision Regulations of Carbon County, Wyoming".

THE BOARD OF COUNTY  
COMMISSIONERS OF CARBON COUNTY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest: \_\_\_\_\_

**1.00            GENERAL PROVISIONS**

**1.01            TITLE**

A resolution establishing rules, regulations and standards governing the subdivision of land within the unincorporated areas of Carbon County, setting forth the procedure to be followed by the Board of County Commissioners and the Planning Commission in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Wyoming.

**1.02            SHORT TITLE**

These regulations shall be known and may be cited as “Subdivision Regulations of Carbon County, Wyoming”.

**1.03            AUTHORITY**

These regulations are authorized by Sections 18-5-301 to 18-5-315 Wyoming State Statutes annotated 1977, republished edition.

**1.04            JURISDICTION**

These regulations are applicable to the unincorporated lands within Carbon County, Wyoming, as defined by Section 18-5-101 Wyoming Statutes annotated 1977, republished edition.

**1.05            PURPOSE**

These regulations are designed and enacted to supplement the requirements of Wyoming Laws, Section 18-5-101 to 18-5-315, Wyoming Statutes annotated 1977, republished edition, for the purpose of promoting the public health, safety, morals, and general welfare of the unincorporated areas of Carbon County, Wyoming, by: providing for the orderly subdivision of property into lots, sites, or tracts that are established by standards including minimum width and depth; encouraging the proper arrangement of streets, roads, alleys, rights-of-way and easements in relation to existing or planned public access patterns; insuring that subdivision developments conform to the Comprehensive Plan for County-wide control and development; protecting the environment; providing for adequate and convenient open spaces; providing for community use facilities, schools, and utility service; and, regulating of such other matters as the Carbon County Planning Commission and Board of County Commissioners may deem necessary in order to protect the best interests of the public.

These regulations, by their nature, will also serve the following specific purposes:

- Each Subdivider - will know in advance what general subdivision design is expected; will be able to use established principles of development for his subdivision; will know what improvements will be necessary.
- Adjoining land owners - should have assurance that at a later date their property can be subdivided without conflict with present plats; should be protected against poor practices which would destroy values along their property boundaries.
- Future property owners - should be able to purchase sites in newly subdivided areas with the knowledge that legal descriptions are accurate and that desirable design features have been used in the subdivisions.
- All taxpayers - should save money by coordinated, logical street right-of-way and utility extensions and by assurance that improvements are made to specified standards; should be able to secure necessary land for public purposes in advance of high land values.

**1.06            EXISTING SUBDIVISION AGREEMENTS AND COVENANTS**

Subdivisions filed and recorded on a Final Plat to the effective date of these regulations shall not be regulated by these regulations unless proposed for resubdivision in such manner as to fall within the definition of a subdivision of these regulations. Subdivisions having received Preliminary Plan approval under any previous subdivision regulations or law prior to the effective date of this resolution shall be considered as having received Preliminary Plan approval under these regulations; provided, that all Final Plat submittals subsequent to the date of these regulations shall conform to the requirements of these regulations. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for resubdivision into smaller tracts, lots or building sites, the resubdivision shall comply with all provisions of

these regulations except for those which in the opinion of the Board, have been satisfied prior to filing of the original subdivision plat. These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or with existing provisions of private agreement or restrictive covenants running with the land to which the county is a party. Where these regulations impose a greater restriction than that imposed by such existing provisions of law, contract or deed, the provisions of these regulations shall control.

**1.07            UNLAWFUL TO SUBDIVIDE WITHOUT COMPLIANCE**

**1.07.01**            From and after the effective date of these regulations it shall be unlawful for any person to subdivide land within the entire area of Carbon County, Wyoming, except any such area which lies within the boundaries of an incorporated city or town, without having first complied with the provisions of these regulations.

**1.07.02**            All plats of a subdivision of land within Carbon County, Wyoming shall be filed and recorded only after having been reviewed and approved by the Carbon County Planning Commission, and accepted and signed by the County Commissioners.

**1.07.03**            Any subdivision proposed on county land and located within three (3) miles of a municipality shall be referred to the city or town for consideration by their Planning Commission, and the City or Town Council. If Council recommendations are not forthcoming within 21 days of the receipt of such referral, the action is considered to be approved by the municipality. Additionally, State Statutes 18-5-308 and 34-12-103 require city or town approval of any plats within one mile of an incorporated town or city's boundaries.

**1.08            PERMITS FOR DEVELOPMENT**

**1.08.01**            No permits of any kind shall be issued by the County Building or Zoning Official nor any other administrative office of the County, for the construction of any building or other improvements upon any land to which these regulations apply unless and until the requirements herein have been met.

**1.08.02**            No building shall be erected on any lot nor shall a building permit be issued for a building unless the street or private road giving access to the lot upon which such building is proposed to be placed shall have been approved by the County Planning Commission and accepted by the County Commissioners as a part of an official subdivision where said land is subject to 1.07.01. Dead end streets which are terminated due to natural or pre-existing man-made barriers or which form a continuous loop without any intersecting streets (private or public) may be retained in private ownership.

**1.08.03**            No changes, erasures, modifications, or revisions shall be made on the Final Plat after the approval by the Board without specific approval, in writing, by the Board.

**1.09            OWNER OR AGENT MAY SUBDIVIDE**

**1.09.01**        No person who is not the owner of land may subdivide nor make application to subdivide such land without first having obtained a properly acknowledged power of attorney to subdivide such land from the owner or owners thereof or from the authorized agents of said owners.

**1.09.02**        The determination of the creation of a subdivision will be based on the ownership of the record legal title owner.

**1.10            ENFORCEMENT, VIOLATIONS AND PENALTIES**

**1.10.01**        It shall be the duty of the Board, or its duly appointed representative, to enforce the provisions of these regulations. No Final Plat of a subdivision shall be approved by the Planning Commission and approved by the Board unless it conforms to the provisions of these regulations.

**1.10.02**        Any owner, subdivider, or agent of a subdivider, who willfully transfers or sells or agrees to sell or offers to sell any proposed subdivided land before a Final Plat for such land has been approved by the County Commissioners and filed in the office of the County Clerk shall be fined \$1,000.00 initially, and if the violation still exists after 180 days from notification, \$100/day until Final Plat is accepted by County; or deeds revoked and purchase price returned to affected lot purchasers.

**1.10.03**        Description of lots in the unapproved subdivision by metes and bounds in the transfer shall not exempt the owner from being fined.

**1.10.04**        The County Attorney, when authorized by the Board, may enjoin any transfer or sale of such land by injunction and may recover the penalty in a civil action in a court of competent jurisdiction.

**1.11            VARIANCES**

**1.11.01**        Upon application by a subdivider the Board in its discretion may grant variances, as herein provided, (Section 7.00), from some or any requirements of these regulations in cases where an undue hardship is placed on the subdivider and:

**1.11.02**        Whether the provisions of the regulations from which relief is requested are not materially important, in a planning sense, to the orderly controlled development of the tract in question;

**1.11.03**        Whether the granting of the request might adversely affect the use of the land in the immediate area of the tract in question.

**1.11.04** A variance granted by the Board may contain limitations as to time or disposition or use of the tract in question in order to insure that the stated purpose of the variance request is realized.

**1.11.05** Such variance shall not be granted if the Board determines that it would be detrimental to the public good or impair the intent and purpose of these regulations.

**1.12** **EXEMPTIONS FROM SUBDIVISION REGULATIONS**

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 any subdivision of land that:

- 1) Is a division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the grantor's immediate family, subject to the following requirements:
  - a. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the grantor;
  - b. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
  - c. Parcels created under this section shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one (1) year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
  - d. No parcel smaller than five (5) acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304.
- 2) 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;
- 3) Is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
- 4) Concerns lands located within incorporated cities or towns;
- 5) Is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
- 6) Affects railroad rights-of-way;

- 7) Is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;
- 8) Is created by boundary line adjustments where the parcel subject to the sale or other disposition is adjacent to and merged with other land owned by the grantee;
- 9) Creates cemetery lots;
- 10) Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this subsection as only one (1) interest.

This article 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 requirements 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.

### **1.13 FILING FEE**

A filing fee for review and processing of the Preliminary and Final Plat or Planned Unit Development (PUD) shall be paid to the County Clerk or assigned representative in accordance with the latest fee schedule established by resolution of the Board of County Commissioners.

### **1.14 SCHOOL AND PARK SITES**

**1.14.01** The Board may require the reservation, or dedication, of lands, or sites for schools and parks when such are reasonably necessary to serve the proposed subdivision and future residents thereof, or in lieu thereof require payment of a sum of money not exceeding the full market value of such lands or sites. Any such sums when required shall be held by the Board for the acquisition of such lands or sites.

**1.14.02** SCHOOL SITES: A proposed subdivision may incorporate a school site either as proposed by the Subdivider or by the appropriate School District in their review of the Preliminary Plan. Following agreement on location and size of any proposed school site by the Subdivider and the School District, the Board shall require that an agreement be completed between the Subdivider and the School District on the terms of reservation or dedication of the proposed site to the district prior to approval of a Final Plat on any portion of the land included in the Preliminary Plan. The basis for determination of the size of said reservation or dedication shall be the current policy of the School District as approved by the Board of County Commissioners.

**1.14.03**      PARK SITES: The Board may require that each proposed Subdivision include a park plan consisting of park sites suitable for active recreation use and walkways or riding trails for access to recreation sites. Location of sites shall be based on topography, vegetation, circulation patterns and the size of the subdivision. Wherever possible, consistent with the foregoing locational criteria, such park sites should be located in such a fashion to permit expansion through creation of similar facilities in future subdivisions on adjacent undeveloped land.

**1.15**            **ADEQUACY OF APPLICATIONS**

All materials and information, as required by applicable sections of these regulations, including applications, fees, sketches, maps, plans, plats, and reports, must be submitted to the Administrator complete in every detail and by the times specified.

No item nor application submitted under these regulations may be placed on a meeting agenda of the Commission or Board, which is not in compliance with the standards and procedures of these regulations; the Administrator shall determine the compliance of each application and shall be the authority for placing any application or item on an agenda.

**1.16**            **SUSPENSION OF APPROVAL**

The Board or the Planning Commission may suspend or withdraw any approval of a plan or plat or may require certain corrective measures may be taken following a determination that the information provided by the subdivider upon which such approval was based is false or inaccurate or that new significant information has been brought to their attention. Suspension of approval may occur at any step in the platting and must take place at a regular meeting.

A written notice from the Administrator shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear at the certain regular meeting of the County Commissioners or Planning Commission not less than ten (10) days nor more than thirty (30) days after the date of service of notice. The Planning Commission or Board shall determine at the meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to their attention, and shall have power, upon good cause being shown, to suspend or withdraw any approval or require certain corrective measures to be taken.

**1.17**            **APPEALS**

Any subdivider aggrieved by the action of any Commission or administrative personnel of Carbon County in carrying out any provisions of the Subdivision Regulations, may, if they so desire, file with the Board of County Commissioners of Carbon County, a written request for hearing the same, setting forth the reasons for which they feel the regulations have been unjustly enforced within thirty (30) days of the act or acts alleged

to be unjust, and within sixty (60) days of receipt of said request, the Board of County Commissioners shall hold a public hearing to determine the proper application of said subdivision rules.

## **1.18            AMENDMENTS TO THE SUBDIVISION REGULATIONS**

**1.18.01**        The procedures, standards, and criteria contained in these regulations, when deemed necessary, may from time to time be revised, altered or amended, and may be requested by any person, group, or agency.

**1.18.02**        Any request for amendment shall be submitted in writing to the Administrator for formal presentation to and consideration by the Planning Commission for recommendations to the Board.

**1.18.03**        The Planning Commission shall hold a public hearing prior to recommending the adoption of any amendments or changes. The time and place of such public hearing shall be advertised by the Planning Commission at least forty-five (45) days prior to its intended action in a newspaper of general circulation within Carbon County pursuant to the Wyoming Administrative Procedure Act, W.S. § 16-3-103(a). The public notice shall include:

- a) The time when, the place where and the manner in which interested persons may present their views on the intended action;
- b) A statement of the terms and substance of the proposed rule or a description of the subjects and issues involved;
- c) If an amendment or a repeal, the citation to the County's rule to be amended or repealed;
- d) If new rules, a statement that they are new rules and a citation of the statute which authorizes adoption of the rules;
- e) The place where an interested person may obtain a copy of the proposed rules.

After considering the testimony at the public hearing and comments from governmental agencies and interested parties, the Planning Commission shall recommend approval, conditional approval or disapproval of the proposed changes or amendments to the Board.

**1.18.04**        The Board shall hold a public hearing prior to taking action upon such recommendation. Public notice of the proposed action shall be advertised by the Board at least forty-five (45) days prior to its intended action in a newspaper of general circulation within Carbon County pursuant to the Wyoming Administrative Procedure Act, W.S. § 16-3-103(a). The public notice shall include:

- a) The time when, the place where and the manner in which interested persons may present their views on the intended action;
- b) A statement of the terms and substance of the proposed rule or a description of the subjects and issues involved;
- c) If an amendment or a repeal, the citation to the County's rule to be amended or repealed;
- d) If new rules, a statement that they are new rules and a citation of the statute which authorizes adoption of the rules;
- e) The place where an interested person may obtain a copy of the proposed rules.

After due consideration the Board shall approve, conditionally approve, or disapprove the proposed changes or amendments by a vote of not less than a majority of the entire membership of the Board. Such decision shall be binding on all parties affected by this regulation.

## **2.00            PROCEDURE – SUBDIVISION REVIEW**

### **2.01            BASIC CONSIDERATIONS**

A successful subdivision involves coordination and understanding of many factors related to law, engineering, marketing, financing, and planning. Because of the need for a thorough analysis, an individual considering the platting of a parcel of land is advised to contact his attorney, an engineer or surveyor, a real estate or marketing firm, a financial lending institution, and a land planning specialist. While certain short cuts may be possible, good counsel on all phases of a proposed subdivision is essential at an early stage. Through this review, the subdivider may be able to save time, avoid unnecessary mistakes, and to make the most of his opportunities.

Some of the questions, which should be considered by both subdivider and Commission at the onset are as follows:

- a) Is there a need for additional residential sites in the area?
- b) What type and price homes are likely to be built?
- c) What lots would be most appropriate?
- d) Shall areas be reserved for business or industrial use?
- e) Does the tract include special scenic locations or areas of historical importance which need to be reserved?
- f) Will school and/or playground sites be required?
- g) If the plat abuts a major street or expressway, will additional right-of-way or limited access features be necessary?
- h) Are portions of the area subject to flooding?
- i) Are soil conditions favorable for construction purposes?
- j) How can water, sanitary sewer, storm sewer, electric and gas utility services and solid waste disposal be provided?
- k) Can the subdivision be designed as a part of an existing neighborhood?
- l) Should the Planned Unit Development concept be considered?
- m) Can any of the land adjacent to the site be included?

- n) Will the site be adversely affected by its surrounding environment or will the proposed usage adversely affect the environment?
- o) What legal or tax problems are likely to be encountered?
- p) Does the proposed usage meet the requirements of the Carbon County Comprehensive Plan and Zoning Resolution?
- q) Does the subdivider have access to the necessary financial resources that will be required for a quality development that complies with these regulations?

## **2.02            PROCEDURAL OUTLINE**

The following outline is included as a guide for the subdivider to use in obtaining systematic review/approval or disapproval of a proposed major subdivision. The following is not applicable to review and approval of a **minor subdivision** application as defined in Section 11.00 of these regulations. The Planning Commission may delegate the initial contact and review responsibilities to an authorized representative.

- a) Obtain Carbon County Subdivision Regulations and Zoning Resolution information.
- b) Analyze proposed development concepts for conformity.
- c) If necessary, submit application for zone change to the Planning Commission and Board.
- d) Submit Subdivision Application and filing fee to the County Clerk or designated representative.
- e) Prepare sketch plan.
- f) Submit sketch plan to Planning Commission.
- g) If determined necessary under the conditions of these regulations, submit application for variances from these regulations to the Commission for their recommendation to the Board.
- h) Prepare preliminary plat with vicinity map.
- i) Submit preliminary plat to Planning Commission.
- j) After approval of preliminary plat, prepare final plat with all corrections/changes recommended in preliminary plat review.
- k) Obtain required certifications, dedications, etc.

- l) Submit final plat to Planning Commission within eighteen (18) months after preliminary plat approval.
- m) Submit subdivision permit fee to County Clerk or designated representative.
- n) Publish two (2) public notices in at least one newspaper of countywide distribution within no more than thirty (30) days of Board review. Notices must be published at least fourteen (14) days apart and no less than two (2) days before Board review.
- o) Submit final plat to County Commissioners along with application for Subdivision Permit.
- p) Record approved/signed final plat with the County Clerk.

## **2.03            SKETCH PLAN**

### **2.03.01        SKETCH PLAN REVIEW**

Any person proposing to subdivide land shall submit a sketch plan in the form and manner hereinafter described, together with required supplemental information, to the Planning Commission or designated representative as authorized representatives of the Board at least fourteen (14) days prior to the regularly scheduled Planning Commission meeting at which the applicant wishes sketch plan review. Information as to scheduling of meetings is available at the Carbon County Planning and Development office.

**2.03.02**        The Administrator of the Commission shall transmit prints of the sketch plan, for review and appropriate comments of a general nature, to the agencies as itemized in Section 2.04.02.

**2.03.03**        The Commission at their meeting shall review applicable provisions and requirements of these regulations with the subdivider and consider the sketch plan in terms of the following factors:

- a) Conformance with general plan, policies, guidelines, zoning and other applicable regulations;
- b) Suitability of the land for subdivision;
- c) Reports and studies for the County or by Agencies on significant hazards, areas or activities of state or local interest.

**2.03.04**        The Commission shall determine the compliance of the sketch plan and establish guidelines and conditions for proceeding to preliminary plan, or, reasons for the applicant not to proceed further.

**2.03.05** The Commission may request that consideration of the sketch plan be continues to its next regularly scheduled meeting, or the Commission may determine that the applicant proceed to the preliminary plan stage, or that the proposed, subdivision is not appropriate as submitted or for the proposed site.

**2.04** **PRELIMINARY PLAN**

**2.04.01** **PRELIMINARY PLAN REVIEW**

The subdivider in compliance with Section 4.02 of these Regulations, must submit the preliminary plan of the proposed subdivision with the maps and supporting information required herein to the Commission at least fourteen (14) days prior to the meeting at which the applicant wishes to be heard. Each subdivider shall file with the Commission a minimum of sixteen (16) prints or more as may be required by the Commission.

**2.04.02** The Administrator of the Commission shall transmit prints of the preliminary plan and supporting information provided by the subdivider to the following agencies for their review and appropriate comments and recommendations:

- a) To each County or Municipality within a three (3) mile radius of any portion of the proposed subdivision;
- b) To the appropriate school districts;
- c) To any utility, local improvement and service district, or ditch company, when applicable;
- d) To the appropriate Planning Commission;
- e) To the local Soil Conservation District Board or Boards within the County; to make findings and recommendations regarding soil suitability and characteristics, flood water problems, watershed protection and conservation practices in the area affected by the proposed subdivision;
- f) To the Wyoming Department of Highways when the proposed subdivision is adjacent to or in significant proximity to affect a right-of-way, interchange or other facility;
- g) To the Wyoming Division of Wildlife to make findings and recommendations pertaining to important habitat or migration routes of wildlife species which may be affected by the proposed subdivision;
- h) To the Supervisor, Medicine Bow National Forest, when the proposed subdivision is with in the National Forest, or is to be located within one (1) mile of the proclaimed National Forest Boundary, or when it will involve access roads, utilities, or other supporting facilities that will cross the National Forest;

- i) To the Wyoming Geological Survey to make findings and recommendations pertaining to geologic factors, including geologic hazards, mineralized areas, sand and gravel areas which would have a significant impact on the proposed use of the land;
- j) To the County, District, Regional, or Wyoming Department of Health, and the Wyoming Department of Environmental Quality for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment facilities to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision;
- k) To the State Engineer for opinions regarding material injury to decreed water rights; historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;
- l) To the Administrator, who shall compare the legal description of the subject property with the county records to ensure that the property described contains all contiguous single ownership and does not create a new or remaining unrecognized parcel of less than thirty-five (35) acres in size;
- m) To public land managing agencies to consider access to the public lands or facilities and any other effects thereto by the proposed subdivision;
- n) To any other agency, as determined by the Commission, concerned with a matter or area of state or local interest which would be affected by the subdivision.

**2.04.03** The Commission shall instruct each of the agencies to which the print is distributed that any of their recommendations must be submitted back to the Commission within twenty-four (24) days after such prints have been mailed or the plan will be deemed to have been approved by the agency except as hereinafter provided. The single exception to this item refers to local soil conservation districts, which by State Statute 18-5-306 (b), are allowed sixty (60) days for review and recommendations.

**2.04.04** Where the plan involves twenty (20) or more dwelling units, the appropriate school district shall be instructed to submit within the time period or extension thereof, specific recommendations with respect to the adequacy of school sites.

**2.04.05** An extension of an additional thirty (30) days within which to respond may be granted to any of said agencies with the recorded consent of the Commission and the subdivider, and the time within which the Commission must act on the preliminary plan will be extended accordingly

**2.04.06 PLANNING COMMISSION REVIEW**

The Commission shall review the preliminary plan to determine whether the proposed subdivision conforms to these and other applicable regulations, policies and guidelines and whether it represents good planning practice. The Planning Commission shall approve or disapprove the preliminary plat within thirty-one (31) days after their initial review of the request at a regular meeting. Otherwise, such plat shall deem to have been approved, and a certificate to that effect shall be issued by the Planning Commission by demand. The applicant may, however, agree to waive this thirty-one (31) day requirement with the consent of the Planning Commission, and extend it to such a date mutually agreed upon by both parties. If the preliminary plat is disapproved, the Planning Commission shall state the reasons for such denial.

**2.04.07 HEARING**

No plat shall be acted on by the Commission without first reviewing the plat at a regularly scheduled meeting. Notice shall be sent to the address of the subdivider by first class mail stating the time and place of such meeting not less than five (5) days before the date fixed for the meeting. Similar notice shall be mailed to the owners of the land immediately adjoining the platted land as their names appear on the plats in the County Clerk's office and their addresses appear on the tax records of the County. Said names and addresses shall be provided by applicant with the certification that they are correct to the best of the applicant's knowledge.

**2.04.08 APPROVAL PROVISIONS**

The Planning Commission shall have the power to agree with the applicant upon the use, height, area, or bulk requirements of restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinances of the County.

Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force by law and enforceable in the same manner and with the same sanctions and penalties and subject to the same powers of amendment or repeal as though set out as a part of the zoning ordinance or map of the County. No action taken under this paragraph shall be binding for any purpose until the

same had been approved by the Board of County Commissioners. If the plat is approved conditionally or subject to modifications, the nature of the required modifications shall also be stated in the records of the Commission and a letter defining same mailed to the applicant.

**2.04.09      PRELIMINARY PLAT TIME EXTENSION**

Within eighteen (18) months after the date of approval or conditional approval of the preliminary plat by the Planning Commission, the subdivider shall cause the subdivision to be accurately surveyed and the final map thereof to be prepared in accordance with the preliminary plat for at least the first phase, with any and all alterations and changes required thereto. In the event this eighteen (18) month time limit expires prior to submission of the final plat, the original approval is deemed void. Prior to the date in which the preliminary plat becomes void, the subdivider may request the Planning Commission to extend the time limit not to exceed one additional year.

**2.05      FINAL PLAT**

**2.05.01      PLANNING COMMISSION ACTION**

Prior to the expiration of the preliminary plat, the subdivider shall submit five (5) copies of the Final Plat for all or a portion of an area within an approved Preliminary Plan to which it must conform, with maps and information as required under 4.03, Final Plat, to the Planning Commission at least fourteen (14) days prior to a regularly scheduled meeting. The Administrator shall refer all Final Plat materials to any other designated officials who shall review the Final Plat to ascertain that it conforms to the approved Preliminary Plan and any requested modifications thereto. Approval of the Final Plat by the Commission shall be indicated by the signature of the Chairman done at a regular meeting, and on the Commission certificate of approval. The Commission may continue its review of the Plat for additional information if a determination is made that the plat or prior conditions are not yet complete.

**2.05.02**      The Administrator shall compare the legal description of the subject property with the county records to ensure that (a) the property described contains all contiguous single ownership and does not create a new or remaining unrecognized parcel of less than thirty-five (35) acres in size, and (b) the lots and parcels have descriptions which both close and contain the area indicated, and (c) the plat is correct in accordance with surveying and platting standards of the State of Wyoming.

**2.05.03**      Within thirty-one (31) days after the review of the Final Plat, at a regular meeting the Planning Commission shall approve, disapprove, or approve subject to modifications, the Final Plat. Such action shall be recorded in the records of the Commission.

## **2.06**            **BOARD ACTION ON FINAL PLAT**

The Board, at its next regularly scheduled meeting for such purposes, after the approval of the Final Plat by the Commission, shall review the Final Plat and recommendations from the Commission, and take final action on acceptance or rejection. The subdivider shall provide the Board with the original and one copy of the Final Plat. The subdivider may be required by the Board of County Commissioners to submit engineering drawing and details for all public improvements proposed or required by the Planning Commission or this ordinance, including cost estimates for the installation and construction of these improvements. The Planning Commission and the Board of County Commissioners may review these plans or have them reviewed by the County Engineer to check compliance with adopted standards.

**2.06.01**            Approval of the Final Plat is granted only when public improvements have been installed in accordance with the plans, or if a performance guarantee in the form of surety bonds or other suitable means in a form acceptable to the County's legal advisor, and has been secured with the subdivider for those improvements not yet installed. The amount of the performance guarantee shall be established by the Board.

**2.06.02**            The subdivider shall cause the Final Plat and restrictive covenants, if any, to be recorded within ninety (90) days from the date of approval and acceptance of the Board. In the event that the plat is not so recorded, the approval of the Commission and Board shall be deemed to be void and such plat shall not thereafter be recorded unless and until the Chairman of the Commission and Board, respectively, execute a written authorization for recording such Final Plat. Final Plat shall terminate within two (2) years if public improvements have not been installed. Applicant can apply to the Board for an extension.

**2.06.03**            No covenant filed and recorded as part of a Final Plat shall be altered subsequent to Final Plat approval by the Board unless said change is first referred to the Board for approval; such changes may be referred to the Planning Commission for recommendations or information to the Board.

**2.06.04**            The Board may summarily grant permission to alter a Final Plat, by the filing of an amended plat, to cure errors caused by mistake which do not materially alter the substance of the plan as represented to the Board.

**2.06.05**            A plat or any portion thereof which has been finally approved by the Board and has been recorded shall be subject to vacation proceedings if the project which is the subject of the subdivision is not completed within a time set by the Board.

**2.06.06**            Part of the plat approval proceedings shall include a determination by the Board of a reasonable time by which the project involved should be completed. Extensions of such time limit may be obtained from the Board for good cause shown, upon request by the subdivider, or owner of the tract, if made before vacation proceedings are instituted.

**2.06.07** All plats given final approval by the Board after March 5, 1980, shall contain a notation indicating the time by which a project is expected to be completed. This notation shall be prima facie evidence of a reasonable time by which the project should have been completed.

**2.06.08** Where a portion of an existing easement is contiguous to a proposed easement or right-of-way within the subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the County Commissioners must be submitted when requested.

**2.06.09** When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted.

**2.06.10** After recording of the Final Plat, the subdivider shall furnish the County Engineer (or other authority designated by the Planning Commission) with one reproducible map and one print of the Final Plat, as officially recorded.

**2.06.11** After all public utilities and improvements are in place, as-built construction drawings and details shall be filed with the County Engineer (or other representative designated by the County Commissioners).

**2.07** **RE-SUBDIVISION PROCEDURE**

Re-subdivision of land or changes to a recorded plat shall be considered a subdivision and shall comply with these regulations with the following exceptions:

Minor changes affecting only lot lines, without any change to street location and still meeting all other applicable regulations may be processed without review and approval Preliminary Plat form. The revised plat shall be submitted in the same form as required for the Final Plat to the Planning Commission and County Commissioners. Processing and recording shall follow the same procedures as required for a Final Plat. The approved Plat shall be titled "A replat of \_\_\_\_\_ Subdivision, in the County of Carbon, Wyoming."

**2.08** **SUBDIVISION PERMIT**

No person shall subdivide or commence the physical layout or construction of a subdivision, without first obtaining a subdivision permit from the Board of County Commissioners.

**2.09** **PERMIT FEE**

Each application for a subdivision permit shall be accompanied by a fee to be determined by the Board. The fee shall be the greater of one hundred dollars (\$100.00) or ten dollars (\$10.00) per lot up to a maximum of one thousand dollars (\$1,000.00).

## **2.10**            **MINOR SUBDIVISION: REVIEW AND APPROVAL**

A minor subdivision permit provides for an adequate public record of the division, in a less complicated process than a major subdivision. This process shall not be applicable to lots or parcels in platted subdivisions of record.

### **Limitations.**

- 1) No minor subdivision shall be approved if:
  - a. A new public road or access development is needed or proposed;
  - b. A vacation of streets, alleys, access control or easements is required or proposed. Such actions will result in significant increases in service requirements, e.g., utilities, drainage, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels;
  - c. Approval might significantly increase demand on public services or would constitute a significant conversion of the existing land use of the property or land uses in the vicinity, or would not conform to other County regulations or policies;
  - d. There is less street right-of-way than required by regulations unless such additional street right-of-way dedication can be made by separate instrument;
  - e. All easement requirements have not been satisfied;
  - f. Such division would result in a tract without direct dedicated access to a public road;
  - g. The parcel is subject to periodic flooding which cannot be feasibly corrected;
  - h. State requirements for waste disposal and potable water development cannot be met;

### **2.10.01**            **SURVEY REQUIREMENTS**

A Record of Survey and approval of any minor subdivision permit shall accompany or be referenced by all deeds recorded in the Office of the Carbon County Clerk that create a minor subdivision. The filers of records not accompanied by a subdivision permit or record of survey may be referred by the County Clerk to the Planning & Development Department to determine the exempt status of the filing. The Planning Commission and/or Zoning Officer may waive the record of survey requirement when aliquot parts are created such as when all parcels created by the division are either

section quarters or quarter-quarters or are government resurvey lot or tracts or combinations of these. A Record of Survey shall comply with the following requirements:

- 1) Records of survey to be recorded shall be legibly drawn, printed or reproduced with permanent ink, and shall be eight and one-half by eleven inches (8½ X 11) or eight and one-half inches by fourteen inches (8½ X 14). Records of survey to be filed shall be legibly drawn, printed or reproduced with permanent ink and shall meet the requirements of W.S. § 33-29-139;
- 2) One (1) signed reproducible copy of a stable base (i.e. mylar, archival-quality paper) shall be submitted.
- 3) Whenever more than one (1) sheet must be used to accurately portray the land divided or property boundaries realigned, each sheet must show the number of that sheet, and the total number of sheets included. All certifications shall be shown or referenced on one (1) sheet.
- 4) The Record of Survey shall show or contain on its face, or on separate sheets referenced on its face, the following information:
  - a. A title block including the township, range, principal meridian, County, and state of the surveyed land. Space shall be provided on the Record of Survey for the clerk and recorder's filing information. A Record of Survey shall not bear the title "plat", "subdivision", or any title other than "Record of Survey";
  - b. North arrow;
  - c. Scale or Scale bar;
  - d. All monuments found, set, reset, replaced or removed describing their kind, size, location and giving other data related thereto;
  - e. The location of any corners of sections or divisions of sections pertinent to the survey;
  - f. The true bearings, distances, and curve data of all perimeter boundary lines shall be indicated;
  - g. Data on all curves sufficient to enable the re-establishment of the curves on the ground;
  - h. Lengths of all lines shown to at least one-tenth (1/10) of a foot, and all angles and bearings shown to at least the nearest minute;

- i. All parcels created by the survey, designated by number or letter, and the dimensions and area of each parcel (Excepted parcels shall be marked "Not a part"); and roads.
  - j. The signature and seal of the registered land surveyor responsible for the survey.
5. A platted minor subdivision shall include the following additional information:
- a. The location of all structures and small waste systems on all parcels, if any;
  - b. Location and dimensions of the lot to be split;
  - c. Proper monumentation.
6. Record of Survey shall be signed by the Owner(s) and the Carbon County Planning Director or Zoning Officer.

#### **2.10.02      REVIEW PROCESS**

- 1) A "Minor Subdivision Application Form" shall be submitted to the County Planning & Development Department with the accompanying attachments:
  - a. A notarized certification of ownership or title policy or commitment shall be submitted by the owner of record, fee simple or contract for deed;
  - b. A copy of the deed for the parcel to be divided, and proposed legal descriptions of the parcels to be created that list all reservations, proposed covenants if any, and all necessary encumbrances;
  - c. A subdivision permit application fee in the amount of one hundred dollars (\$100.00);
  - d. Any additional information the Planning Commission, the Board of County Commissioners or staff deems necessary for an adequate review the proposal.
- 2) Upon submission of a completed application for a minor subdivision permit, the Planning Director or Zoning Officer shall schedule a public hearing on the application before the Planning & Zoning Commission, and forward a copy of the application to the local conservation district to obtain recommendations regarding soil suitability, erosion control, sedimentation and potential flooding problems. The local conservation district shall have sixty (60) days to complete its recommendations.

- 3) The Carbon County Planning & Zoning Commission shall hold a public hearing on the minor subdivision permit application to determine conformance of the application with the County Land Use Plan and Zoning resolution, and the appropriateness of approval of the application. The Planning Commission shall prepare a report and its recommendations concerning the project and submit that report to the Board of County Commissioners for its review.
- 4) The Board of County Commissioners shall hold a public hearing and approve or disapprove the minor subdivision application and issue a minor subdivision permit or ruling within forty-five (45) days after receiving a report from the Planning & Zoning Commission.

### **3.00            GUARANTEE OF PUBLIC IMPROVEMENTS**

#### **3.01            PROVISIONS FOR GUARANTEE**

No Final Plat shall be recorded until the subdivider has submitted and the Board of County Commissioners has approved, one or a combination of, the following:

- a) All roads, utilities, drainage facilities, survey monuments and other public improvements serving all lots described in the subdivision agreement are installed to specifications of the Board or its designated representatives; or
- b) An agreement to construct any required public improvements shown in the Final Plat documents together with collateral which is sufficient, in the judgment of said Board to make reasonable provisions for the completion of said improvements in accordance with design and time specifications agreed to. Collateral shall be cash or approved surety bond, letter of surety from a commercial bank, savings and loan institution, insurance company or other qualified lending institution licensed or authorized to do business within the State of Wyoming, or a letter from the Federal Housing Administration or Veterans Administration warranting that a sum or sums of money sufficient to guarantee the completion of improvements on the land within the subdivision and improvements on the land adjacent to the subdivision, as may be required are existent and will be available to cover the cost of such completion in the event of default by the subdivider in fulfilling said terms and conditions; or as a alternative, the Board may vacate all or part of the approved plat; land, of acceptable value, by trust deed or other acceptable means, may be accepted by the county as a form of guarantee only when no other form is acceptable; or
- c) The plan, method, and parties responsible for the construction of any required public improvements shown in the Final Plat documents which, in the judgment of said Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

As improvements are completed, the subdivider may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board of County Commissioners determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board of County Commissioners may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

## **4.00 PLAN REQUIREMENTS**

### **4.01 SKETCH PLAN REQUIREMENTS**

**4.01.01 SKETCH PLAN:** Maps submitted shall be drawn to scale and, as a base, the USGS 7.5 minute quadrangle maps may be used or a base map produced from the USGS maps at an enlarged scale of at least one inch to a thousand feet to allow clear indication of the required information, including the following:

- a) Tract boundary, block and lot pattern with the area and use of lots indicate by note;
- b) Street system with gradients and widths indicated by note; the relationship of proposed streets to existing streets, both on and adjoining the sketch plan site, shall be shown;
- c) Existing development on the subject and adjacent property shall be shown;
- d) Soil types based upon the National Cooperative Soil Survey, USDA, Soil Conservation Service and interpretations of soil types; vegetation shall be described and tree masses shown;
- e) A survey and report on the general geological, soils, drainage, wildlife, wildfire, minerals, radiation and other conditions on the subject or adjacent property which could affect development on the subject property; the survey shall include information and recommendations of reports referred to in Section 2.03.03 of these regulations and pertinent reports on file in the office of the Administrator. Equal attention should focus on the potential effects of the proposed development upon the above conditions of contiguous and adjacent property. The County encourages the assistance of competent professional technicians at this, and subsequent, stages of the planning process.

**4.01.02 INFORMATION:** A letter from the subdivider to the Commission requesting Sketch Plan Review, accompanied by a check in the amount of the required fee and including the following information:

- a) Name of proposed subdivision which shall be different from any recorded subdivision in Carbon County.
- b) Source of domestic water and description of the proposed method of distribution.
- c) Manner of sewage disposal and a description of the proposed method of collection and treatment.

**4.01.03** COPIES: All of the above maps, plans and information shall be submitted in sixteen (16) copies, or more if required, when notified by the Administrator.

**4.02** PRELIMINARY PLAN REQUIREMENTS

**4.02.01** WATER SYSTEM: Each subdivider will be required to provide an adequate water supply and distribution system in conformance with these regulations.

**4.02.02** MAPS AND PLATS: Preliminary Plan maps shall be drafted in a preliminary fashion, scaled and dimensioned to the nearest foot; construction details requested for street or utility improvements may be shown schematically. "Maps and plans submitted shall be to the same scale, as follows:"

SUBDIVISION LOT AREA	SCALE
less than 10,000 sq. ft	1" = 50 or less feet
10,001 sq. ft. – 2 acres	1" = 100 or less feet
2.01 acres – 5 acres	1" = 200 or less feet
More than 5 acres	Scale shall be consistent with clarity of depicted information and Final Plat sheet size (24" x 36")

**4.02.03** PRELIMINARY PLAT: The entire area proposed for subdivision shall be shown on one sheet if practical, the only size limitation being 42" in width. If more than one map is necessary given the above limitation, they shall be accompanied by a general area map showing the relationships between the component parts of the subdivision. The following information shall be contained on the preliminary plat:

- a) Name of the proposed subdivision which shall be different from that of any existing subdivision in Carbon County.
- b) Name and address of the record owner or owners, the subdivider, and the person or firm preparing the preliminary plat.
- c) Names and mailing address of the owners of land immediately adjoining the area to be platted.
- d) Total acreage of land to be subdivided and acreage intended for each type of usage.
- e) The locations, names, and existing widths of all existing and proposed streets, highways, easements, and recorded section lines.
- f) Approximate lot layout including approximate lot dimensions of each lot and lot numbering system.

- g) Boundary lines with bearings and distances, plus a property description of the tract proposed for subdivision; said property description shall be a metes and bounds survey unless an acceptable parcel description identifies the property as subject of a previously recorded survey.
- h) At a minimum, current USGS topographic data shall be used. (If available, contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade is desired but not required.)
- i) State of improvements and public utilities proposed to be made or installed.
- j) North arrow, graphic scale, date of plat preparation (and of revisions thereto) and contour interval.
- k) Existing and/or proposed zoning classifications of the land proposed for subdivision and the zoning of the land adjacent to the proposed subdivision.
- l) Approximate boundaries of areas subject to the inundation or storm water overflow.
- m) Approximate location of tree clusters, natural features, or permanent significant man-made structures standing within the boundaries of the proposed subdivision.
- n) A vicinity sketch normally drawn at a scale for one inch equals one thousand feet (1" = 1,000 feet), although if such maps are not available, a USGS map 1:24,000 scale may be accepted. The vicinity sketch shall depict tract lines and names of all abutting subdivisions, the location of streets and highways within an area of approximately one-half mile of the proposed subdivision tract; the location of all adjacent utility systems within an approximate half-mile minimum; the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where this is reasonable. All maps submitted in accordance with this sub-section shall include clear indications of the section, township and range containing the lands which are the subject of the maps.
- o) Sites to be reserved or dedicated for public parks, schools and other public buildings, facilities or use.
- p) Common open spaces not reserved or dedicated to the public.

- q) Proposed terms of reservations or dedications of public sites for parks, schools and other public buildings, facilities or use. In the event of a cash-in-lieu-of-land dedication to the School District, the applicant shall satisfy the Board of County Commissioners for approval and acceptance.
- r) Plans and reports shall be prepared, dated and signed by professional persons as follows:
  - 1) Legal description and maps – by a professional land surveyor licensed in the State of Wyoming.
  - 2) Utility, road, grading and drainage plans – by a professional engineer licensed in the State of Wyoming.
  - 3) Soils reports – by a professional engineer licensed in the State of Wyoming actively engaged in the practice of soils engineering.

**4.02.04**     SUPPORTING INFORMATION: In addition to the preliminary plat, the following data, if required by the Commission, shall be submitted with the application.

- a) Brief description of proposed covenants. Covenants shall bind lot owners and require them to maintain all improvements including access roads that are not designated as county, state or federal roads.
- b) Statement realistically demonstrating the needs for the proposed subdivision, including current availability of lots and housing, current and future needs and demand for housing and types in the County, and other supporting information.
- c) Method of disposing of solid waste and estimated annual quantities of solid waste material.
- d) Proof (usually in the form of legal easements) that potential users of the subdivision will have legal access to the subdivision as required by the circumstances of each individual applicant. An indication that users will have the right to travel over lands between public roads and the subdivision should be provided.

**4.02.05**     INTENTIONALLY LEFT BLANK. RESERVED FOR FUTURE USE.

**4.02.06**      GRADING AND DRAINAGE PLAN: On a plan supplemental to and at the same scale as the Preliminary Plat, depict the following:

- a) Generalized grading plan for the areas to be developed for public or private use, showing existing and revised contours and any proposed retaining structures.
- b) Cross sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas, and the recommended solutions to these problem areas.
- c) Street Plan and Profiles – plan views and centerline profile shall be plotted at a horizontal scale of one inch to fifty feet (1" to 50 ft.) and a vertical scale of one inch to five feet (1" to 5 ft.) on sheets supplemental to the drainage plan. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage areas and easements crossing, or parallel to, the roads. Also shown will be any known areas of high water table, unsuitable soils and other geological hazards. These plans shall include a typical cross section showing road widths – including driving surface, shoulders, curbs and gutters, barrow ditches, cut and fill slopes to the point of intersection with natural ground and the pavement structure details proposed. The plan shall include the extremities of all cut and fill areas. A supplemental sheet shall be included to detail all drainage, retaining and bridge structures and to be constructed as part of the roadway.
- d) Drainage Study – a drainage study shall be prepared in accordance with Section 5.03 of these regulations. This study shall include a contour map showing all existing and proposed water courses, including the seasonal course limits of tributaries, indicating the surface conditions and locations of points of departure from the development. This study shall include computations of ten (10) year flows and one hundred (100) year flows, in addition to an indication of the limits of the one hundred (100) year flood plain plotted on the contour map. The drainage study shall include computations of the increase or decrease in flows anticipated as a result of the development, the capacity and velocity through all drainage structures, including open channels, and the revised flood plains shall be plotted on a contour map. In no case shall the area within the one hundred (100) year flood plain be used for structural development without specific approval of the Board. In no case will a development be allowed to affect either the point, the magnitude, the depth of the velocity of drainage flows upstream or downstream for said development.

**4.02.07**      UTILITY PLAN: On a plan supplemental to and at the same scale as the Preliminary Plat depict the following:

- a) Water Supply – If a central water supply and distribution system is to be provided, a general description of the system shall be shown.
  - 1) Source – adequate evidence prepared by a registered engineer that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed.
    - A. Evidence of ownership or right of acquisition of or use of existing and proposed water rights.
    - B. Historic use and estimated yield of claimed water rights.
    - C. Amenability of existing rights to a change in use.
    - D. Evidence confirming the potability of the proposed water supply for the subdivision.
  - 2) The nature of the legal entity which will own and operate the water system shall be described as well as the proposed method of financing.
  - 3) If connection is to be made to an existing system, as a minimum, the following information shall be provided:
    - A. The nature of the legal entity which will supply water to the proposed subdivision.
    - B. Evidence that the above entity is willing to service the proposed subdivision.
    - C. Information on present service requirements, future commitments, and present water supply capabilities.
    - D. Information on the water rights owned and used by the above entity.
  - 4) If it is intended that individual water systems will be provided for lot owners, a report indicating the availability of ample potable ground water at estimated depths throughout the subdivision and the expected quality and long-term yield of such wells shall be provided by a registered engineer, hydrologist, or geologist qualified to perform such

work. The cumulative effect of on-lot domestic wells shall be considered on existing water rights.

- b) Sanitary Sewage Disposal – if a central sanitary sewage system is to be provided, a general description of the collection system and treatment facilities shall be shown.
  - 1) Treatment – evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district.
  - 2) The nature of the legal entity which will own and operate the sewer system shall be described, as well as the proposed method of financing.
  - 3) If connection is to be made to an existing sewer system, information on the existing system shall be provided.
  - 4) If it is intended that sanitary sewage disposal will be accomplished by individual lot owners, the results of soil percolation tests and maximum ground water level data where applicable shall be furnished. Location of percolation tests shall be indicated on the plat. The tests shall be performed by a registered engineer, hydrologist, geologist or sanitarian qualified to do this work. The number and locations of tests shall be as necessary to meet requirements of the County Health Officer and the Wyoming Division of Water Quality, Department of Environmental Quality.
- c) Underground Wiring – If underground distribution of electrical power or communication lines are proposed, a description of the system or systems shall be shown. The subdivider shall present written evidence that the utility companies involved have been advised of the proposed system and that an agreement on design has been reached.
- d) Fire Protection – an adequate supply of water, and the related systems, shall be shown to comply with the Uniform Fire Code currently adopted and in effect.

**4.02.08**      RE-VEGETATION/LANDSCAPING: Such plan shall be required of any applicant proposing three or more units (dwelling, commercial, etc.) in any one project. The Board, or its authorized representative, may impose the requirement upon any other applicant at the Board's option. Number of units notwithstanding, potential damage to existing landscaping/vegetation shall be adequate reason for requiring a landscaping plan. All plans submitted shall be prepared by a person who qualifies under Section 4.02.03 (r-4) of these regulations. At a minimum, plans submitted under this subsection shall include re-vegetation of land distribution by development.

**4.02.09** All of the above maps, plans and supporting documents shall be submitted in sixteen (16) copies or more as required by the Administrator.

**4.03** **FINAL PLAT REQUIREMENTS**

Prior to the expiration of the Preliminary Plat, the Final Plat shall be submitted to the Planning Commission. The Final Plat shall be drafted in legible form with black, waterproof ink on a permanent reproducible material such as mylar, on a sheet or sheets, in conformance with Wyoming Statute requirements for map recording. Where multiple sheets are necessary to depict the total filing, the particular number of each sheet and the total number of sheets comprising the plat shall be stated on each of the sheets, and the relation of each adjoining sheet shall be clearly shown by key maps and match lines. The name of the subdivision, date, date of survey, north arrow, graphic scale, key map, and all certifications and dedications need to appear on the title or cover sheet. Scale of the Final Plat shall be consistent with that of the Preliminary Plat. Affidavits, certificates, dedications and acknowledgements may be legibly stamped or printed upon the map in opaque ink. Signature shall be opaque black ink. All Final Plats and supplemental information shall be submitted to the administrator at least ten (10) days prior to the Planning Commission meeting at which review is sought.

**4.03.01** FINAL PLAT:The Final Plat shall adhere to the format and include information as follows:

- a) Tract boundary lines and right-of-way lines or street lines in solid black lines; easements or other right-of-way lines in dashed lines; and lots bounded in solid lines shall be shown with accurate dimensions to the nearest 0.01 foot.
- b) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to so such work according to the State of Wyoming. A workmanlike execution of the plat shall be made in every detail.
- c) All surveying data shall be tied to primary control points, the locations and description of these control points being indicated. The location and description of all property monuments on the subdivision shall be indicated. The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the plat.
- d) All bearings and distances of the boundary shall be indicated outside the boundary line, not inside with the lot dimensions.
- e) Bearings shall be given for all lot lines except that bearings need not be given for each lot in a series that are similar.

- f) All streets, walkways, easements, and alleys shall be designated as such and named: bearings and dimensions shall be given.
- g) All dimensions of irregularly shaped lots shall be indicated in each lot.
- h) All blocks, and all lots within each block, shall be consecutively numbered.
- i) On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. This curve data should include the following:
  - 1) points of curvature
  - 2) points of tangency
  - 3) tangent distance
  - 4) radius of curve
  - 5) arc length or chord length
  - 6) central angle
- j) The location of all major drainage channels or areas showing the boundaries of lands subject to inundation by a ten (10) and one hundred (100) year precipitation event.
- k) Certifications and information as follows:
  - 1) Name and address of owners of record.
  - 2) Total acreage of subdivision, total number of lots, and acreage within the subdivision devoted to each use such as single family residential, commercial, street, or open space.
  - 3) Name of subdivision, true north point, and date.
  - 4) Township, Range, and Section and Quarter Section, Block and Lot numbers.
  - 5) Graphic scale.
  - 6) Legal description of the property included within the subdivision.
  - 7) Under the title of each plat on the top of the sheet, the following words "in the County of Carbon, State of Wyoming."
  - 8) Date, by which improvements are to be completed.

- 9) A reference to any protective covenants which shall be filed with the plat and an indication of the purpose for which sites other than residential lots are dedicated or reserved.
  - 10) Statement by the owner dedicating streets, rights-of-way, and any sites for public use.
  - 11) A Certificate of Dedication and Ownership (See Appendix A).
  - 12) Title Certificate (See Appendix B).
  - 13) Certification showing approval by County Engineer or Surveyor (See Appendix G).
  - 14) Surveyor's Certification (See Appendix C). The certificate shall be signed by a land surveyor licensed in the State of Wyoming responsible for the survey and Final Subdivision Plat.
  - 15) An approval block for the Planning Commission (See Appendix D).
  - 16) An approval block for the Board (See Appendix F).
  - 17) The Recorder's Certificate (See Appendix E). (This certificate need not be until after final approval).
  - 18) Certification showing acceptance of dedications by the Board of County Commissioners.
  - 19) All information as may be required under Section 4.04 of these regulations.
- l) Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet.

**4.03.02** Supplemental requirements to be filed with Final Plat shall be as follows:

- a) A letter must be received stating that all supplemental information furnished with the Preliminary Plat is valid for the Final Plat or if this is not the case, revised supplemental data of the same scope and format as required for the Preliminary Plat shall be furnished;
- b) Filing fee as required under Section 2.09;
- c) Three (3) copies of all the protective covenants or restrictions placed on the subdivision, one copy of which shall be filed for record in the office of the Clerk and Recorder at the time of recording the Final Plat;

- d) Complete engineering plans and specifications, time schedules and cost estimated for all public improvements – including streets, access roads, drainage facilities, utility systems, bridges, landscaping and other improvements proposed or required to be installed by the developer, and a statement of proof that the subdivider had the ability to pay for such improvements;
- e) Statements, provided by the subdivider, from utility companies (water, sewer, gas, electric, telephone, etc.) as applicable, that service will be provided to the development and that the utility company or subdivider will provide necessary on and off site improvements.
- f) Engineering drawings shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the State of Wyoming, who is licensed to do such work in the State of Wyoming;
- g) An exact copy of a certificate of a reputable title insurance or abstract company or attorney which shall set forth the names of all owners of property included in the plat. This shall also include a list of all mortgages, judgments, liens, easements, contracts, and agreements before the plat shall be acted upon by the County Commissioners.
- h) A subdivision agreement to be executed by the subdivider and the Board at the time of approval of the Final Plat. Said agreement shall be in the form agreed to and specified under Section 3.01 of these regulations and shall include all items under Section 4.03.02 (d), above.

**4.03.03**      COPIES: All of the above maps, plats and information shall be submitted in original and three (3) copies thereof.

#### **4.04            MINIMUM REQUIREMENTS FOR SUBDIVISION PERMITS**

The Board shall require the following information to be submitted with each application for a subdivision permit:

- a) Evidence satisfactory to the Board that the proposed subdivision complies with applicable zoning and is not inimical or not in conformance with the Carbon County Land Use Plan of 1998.
- b) A survey plat prepared by a licensed surveyor containing the following
  - 1) Date of preparation, scale and north arrow;
  - 2) The location of the subdivision, including the section, township, and range;
  - 3) The location and dimension of existing and proposed streets, alleys, roads, highways, public ways, utility right-of-ways, easements, parks, and the location of proposed permanent buildings and structures if known.
- c) Evidence satisfactory to the Board that:
  - 1) The subdivided land is free of all encumbrances and that the person who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record, but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed to the year in which any such sale may be legally effected; or
  - 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 of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected.
- d) Written certification of a licensed Wyoming engineer, certifying as to the adequacy and safety of the sewage disposal system proposed for the subdivision, including the adequacy of the proposed system in relation to the topography of the subdivision, the proposed population density, soil

- e) Sufficient information to assure that the proposed sewage system meets county, state and federal standards, and other county standards, if applicable;
- f) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of binding easements of not less than ten (10) feet in width for the proposed facilities from each property owner over whose land such services shall extend and shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways;
- g) A written certification of a licensed Wyoming engineer certifying to the adequacy and safety of the domestic water source intended to be used for the subdivision and that the plan for domestic water supply meets county, state and federal standards;
- h) 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 minimum standards adopted by the Board and applied uniformly throughout the county which shall not in itself constitute consent of the Board to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the Board properly acknowledged written certification that certain streets, alleys, or roadways within the subdivision shall remain private and the Board shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on the advertisements for the subdivision and on the contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters **“NO PUBLIC MAINTENANCE OF STREETS OR ROADS.”**
- i) Evidence satisfactory to the Board that the subdivision 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, sewer 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

- j) Proof that the applicant has published notice of his intent to apply for a permit once each for two (2) weeks within thirty (30) days prior to filing his application. The notice will include the name of the subdivider and the general location of the land to be subdivided.
- k) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter:
  - 1) Evidence that the subdivider has notified purchasers, the board and the state engineer of his intent to abandon the water rights; or
  - 2) Evidence that the subdivider has petitioned the state board of control to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or
  - 3) A plan, a copy of which was submitted to the state engineer or board of control prior to the filing of the application for the distribution of the water appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use, or change in point of diversion or means of conveyance in accordance with W. S. 41-3-103, 41-3-104, or 41-3-114; and
  - 4) If the subdivision is located within an irrigation district or within lands served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan had been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and
  - 5) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

- 1) Any other information consistent with Wyoming State Statutes 18-5-301 to 18-5-315 annotated (1977) and the Board's published rules and regulations which the Board deems pertinent or relevant to the evaluation of the application.

The Board shall require the applicant to obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation, and flooding problems. The review and recommendations shall be completed within sixty (60) days.

## **5.00            DESIGN AND IMPROVEMENT STANDARDS**

The general location and alignment of streets and lot size shall conform to the Comprehensive Plan and zoning requirements for the county. Efforts should be made to encourage good design practices, incorporating new ideas improving planning techniques which vary from the typical grid street pattern now commonly found in many older subdivisions. The topography and other natural features of the site should be taken into consideration and plans developed in such a manner that these natural features benefit the total development. This may be done by a curvilinear pattern, open spaces for recreation or pedestrian movements, or it may be accomplished by creating cluster or townhouse developments which permit greater use of open space and greater preservation of natural topographic and environmental features. The individual lots and subdivision layout, the constructed improvements and engineering investigation and design shall conform to the provisions of this article.

### **5.01            SUITABILITY OF LAND FOR SUBDIVISION**

Land subject to natural hazards such as flooding, falling rock, landslides, snow slides, wildfire or other natural hazards shall not be platted for any use which might endanger the health, safety or welfare of the inhabitants. Such lands shall be reserved for other uses which will not present these hazards.

**5.01.01**        The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees.

### **5.02            STREETS**

**5.02.01**        STREET PATTERN: The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas. Where appropriate to the design, the streets shall be continuous and in alignment with the existing plat or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the land to be subdivided unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary for connection of the subdivision with the existing layout or the probable future layout of adjacent tracts. All

dead-end streets shall be provided with a turnaround with a minimum diameter of eighty (80) feet. Design of dead-end streets shall include areas for storage of plowed snow. Proposed streets shall intersect one another as nearly at right angles as topography permits. Excessively long residential streets conducive to high-speed traffic shall be discouraged. Alleys will normally be permitted in residential subdivisions and may be required in commercial areas. Where subdivisions are located adjacent to existing or proposed arterial or collector roads and streets, the subdivision street pattern shall conform to highway plans. Intersection of proposed streets in the subdivision with such highways shall be held to a minimum. Lots bordering such highways shall be either reverse-facing (on an internal street within the subdivision) or be served by a frontage road designed to collect traffic from within the subdivision and provide access to a designed intersection with the arterial or collector roads and streets. Proposed streets to be within three miles of any incorporated area shall conform to any street system or official street plan, when applicable, of any incorporated area.

**5.02.02**      PRIVATE STREETS: The creation of private streets is recommended. Private streets may be permitted based on the character and location of a proposed subdivision, providing the following requirements are satisfied: the right-of-way width, grades, curves, sight distances and improvements within the proposed subdivision are all in conformance with requirements of this resolution and there is no land either adjacent to or in the vicinity of the proposed subdivision which will be denied public access for traffic, utilities, drainage or other purposes through creation of private streets.

**5.02.03**      NEW STREET CLASSIFICATION AND FUNCTIONAL DEFINITIONS: All streets within the proposed subdivisions shall be classified by the Board of County Commissioners in one of the following general classifications:

Arterial Streets: will be designed to connect existing and proposed collector streets with primary county roads and state highways.

Collector Streets: will be designed to connect local roads with arterial streets to connect adjacent subdivisions and to serve commercial and industrial areas. In those cases where a proposed subdivision separates adjacent private land from a county primary road at least one street shall be constructed as a collector street. In some cases, as approved by the Planning Commission, collector streets may be used to serve the same purposes of arterial streets.

Local Streets: will be designed to provide access to single family, and in cases approved by the Planning Commission, multi-family residences.

Mountain Roads: will be designed to provide access from collector, arterial, county or unimproved state roads to service residential and commercial development in mountain subdivisions.

Cul-de-sacs: Cul-de-sacs are dead-end local or mountain roads. The overall length of a cul-de-sac measured from the centerline of an intersecting street to the radius point of

the turnaround should not exceed six hundred (600) feet. In lots adjoining such streets are one acre or larger in size special permission may be granted by the Planning Commission to extend the street an additional length. No cul-de-sacs will service more than twenty (20) residential units. Cul-de-sacs will only be allowed in those cases where the subdivision can adequately insure that the road will be passable year around, except in mountain subdivisions, by virtue of minimum grades and curvature, adequate parking, and snow removal. Each cul-de-sac shall have at a minimum a forty-five (45) foot right-of-way radius and forty (40) foot driving surface radius constructed roadway “bulb” at the dead-end, or some other suitable turnaround area approved by the Board.

**5.02.04**      RIGHT-OF-WAY WIDTHS: Right-of-way shall be provided to the following minimum widths:

Arterial Streets	100 feet
Collector Streets	80 feet
Local Streets	60 feet
Mountain Streets	50 feet
Cul-de-sacs	50 feet

Right-of-way widths shall be increased as necessary to include all cut and fill slopes necessary for road construction and maintenance. In calculating this width, all slopes will be calculated at the rate of three (3) feet horizontal to one (1) foot vertical, except in those cases where adequate engineering reports are submitted by the subdivider to insure the Board that the back slopes will be stable at steeper slopes.

**5.02.05**      ROADWAY WIDTHS: Roadway widths will be designed and constructed in accordance with the following table:

<b>Street Classification</b>	<b>Driving Surface Width (1)</b>	<b>Shoulder</b>	<b>Each side as applicable Parking (2)</b>	<b>Each side as applicable Drainage</b>	<b>As required by Commission Curb, Gutter &amp; Sidewalk (3)</b>
Arterial Street	56 feet	10 feet	Not allowed	12 feet	6.6 feet
Collector Street	40 feet	8 feet	Not allowed	12 feet	6.6 feet
Local Street	32 feet	6 feet	6 feet	8 feet	6.5 feet
Mountain Road	24 feet	5 feet	Not allowed	8 feet	Not required

- 1) Minimum channelization may be required at intersection.
- 2) Parking will only be allowed in those cases where curb, gutter, and sidewalks are installed or where the lot size is one (1) acre or larger in size. Parking areas will be constructed in the same manner as driving surfaces.
- 3) When curb and gutter is constructed adequate storm sewer or drainage structures will be provided.

**5.02.06**      GRADES, CURVES, AND SIGHT DISTANCE: Grades, curves, and sight distances shall be subject to the approval of the Board to insure proper drainage and safety for vehicles and pedestrians. The following table establishes:

<b>Street Classification</b>	<b>Design Speed</b>	<b>Maximum Grade (1) (2)</b>	<b>Minimum Curve Radius</b>	<b>Minimum Stopping Sight Distance</b>
Arterial Street	50 mph	6%	850 ft.	450 ft.
Collector Street	40 mph	8%	500 ft.	300 ft.
Local Street	30 mph	8%	300 ft.	200 ft.
Mountain Road	30 mph	8%	100 ft.	200 ft.

- 1) Where borrow ditches are used for drainage, street grades, minimum and maximum will be reviewed by a soils engineer to insure that neither excess erosion nor sedimentation will occur.
- 2) Maximum grades for distance equal to the stopping sight distance from intersections shall be six percent (6%).
- 3) Minimum corner sight distance at intersecting streets shall be seventy-five (75) feet.

Variances from the preceding table (Section 5.02.06) may be granted by the Board upon satisfactory demonstration of need with adequate design to minimize the effects of any variance granted. All design and construction shall incorporate other standard highway design and construction such as crowns, super elevation, spiral transitions, etc. Vertical curves shall be used in all cases where the change in grade exceeds 1.5 percent (1.5%).

**5.02.07**      RELATIONSHIP TO ADJACENT SLOPES: On all areas of land proposed for subdivision whereon the general configuration of the undisturbed surface slopes twenty percent (20%) or more in any direction, (Meaning that 20 feet of elevation is gained or lost in each 100 feet measured horizontally), a grading plan showing revised

contours for street construction through such areas shall be submitted. Such plan shall depict the extent and slope of cut and fill areas created by street construction and insure provision for vehicular access to each lot created by the proposed subdivision and served by the road to be constructed. Any proposed retaining structures shall be designed in detail with cost estimates. All cut and fill slopes and retaining structures shown as a result of street construction shall be located within the proposed dedication of street right-of-way. A re-vegetation plan shall be submitted for all cut and fill slopes with a slope in excess of one (1) foot vertical in three (3) foot horizontal distance. The re-vegetation plan shall utilize native or similar horticultural materials and include a cost estimate for implementation. The re-vegetation plan shall be completed concurrently with street construction.

**5.02.08**      SIDEWALKS, CURB AND GUTTERS: Sidewalks, curbs and gutters may be required in all streets in areas zoned Residential, Commercial, Industrial, and Planned Unit Development. Sidewalks, curbs and gutters shall be constructed by the developer at the time of road construction.

**5.02.09**      ROADWAY STRUCTURAL SECTION: All streets and roads shall be laid out and constructed by the subdivider at his expense. Roadway construction shall be in accordance with such regulations as promulgated by the Board or their authorized representative. Pavement structural sections shall be designed by a registered soil engineer to withstand the loads anticipated on the sub-grade material present. As a minimum, all streets will have at least the equivalent of the following sections:

<b>Street Classification</b>	<b>Surface</b>	<b>Base</b>	<b>Shoulders</b>
Arterial Street	3" Asphalt	12" crushed aggregate	6" crushed aggregate
Collector Street	3" Asphalt	12" crushed aggregate	6" crushed aggregate
Local Street	2" Asphalt	6" crushed aggregate	6" crushed aggregate
Mountain Road	6" crushed aggregate	-----	6" crushed aggregate

The subdivider shall submit complete construction specifications to the county for approval prior to the construction of the streets. The specifications shall cover all work involved, including but not limited to: stripping and grubbing, excavation and embankment, compaction, base and surface course, installation of drainage facilities, re-seeding, sign installation and shall include material and method specifications.

**5.02.10**      DRAINAGE: The subdivider shall be responsible for the constructing all drainage facilities required, and providing all drainage easements required, as determined by the drainage study. All drainage facilities shall be designed by a registered professional engineer in a manner that will protect all roadways and adjacent lots. Particular attention will be given to items, which will prevent overtopping erosion or

silting up of drainage facilities. Culverts shall be of sufficient length to extend beyond the point where a three (3) horizontal to one (1) vertical slope from the edge of the road shoulder intercepts the bottom of the culvert, or headwalls shall be installed. All drainage facilities under the roadway shall be designed and constructed to withstand an AASHTO recommended H-20 loading. The minimum accepted culvert size shall be 18-inch diameter. Open channels shall be a trapezoidal shape with a minimum side slope of two (2) horizontal to one (1) vertical. They shall be sized to retain the anticipated flows at the approved velocities. Drop structures shall be installed as necessary. All drainage easements shall be a minimum of twenty (20) feet wide. Where necessary storm sewers with appropriate inlets and manholes will be constructed by the subdivider.

**5.02.11**      **BRIDGES:** It shall be the responsibility of the subdivider to construct, reconstruct or repair all bridges within any proposed subdivision to meet the following minimum requirements:

- a) Sufficient strength to accommodate on AASHTO H-20 live load.
- b) Provided a width equal to or greater than the approved roadway plus four (4) feet.
- c) Adequate pedestrian facilities including walkways and handrails.
- d) Hydraulic capacity to pass the maximum 100-year probable flow as determined by the drainage study.
- e) Roadway approach grades and curvature to assure safe sight distance.
- f) Adequate channel and wingwalls to protect approach roadway fill.

**5.02.12**      **STREET NAMES AND SIGNS:** Street names shall not duplicate an existing street name unless the said street is an extension of the existing street. Names of streets shall be subject to the approval of the Commission and wherever applicable shall be consistent with the surrounding areas. The developer shall be required to furnish and install street signs and all traffic control devices shall be designed to compliment surrounding landscapes and architecture and shall be approved by the Commission.

**5.02.13**      **STREET LIGHTING:** Street lighting may be required by the Board. At a minimum, the developer shall provide street lights at all access points to the subdivision, all street intersections and at the “bulb” on cul-de-sacs. Lighting shall be designed in cooperation with the local electrical company serving the proposed area. The design shall be submitted with the street plans. The lighting shall be constructed at the same time as the road construction.

**5.02.14**      RAILROAD CROSSINGS: The subdivider shall be required to obtain all permits and necessary forms and perform all work required by the Public Service Commission and the railroad company whose tracks will be crossed in the event any portion of his subdivision involves a railway crossing. The subdivider will supply the Commission with a copy of all agreements that the subdivider and the railroad company enter into.

**5.02.15**      OFF SITE – ACCESS ROADS: When a proposed subdivision is located in an area serviced by an existing county road, the Planning Staff and Planning Commission shall review the adequacy of the road to serve the proposed development. If they determine that the traffic generated by the subdivision will:

- a) Result in safety hazards for vehicle drivers, pedestrians, and/or adjacent residents, or
- b) Result in substantially increased maintenance costs to the county they shall report these findings to the Board of County Commissioners. The Board will then determine the amount of work necessary to bring the road to acceptable standards to provide adequate safe service to present owners, to the proposed subdivision and to other probable subdivisions. The subdividers and the Board shall then develop and agree upon a cost-sharing program to bring the road up to an acceptable safe condition which agreement shall be made part of the subdivision agreement.

**5.02.16**      ROAD ACCEPTANCE: The subdivider shall post at all entrances to the subdivision a sign which states “**NOTICE: ROADS WITHIN THIS SUBDIVISION HAVE NOT BEEN ACCEPTED BY CARBON COUNTY FOR MAINTENANCE**”. This sign shall remain in place until such time that acceptance may be made by the county. Acceptance inspection of roads will not be made during the period of October 1<sup>st</sup> thru June 1<sup>st</sup> of the following year.

### **5.03**            DRAINAGE

**5.03.01**      DRAINAGE STUDY AND IMPROVEMENTS: The subdivider shall be responsible for submitting a drainage plan for the subdivision, prepared by an engineer licensed in the State of Wyoming. He shall further provide all easements and construct all drainage facilities called for in the approved plan. The drainage study shall be in accordance with paragraph 4.02.04 (d) of these regulations and in addition to the following:

**5.03.02**      FLOOD PLAIN DEFINED: 100-year flood plain is defined as the area that can be anticipated to be inundated by the 100-year frequency storm. This area shall be divided into two (2) sub-areas:

- a) The High Hazard Area which is defined as that area where severe damage to structures and possible loss of life could be expected. This area shall be

defined as the portion of the flood plain where water velocities can be expected to be three (3) feet per second or higher or the water depth can be expected to exceed one (1) foot. This area shall be reserved for open space and shall not be developed without the specific approval of the Board at the recommendation of the County Engineer.

- b) The Low Hazard Area is defined as the remaining portion of the 100-year flood plain where it is not anticipated that the water velocity will exceed three (3) feet per second or the depth of one (1) foot. This area may be used for any purpose not requiring permanent structures when such uses or structures are otherwise in compliance with all other county regulations; however
- c) The Low Hazard Area should not be used for:
  - 1) Storage or processing of materials that in times of flooding are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal, or plant life,
  - 2) Solid waste disposal sites,
  - 3) Uses which will result in enlargement of the floodplain causing damage to or on lands other than those proposed for development,
  - 4) New or replacement water supply systems or sanitary sewage systems that do not make provisions for minimizing or eliminating infiltration of floodwaters,
  - 5) On-site disposal systems that will be impaired or contaminated during or subsequent to flooding, or
  - 6) Development which does not minimize flood damage.

**5.03.03** DRAINAGE STRUCTURES REQUIRED: Drainage structures are defined as all facilities necessary to control the direction, depth and velocity of water flow within a proposed subdivision. Drainage structures shall be required to direct and control the flow of all permanent and seasonal water courses.

**5.03.04** ROADWAYS DESIGNED AS DRAINAGE STRUCTURES: Roads shall be designed to ensure that they will remain open to vehicular and pedestrian traffic in, at least, the following circumstances:

Local Streets and Mountain Roads: during periods of runoff anticipated from 10-year frequency storm.

Collector Streets: during periods of runoff anticipated from a 50-year frequency storm.

Arterial Streets: during periods of runoff anticipated from a 100-year frequency storm.

Roadways will be designed in a manner that will ensure that major damage will not result from runoff from a 100-year frequency storm.

**5.03.05** DESIGN OF DRAINAGE STRUCTURES: Drainage structures shall be designed by a professional registered engineer licensed in the State of Wyoming who is qualified in the fields of hydrology and hydraulics and shall be approved by a licensed engineer qualified in the field of soils engineering. They shall be designed to prevent heavy sedimentation within, or erosion of, channels, overtopping of channels and damage to the structure. Drainage structures shall be designed in a manner that will not adversely affect adjacent property in any of the following manners:

- a) Relocation of the point where channels cross the boundary line of the subdivision.
- b) Increasing the depth of flow, or velocity at the point where channels cross the boundary line.

Drainage structures shall be adequately described and detailed. This may require field surveys to define cross section, profiles, and the computation of backwater curves.

Culverts shall be designed and detailed to show the size, length, slope and headwater depth at a maximum flow.

MINIMUM STANDARDS: As a minimum, culverts shall be designed for a 10-year flood (flow of 10-year recurrence interval) without a head at the entrance. They should also be designed to carry a 50-year flood without exceeding the allowable headwater. The allowable headwater is the maximum water elevation for which the resulting flood damages are considered to be acceptable. Major culverts (end area greater than 35 square feet) and minor bridges (spans on the order of 30 feet or less) should be designed for a 20-year flood and checked for a 50-year flood. All other bridges should be designed to pass a 50-year flood and checked for a 100-year flood.

**5.03.06** NON-STREAM DEGRADATION: At the time of preliminary plan approval the subdivider shall show evidence and plans to ensure that his proposed development does not result in reasonable avoidable degradation of streams. This condition shall apply to both his development activities and the ultimate use of the land. Items such as settling ponds, filtration galleries, sandtraps, and the ultimate maintenance of these items shall be addressed and resolved prior to subdivision approval.

**5.03.07**      PROCEDURES FOR DETERMINING RUNOFF: The engineer for the subdivider shall be allowed to use any recognized method for calculating runoff, subject to the approval of the County Engineer. The drainage study shall specify the method used, shall include all maps and calculations or the submittal of additional information.

**5.04**            WATER SUPPLY

Water supply shall be available or made available to all lots platted. The intended water supply may be through individual wells using subsurface ground water, providing that lots are adequate size as hereinafter specified. If individual water supplies are to be used, a report certified by an Engineer registered in the State of Wyoming confirming the adequacy of the supply and stating the expected aquifer depths shall be furnished. For a large subdivision or subdivisions having varying geology, the report shall be comprehensive so as to be appropriate for all lots in the subdivision. Where a community water system is proposed, the availability of the water sources shall be explained and certified by an engineer registered in the State of Wyoming and an attorney, if necessary, to substantiate water rights. Representative samples of the water sources must be analyzed by a reputable laboratory to confirm satisfactory chemical quality. Water supply, treatment and distribution facilities must be provided in conformance with the requirements of the Wyoming Department of Environmental Quality and the Board through their designated representatives. Design of any proposed water system may be of a feasibility or schematic level at the Preliminary Plan stage. Design submitted with the Final Plat shall be of a preliminary engineering level sufficiently detailed to permit accurate cost estimates. The adequacy of water supply for any proposed system shall be calculated on total development of the subdivision served following standard engineering practice based on per capita water usage derived from peak demand, storage and fire protection requirements; with the last-named requirement related to location and character of the subdivision. Construction of facilities may be on a phased basis. Unless otherwise approved by the Board, fire hydrants spaced at no more than 600 feet apart shall be provided and the minimum size of watermains shall be six-inch diameter. Where a central water system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated town, water district or an approved corporation with a Public Service Commission permit.

**5.05**            SANITARY SEWAGE DISPOSAL

No lots shall be platted unless an economical and practical method of disposal of sanitary sewage is available to that lot. Disposal by individual systems may be permitted if the lot sizes are adequate as specified hereinafter, and if other conditions specified herein are met. If individual systems are to be used, representative soil absorption tests must be performed by an engineer registered in the State of Wyoming or a qualified sanitarian. The absorption and percolation rates shall be determined by the methods prescribed by the U.S. Public Health Service or similar approved equal. In no case shall the observed percolation rate be less than (1) inch in sixty (60) minutes. In subdivisions of varying geology, tests shall be run at sufficient locations to assure that

each lot will have an acceptable location for an individual system. In addition to satisfying the minimum lot size acceptable for individual systems, each lot shall be individually designed so that an acceptable system may be constructed on each lot. Each subdivision wherein individual systems are proposed for the disposal of sewage shall be approved by the Wyoming Department of Environmental Quality based on lot size, percolation tests, the type of individual system proposed and other requirements of that Department. In addition, the proposed disposal system shall not be located closer than two hundred (200) feet to running water or impounded surface water. Where a central sanitary sewer system is to be constructed, the design and construction of the system is to be in conformity with the regulations of the Wyoming Department of Environmental Quality and must be approved by that Department and by the Board through their authorized representative. Collection sewers shall be designed and provided to service each lot. Design of any proposed sewage collection and treatment system may be of a feasibility or schematic level at the Preliminary Plan stage. Design submitted with the Final Plat shall be of a Preliminary Engineering level sufficiently detailed to permit accurate cost estimates. Capacity of the system shall be calculated on total development of the subdivision served following standard engineering practice based on per capita water consumption. Construction of facilities may be on a phased basis. Sewage treatment facilities of an approved design shall be constructed to adequately treat all collected sewage. Where a community sewage system is to be installed, an organization shall be set up to administer the operation of this system. Administration shall be by an incorporated town, a sanitation district, or an approved corporation with a Public Service Commission permit. All proposed sewage plants shall make provisions for the drying and disposal of sewage sludge.

## **5.06            SETBACK AND EASEMENTS**

**5.06.01        STREAMS:** A thirty (30) foot strip of land measured horizontally from the mean identifiable high water mark on each side of any live stream located within the boundaries of a proposed subdivision shall be protected in its natural state with the exception that footpaths, bridges, irrigation structures, flood control and erosion protection devices may be constructed thereon. If such stream is along the outer boundaries of the subdivision, this requirement shall apply to that part of such stream and strip which is within the subdivision. Underground utilities may be located in such protected area providing there is no practical alternative location for such utilities, that the plans are approved by the Board through its designated representative and that all construction scars are re-vegetated.

**5.06.02        UTILITIES:** Acceptable easement shall be provided following utility design requirements. In no case shall easements along rear lot lines or side lot lines be less than 7.5 feet. In addition, a 15-foot wide easement following the exterior boundary line of the subdivision shall be shown.

**5.06.03        DRAINAGE:** Drainage easements shall be provided for all permanent and seasonal water courses and shall be in accordance with the approved drainage study and drainage plan.

**5.06.04** IRRIGATION DITCH: Irrigation ditch easements shall be provided for all irrigation ditches crossing the proposed subdivision, unless the subdivider can prove conclusively that they have been legally abandoned. Irrigation ditch easements shall be of a width equal to the average ditch width plus twenty (20) feet or as otherwise recommended by the ditch owner and as approved by the Board.

**5.06.05** Easements shall be provided for all utilities, drainage ways, channels or streams which traverse across or serve the subdivision.

## **5.07** UNDERGROUND WIRING

Where a subdivider proposes underground wiring systems, it shall be his responsibility to coordinate design of the systems with the appropriate utility company during the preliminary design stage. No reference to provision of underground wiring facilities shall be made on either the Final Plat or any covenants unless the subdivider has submitted to the Commission an agreement between the subdivider and the utility company for the installation of underground wiring. The county shall not be a party to said agreement.

## **5.08** LOT AND BLOCK DESIGN

General criteria for lot and block design are found in the applicable zone district sections of the Carbon County Zoning Resolution. In addition to the requirements set forth therein, each lot created in a subdivision shall be physically capable of accommodating a structure devoted to the intended use of the lot. Each lot shall have a frontage on a dedicated street of not less than twenty-five (25) feet.

- a) Side lot lines shall be at substantially right angles or radial to street lines.

For subdivisions where a central water system but no central sewer system is provided, or vice versa, the minimum lot size shall be one (1) acre. Additional area may be required if determined necessary by the shape of the land or from soil percolation tests. For subdivisions to be served by both individual water supply and sewage disposal systems, the minimum lot size shall be five (5) acres. Additional area may be required of individual lots where necessary because of shape of the land or results of soil percolation tests.

**5.08.01** The length, width, and shape of blocks shall be determined by the type of use, zoning requirements, needs for convenient access, circulation, and safety of street traffic, and limitations and opportunities of topography. Unless unusual circumstances exist, block lengths will not exceed 1,200 feet or less than 300 feet.

## **5.09 PLANNED UNIT DEVELOPMENT**

To promote excellence of subdivision design and improvement, the Planning Commission may recommend approval of a subdivision which departs from the usual design of regularly platted lots and blocks. Variations as described below may be followed singularly or in combination providing the standards set are maintained and all variations are clearly indicated and labeled as such on the Preliminary and Final Plats.

**5.09.01** AVERAGED LOT AREA: The area of any lot may be greater or less than the minimum established herein providing the total area of all lots, when averaged, equals the permitted minimum. No lot shall be created which is less than two-thirds (2/3) of the established minimum lot area.

**5.09.02** CLUSTERS: The area of any lot may be less than the minimum established herein providing the amount each lot lacks of meeting the minimum be deeded or reserved to a common open space suitable for recreation use no lot shall be created which is less than two-thirds (2/3) of the established minimum lot area.

**5.09.03** ARCHITECTURAL: Setback and height restrictions as now or hereafter established may be varied to accommodate specific building types with unusual orientation on the lot or relationship between buildings.

The averaging of lot areas is intended to provide flexibility in design and relate lot size to topography so that each lot contains an acceptable building site. The clustering of development with a usable common open space is intended to encourage provision for open space and save street and utility improvement and maintenance costs. The architectural cluster is intended to accommodate contemporary building types which are not spaced individually on their own lots but share common sidewalls, combined service facilities and similar architectural innovations while providing for separate ownership of land and buildings. When averaging or clustering lot areas, no lot shall be created which is less than two-thirds (2/3) of the established minimum lot area.

## **5.10 DEDICATION FOR PUBLIC USE**

To enable the development of public uses to serve the subdivision, dedication of areas or sites of a character, extent, and location suitable for parks, schools, open space, greenbelts, or other public purposes (other than streets) shall be dedicated as follows:

The percent of the total land to be dedicated shall be based on the formula below which recognizes the national standard of ten (10) acres per 1,000 population for park usage. This standard is then related to density (units per acre) and varying family size with density changes. Therefore, the amount to be dedicated is calculated as follows:

Gross Density x 2 = % dedication required  
(Example: 3 units per acre x 2 = 6% dedication)

An alternate to dedication could occur if agreed upon by the County Commissioners in one of the following methods:

- 1) Dedicating use rights to the county for a portion of the area.
- 2) Leasing to the county for a nominal fee for 50 - 100 years.
- 3) Cash payment to the county for the market value of the land required for open space.

#### **5.11            REQUIRED IMPROVEMENTS**

Improvements which the subdivider shall make or agree to make at the cost of the subdivider prior to acceptance and approval of the Final Plat by the County Commissioners shall be:

- a) Grading, drainage and drainage structures necessary to the proper use, safety, and drainage of streets and highways and areas within the subdivision.
- b) Road improvements including surface, base and cross section as determined by the County Engineer.
- c) Street name signs installed at all intersections and access points to the subdivision.
- d) Railroad crossing when necessary.
- e) Notice signs at subdivision access points.
- f) Easements and setbacks will be provided at the expense of the subdivider.
- g) Water distribution systems.
- h) Sewage collection and treatment systems when municipal type systems are proposed.
- i) Utilities (electricity, gas, water, sewer, T. V., etc).
- j) Landscaping and re-vegetation are required by the Commission.
- k) Traffic islands shall be provided where they are required to control the movement of traffic.
- l) Barricades and reflectors shall be provided at the ends of culverts and other dangerous areas.

- m) The subdivider shall perform all work required by the County Commissioners in connection with the demolition, moving, altering, or conversion of any structure or facility, including underground facilities either wholly or partially within the subdivision or affected thereby.
- n) Permanent survey monuments shall be set at all subdivision boundary corners in such locations so as not to be disturbed during construction. Additional survey information shall be required as defined in Appendix I.

**5.11.01** The subdivider shall make such other improvements as needed when deemed necessary by the County Commissioners to preserve the public health, safety, or welfare. These may include but are not limited to the following:

- a) Concrete curb, gutter, and cross gutters.
- b) Street pavement with a material and thickness (including base) as determined by a soils test and approved by the County Engineer and in accordance with Section 5.02.09.
- c) Concrete sidewalks not less than four (4) feet wide. Wider sidewalks may be required along arterial and collector streets or for streets abutting commercial or industrially zoned land.
- d) Trees planted along streets in a manner, type, and location required by the county. Trees shall be spaced at approximately one (1) for each seventy-five (75) feet.
- e) Water mains and fire hydrants of a size, type and at a location designated by the County Commissioners.
- f) Sanitary sewer facilities and connections for each lot. Stubs from public utilities and from sanitary sewers when provided shall be made available for each lot in such a manner as will obviate the necessity for disturbing the street pavement, gutter, culvert, and curb when sewer line connections are made.
- g) If sewer and water facilities are not available adjacent to the proposed subdivision, it may be determined by the county that it is the responsibility of the subdivider to extend such lines in a manner satisfactory to the Board of County Commissioners. Where such lines may benefit existing developments, the Board of County Commissioners can make such a determination and if deemed necessary, partially finance or make other arrangements as needed to assist in such construction.
- h) Street lighting.
- i) Fire protection system.

- j) Fencing of the exterior boundary of the subdivision within active livestock grazing allotments.

## **6.00            MOUNTAIN SUBDIVISIONS**

In those mountainous areas of the county where any proposed subdivision has more than twenty-five (25%) percent of its area in slopes of twenty (20%) percent or more, and all areas within the Medicine Bow National Forest Boundary, regardless of slope, the standards as otherwise stated herein may be modified by the Board.

### **6.01            SLOPE DETERMINATION**

The determination of such twenty (20%) percent slope in any mountain subdivision shall be by reference to the United States Geological Survey 7.5 minute topographic quadrangle maps as a criterion or a similar topographical survey furnished by a registered land surveyor.

### **6.02            ROADS**

Local mountain roads shall have a fifty (50) foot minimum deeded right-of-way and minimum usable road surface of twenty-four (24) feet. Collector streets in mountain subdivision shall have a minimum right-of-way of sixty (60) feet and a usable road surface of at least thirty-four (34) feet. All cut areas are to be back sloped as necessary to control erosion, and all roads shall be ditched to a minimum width of five (5) feet. Minimum centerline radius of curves shall be eighty (80) feet for local and one hundred fifty (150) feet for collector roads.

### **6.03            GRADES**

Grades shall not exceed eight (8%) percent except as may be otherwise directed by the County Engineer. If on the other hand, excessive cuts and fills are required to accommodate the road system, it may be considered sufficient cause for denial.

### **6.04            ACCESS**

At least two (2) means of access shall be provided to the subdivision so that all lots within the subdivision are insured adequate ingress and egress in the event of fire, flooding, slides, or other emergency conditions. The county may, at its discretion, waive this requirement or require that more than two (2) points of access be provided to satisfy the purpose of this section. Evidence shall be provided that legal access between public roads and the two or more points of access (on the subdivision boundaries) are provided for potential buyers.

## **6.05**            **WILDFIRE**

The subdivider shall provide the Commission a fuel hazard and treatment survey report along with the Preliminary Plat. The report shall be prepared following the United States Forest Service guidelines for classifying fuels and conducting fuel treatment surveys. The report shall document the following conditions that normally are used to classify fuel hazard ratings:

- a) Continuity of fuels
- b) Flammability
- c) Snags, piles and jackpots of slash
- d) Shade
- e) Topography
- f) Volume of fuels (tons/acre)
- g) Summarize ratings to classify rate of spread and resistance to control.

The report shall be signed by a district forester or designated representative.

## **6.06**            **FIRE PROTECTION SYSTEM**

The subdivider shall provide a fire protection system, acceptable to the Board, in all proposed subdivisions within the National Forest boundaries and within any other mountain subdivision that has more than forty (40%) percent of its area in trees or other vegetative cover as determined by the Commission to need protection under the intent of this section. The system shall be designated by a professional engineer licensed in the State of Wyoming. The system shall be included on the Preliminary and Final Plats.

## **6.07**            **SNOW LOAD**

A building permit will not be issued for any structure that is not designed to be constructed to accommodate the maximum snow load normally experienced in the subdivision area.

## **6.08**            **LANDSCAPING**

The subdivider shall adequately consider the scenic resources of the proposed subdivision and the surrounding landscape during the land use planning and development. A re-vegetation and landscape plan shall be submitted by the subdivider along with the Preliminary Plat.

The re-vegetation and landscape plan shall include a description of the method(s) for treatment and/or disposal of all slash materials, vegetative residues, fallen trees, stumps etc. The Board may include in the improvements agreement that all slash materials, vegetative residues, fallen trees, limbs, roots, etc., shall be removed from the development, or, in the case of large limbs and trees, be cut for firewood and stacked at appropriate locations.

## **7.00            VARIANCES AND EXEMPTIONS**

### **7.01            PROVISIONS**

At or after the submittal of the sketch plan, but not later than the submittal of the Preliminary Plat the subdivider may apply to the Board for variances or for a finding that his proposed subdivision is exempt from the definitions of the term subdivision as provided herein. Application for exemption shall be accompanied by a sketch or drawing, to scale, depicting the division of land held to be exempt from these regulations, noting the total land area enclosed in each of the proposed parcels.

**7.01.01**        Such applications shall be prepared in the general form shown in appendices and hereto and shall contain all of the information shown thereon.

Applications for variances shall be submitted in ten (10) copies.

Applications for exemption shall be accompanied by a sketch or drawing. Included also, will be a list of names and mailing addresses of all adjacent property owners.

Applications for exemptions and all supporting sketches, documents, etc. as required, shall be submitted in ten (10) copies, or more when required by the Administrator.

In the event an application for variances or exemption is accompanied, or preceded, by an acceptable sketch plan submittal (see Section 4.01.01, et seq. of these regulations), the plans and information included in the sketch plan shall satisfy the supportive requirements of the variance or exemption application.

Completed application for variances or exemption shall be submitted to the Planning Commission or its designated representative at least thirty (30) days before the Planning Commission meeting at which review is sought.

**7.01.02**        Upon receipt of an application, variance, or exemption, the Board or its designated representative shall transmit a copy of said application to each of the agencies which would receive a copy of the Preliminary Plan with instructions to respond with recommendations within twenty-four (24) days after such applications are mailed.

**7.01.03** With respect to applications for variances the Board will be deemed to have granted such application if it fails to rule thereon within sixty (60) days from the date such applications were submitted to it.

**7.01.04** With respect to applications for exemption the Board will be deemed to have denied such applications if it fails to rule thereon within sixty (60) days from the date such applications were submitted to it.

**7.01.05** The Board shall grant or deny such applications in writing stating the reason for denial.

**7.01.06** The written ruling of the Board with respect to an application for variance shall be authority for the subdivider to prepare his Preliminary Plan and Final Plat in accordance with the requirements of these regulations as altered by the variance.

**7.01.07** If the Board grants a request for exemption the written ruling of the Board shall be authority for the subdivider to develop the property in accordance with the information shown on the sketch plan without further compliance with the provisions of these regulations provided that the sketch plan or any map or plat depicting said development shall not be recorded and conveyances shall not be made by reference to any lot and block designation shown on said sketch plan or map or plat of the development, except as such recording may be authorized by any law of the State Wyoming now or hereafter in effect.

**7.01.08** County approval of an application for exemption shall terminate in the event that the approved exemption is not made part of the official county records within three (3) years from the date of said approval.

**7.01.09** Nothing contained in this section shall be construed as prohibiting the Board in its discretion from requiring a subdivision to provide any additional supporting information before granting an application for exemption, or condition the granting of an exemption upon the furnishing of any or all of such supporting information.

## **8.00 INTERPRETATION**

In the interpretation and application of the provisions of these regulations, the following regulations shall govern:

- a) Provisions and Minimum Requirements: In their interpretation and application, the provisions of these regulations shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, property, and welfare of the inhabitants of Carbon County. These regulations shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

- b) Application of Overlapping Regulations: Whenever both a provision of these regulations, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

## **9.00            SEPARABILITY**

It is hereby declared to be the legislative intent that the several provisions of these regulations shall be severable in accordance with the provisions set forth below:

- a) If Any Provision is Declared Invalid: If any provision of these regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
  - 1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and,
  - 2) Such decision shall not affect, impair, or nullify these regulations as a whole or any other part thereof, but the rest of these regulations as a whole or the application of any provision thereof, to any other tract of land.

## **10.00           EFFECTIVE DATE**

These regulations shall be in effect from the date of adoption by the County Commissioners of Carbon County, Wyoming, pursuant to legal provisions and procedures by State Statutes of the State of Wyoming.

## **11.00           DEFINITIONS**

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section except when the context clearly indicated a different meaning.

- a) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- c) The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or occupied.
- d) The word “lot” includes the words “plot” or “parcel.”

- e) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”
- f) A “building” includes a “structure”; a “building” or “structure” includes any part thereof.

## **WORDS AND TERMS DEFINED**

### **ADMINISTRATOR**

That person officially appointed by the Board and the Commission to administer the county zoning and subdivision regulations. (Usually the director of the Carbon County Department of Planning and Development).

### **ALLEY**

A public right-of-way providing only secondary access to the rear of a property and not intended for general travel.

### **APPLICANT**

A landowner or developer who has filed an application for development including his heirs, successors, and assigns.

### **AREAS AND ACTIVITIES OF STATE AND LOCAL INTEREST**

Those items as listed and defined in the Carbon County Master Plan for land use as amended; items include Geologic, Soils, Flood, Wildfire, Airport Hazards, and Mineral Resource and Wildlife Areas.

### **ARTERIAL STREETS**

See “STREET CLASSIFICATIONS.”

### **BLOCK**

An area of land within a subdivision which area is entirely bounded by streets, or a combination of streets or highways, and public parks, cemeteries, railroad rights-of-way, shoreline or waterways, or section boundaries of a subdivision or municipality.

### **BOND**

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board. All bonds shall be approved by the Board whenever a bond is required by these regulations.

### **BUILDING**

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

**COMMISSION**

The Carbon County Planning Commission, whose duly authorized agent for administrative matters is the Carbon County Department of Planning and Development.

**COUNTY ENGINEER**

The engineer for the County or such other person authorized by the Commission or the Board to perform the staff functions defined herein.

**COLLECTOR STREETS**

See “**STREET CLASSIFICATIONS**”.

**CONSTRUCTION PLANS**

The maps or drawings approved by the County Engineer showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the county as a condition of approval of the Final Plat.

**COUNTY**

The County of Carbon, State of Wyoming, as represented by the Board of County Commissioners or their designated and appointed representatives.

**CUL-DE-SAC**

A local street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

**DEAD-END STREET**

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**DEVELOPER**

Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.

**DISPOSITION**

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a conveyance of said interest; a lease or assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing, whether made before or after Board approval of the subdivision plat.

**DRAINAGE WAY**

An existing or proposed channel wherein normally only storm water run-off flows.

**EASEMENT**

A conveyance or reservation of an incident of ownership in real property for one or more specific purposes, public or private.

**ENCUMBRANCES**

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

**ENGINEER**

Any person licensed to practice professional engineering in the State of Wyoming as specified in Sections 33-29-101 through 33-29-113, Wyoming Statutes, annotated (1977).

**FILING**

A portion of a subdivision selected for development as one of a series of stages.

**FINAL PLAT**

A map and supporting material of certain described land prepared in accordance with these regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

**FIRE PROTECTION SYSTEM**

Any mechanism provided by a subdivider to assure adequate fire protection within a subdivision.

**FLOOD, 100 YEAR**

Flood limits resulting from a 100-year storm.

**FRONTAGE**

Shall mean the line where a lot butts a dedicated street or highway right-of-way line. Frontage is expressed in lineal feet and is measured along the right-of-way line.

**FRONT LOT**

Shall mean the narrowest lot boundary abutting a street.

**GRADE**

The inclination from the horizontal of a road, utility, land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

**GENERAL PLAN**

Any land use plan, master plan, comprehensive plan or any element thereof which is currently in effect and has been officially adopted by Carbon County.

**HOMEOWNERS ASSOCIATION**

An organization or corporation formed by a subdivider to which all owners of property within a subdivision are required to belong. A major purpose of the organization is to administer and enforce the covenants that the subdivider has designed to assure a desired quality of life for the inhabitants of the subdivision. This may include such

provisions as maintaining the roads and other public facilities within the subdivision and regulating the architectural motif utilized within the subdivision.

**IMPROVEMENTS**

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

**LOCAL STREET**

See “**STREET CLASSIFICATIONS**”.

**LOT**

The individual parcels of separate interests into which a tract of real property is to be divided for purposes of occupancy or transfer of ownership.

**LOT AREA**

The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open spaces.

**LOT IMPROVEMENTS**

Any building, structure, place, work of art, or other object, or improvement of land on which they are situated, constituting a physical betterment of real property, or any part of such betterment.

**LOT OF RECORD**

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which had been so recorded.

**MONUMENTS**

Permanent masonry or metal structures placed on or in the ground to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

**MOUNTAIN ROADS**

See “**STREET CLASSIFICATIONS**”.

**OFF-SITE**

Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**OPEN SPACE**

An area open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

**OWNER**

Any person, group of persons, firm, or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**PARKING, OFF-STREET**

Parking space adequate in area to provide for the off-street parking as required in the Carbon County Zoning Resolution together with properly related access to a public street or alley and maneuvering room, and located totally outside of any street or alley right-of-way.

**PERFORMANCE GUARANTEE**

Any security which may be accepted by the County Commissioners in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements and other similar collateral or surety agreements.

**PERSONAL**

A natural person, firm, corporation, partnership, or association or any combination of the above or any other legal or commercial entity.

**PRELIMINARY PLAN**

The map or maps of a proposed subdivision and specified supporting materials drawn and submitted in accordance with the requirements of these regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

**PLANNED UNIT DEVELOPMENT SUBDIVISION**

A subdivision controlled by one or more landowners to be developed under a unified plan which does not correspond in lot area, density, lot coverage, open space or other requirements of existing subdivision or zoning regulations; it shall contain sufficient total area in relation to the intended use or uses to permit effective application of planning principles to protect the land form, reduce street and utility costs, preserve open space, and provide a superior human environment.

**PUBLIC FACILITY**

Any use of land, whether publicly or privately owned, for transportation, utilities or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers, including parks, and cemeteries.

### **PUBLIC IMPROVEMENT**

Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement, or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which responsibility is established.

### **PUBLIC WAY**

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

### **RE-SUBDIVISION**

A change in map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

### **RIGHT-OF-WAY**

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency may be required to be dedicated to public use by the maker of the plat on which such right-of-way is established.

### **RIGHT-OF-WAY WIDTH**

The distance between property lines measured at right angles to the center line of the right-of-way.

### **SELL or SALE**

Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.

### **SAME OWNERSHIP**

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

### **SERVICE ROAD**

A street paralleling and abutting major streets or limited access highways to provide access to abutting properties.

### **SKETCH PLAN**

A map of a proposed subdivision drawn and submitted in accordance with these regulations to evaluate feasibility and design characteristics at an early stage in the planning.

### **SPECIFICATIONS**

The Engineering Specifications of the County or Carbon prepared by the County Engineer for the purpose of regulating the installation of any public improvement of facility required to be installed as a condition of approval of the subdivision plat.

### **STORM, 100 YEAR**

A storm intensity with a probability of recurrence once in every 100 years.

### **STREET OR ROAD**

A right-of-way reserved for public or private use which provides vehicular and pedestrian access to adjacent properties including designations as street, road, highway, thoroughfare, avenue, boulevard, parkway, throughway, lane, place, trail, alley or however otherwise designated. A street may be used for utilities access to the properties.

### **STREET CLASSIFICATIONS**

1. Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
2. Collector Street: A street collecting traffic from local streets, and connecting the same with an arterial street, or another collector street.
3. Local Street or Mountain Road: A street exclusively or primarily providing access to abutting properties.

### **STREET LINE**

The dividing line between the street and the lot, also known as right-of-way line.

### **STREET, MAJOR**

A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic between communities of large areas.

### **STREET, ROADWAY WIDTH**

The distance between the curb faces measured at right angles to the centerline of the street.

**STREET, STUB**

A street which temporarily terminates at the boundary of the subdivision with no permanent vehicular turnaround area.

**STREET WIDTH**

The distance between street right-of-way lines measured at right angles to the centerline of the street.

**SUBDIVIDER**

A person who makes or offers to make a disposition of land which is defined herein as a subdivision, subdivided lands, condominium subdivision or planned unit development subdivision.

**SUBDIVISION**

“Subdivision” means the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word “subdivide” or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.

- 1) Minor Subdivision: a division of one (1) parcel into no more than five (5) parcels, lots or tracts, any of which is smaller than thirty-five (35) acres in size.
  
- 2) Major Subdivision: a division of land that creates more than five parcels, lots or tracts which are smaller than thirty-five (35) acres in size.

**SUBDIVISION PLAT**

The final map or drawing, described in these regulations, on which the subdivider’s plan for subdivision is presented to the Commission and Board for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

**THROUGH LOTS**

Lots which have street frontage on two opposite ends of lots.

**TO SUBDIVIDE**

To make or offer to make a disposition of land which is defined herein as a subdivision, subdivided land, condominium subdivision or planned unit development subdivision.

**VARIANCE**

A modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**VICINITY MAP**

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within a city or the county in order to better locate and orient the area in question.

**WALKWAY**

A dedicated public way for pedestrian use only, whether along the side of a road or not.

**WATER SUPPLY AND DISTRIBUTION SYSTEM**

This phrase is intended to mean any form of water supply and distribution system, such as a single well or multiple wells with distribution piping, water supplied and distributed by a municipality or other government body through a central system, or any other mechanism that the subdivider may utilize to provide water to each and every lot within a subdivision.



**(B) TITLE CERTIFICATION**

\_\_\_\_\_ does hereby certify that I have examined the Title to all lands shown upon this Plat and that Title to such lands is vested and free and clear of all liens, taxes and encumbrances, except as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_.

**(C) SURVEYOR'S CERTIFICATE**

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

In witness whereof I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

**(D) PLANNING COMMISSION CERTIFICATE**

This plat approved by the Carbon County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

**(E) CLERKS OR RECORDER'S CERTIFICATE**

This plat was filed for record in the Office of the Clerk and Recorder at \_\_\_\_\_ o'clock \_\_\_\_\_.M, \_\_\_\_\_, 20\_\_\_\_\_, and is duly recorded as Document No. \_\_\_\_\_, in Book \_\_\_\_\_, Page No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk and Recorder  
by \_\_\_\_\_  
Deputy

**(F) COUNTY COMMISSIONER'S CERTIFICATE**

This plat approved by the Board of County Commissioners of Carbon County, Wyoming, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_, for filing with the Clerk and Recorder of Carbon County and for conveyance to the County of the public dedications shown hereon; subject to the provision that approval in no way obligates Carbon County for financing or constructing of improvements on lands, streets, or easements dedicated to the public except as specifically agreed to by the Board of Commissioners and further that said approval shall in no way obligate Carbon County for the maintenance of streets which are not dedicated to the public nor until all improvements shall have been completed to the satisfaction of the Board of County Commissioners and accepted by proper resolution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

**(G) CERTIFICATE OF COUNTY ENGINEER**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_, by the County Engineer of the County of Carbon, Wyoming.

\_\_\_\_\_  
County Engineer

**(H) APPLICATION FOR VARIANCE, CARBON COUNTY SUBDIVISION REGULATIONS**

Name of Development:

\_\_\_\_\_

Location:

\_\_\_\_\_

Size (Number of Acres):

\_\_\_\_\_

Name and Address of Owner(s):

\_\_\_\_\_

Provisions of Subdivision Regulations from which Variance is requested:

\_\_\_\_\_

Reason for Request for Variance:

\_\_\_\_\_

Signature of Applicant(s) (Record Owners should sign):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**BOARD ACTION**

Received this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_.

By \_\_\_\_\_

The within request for Variance (granted, denied) this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_ for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

Board of County Commissioners  
of Carbon County

By \_\_\_\_\_  
Chairman

**(I) BOUNDARY CONTROL**

- 1) Where section lines or section subdivision lines form part of the boundaries of a subdivision, these lines should be legally established and monumented as per the 1947, BLM Manual of Instructions for the survey of public lands and the pertinent detailed information should be shown on the plat.
  - a) Perimeter subdivision lines should be accurately related by distance and bearing to established street lines, block corners, and other recognized permanent monuments and surveys.
- 2) Boundary control points should be appropriately named on both the plat and the monument; and angle points should be numbered.
- 3) Planimetric features such as rivers, lakes, canals, cliffs, etc. that become a part of the boundaries of the exterior or the interior of a subdivision should be shown and monumented with sufficient detail so that the intent of the subdivider will be clear; and so that the points and boundaries can be re-established economically.
- 4) Witness corners should be set or accessory ties made to block and boundary corners that are apt to be destroyed or become inaccessible. Both off-set monuments and witness corners when set on the original surveys should be so noted on the monument and on the plat.
- 5) The PC, PI, and the PT on all curves should be monumented in the field.
- 6) All property corners shall be surveyed, monumented, identified.
- 7) Distances and bearings shall be shown sufficiently to insure closure, and prevent any possibility of wrong interpretation.
- 8) Any difference between bearings and distances on this survey and recorded distances and bearings of other adjoining surveys should be noted.
- 9) Descriptions of all monuments set should be noted.
- 10) The descriptions of existing recovered monuments should be given.
- 11) The entire perimeter of the subdivision should be surveyed and a closure computed to insure accuracy of survey, and to provide a basis for restoration of lost corners.
- 12) Elevations shall be referred to as sea level datum and at least one bench mark established on each subdivision.

**(J) MONUMENTATION**

- 1) All outside angle points should be monumented with stamped and marked brass caps that are set either in concrete or on pipe of sufficient length to allow permanency.
  - a) If the original outside boundary monument is in a location likely to obliterated; i.e., street, alley, etc., it should then be adequately witnessed with the above-mentioned monuments.
- 2) All points other than outside perimeter points, which are shown on the map should be monumented with a monument which can be marked and identified without question.
- 3) All lot corners shall be rechecked or reset after grading.

**(K) CONSTRUCTION OF SURVEY MONUMENTS**

Perimeter and Block Monuments

1) Firm Soil

2 ½" nominal iron pipe or equivalent 30" long.  
Metal cap at least 1 3/8" in diameter or metal tags.

2) Solid Rock

1 3/8" diameter metal tablet with 1½" long shank counter-sunk in rock and grouted with "Por-Rok", epoxy cement, or equal.

3) Loose Soil, Sand, Marsh, etc.

Monuments shall not be set, but shall be witnessed.

4) Monuments Within Streets or Roads

a) ¾" nominal iron pipe or No. 5 rebar 36" long. Metal cap at least 1 3/8" in diameter. Monuments set within roadway areas shall be placed so that their tops are 6 to 8 inches below the final road surface.

b) At the time a road is paved, all such monuments within the paved area shall be fitted with cast iron monument boxes.

c) Any monuments set after a road or street is paved shall also be provided with monument boxes.

- d) Perimeter or block monuments which shall have to be moved for road or street construction shall be referenced with at least two distance ties and three independent pairs of line ties and shall be reset from these reference marks as soon as practicable after road or street earthwork is completed and preferably before paving.

#### Lot Markers and Reference Marks

- 1) Firm Soil

No. 5 steel rebar 18" to 24" long with metal caps or tags identifying the corner.

- 2) Concrete Walks or Curbs

$\frac{3}{4}$ " diameter blind rivet with  $\frac{1}{4}$ " diameter shank  $\frac{1}{2}$ " long.

- 3) Solid Rock

Blind rivet as in sub-section 2 above, or  $\frac{1}{4}$ " diameter by 3" long iron bar grouted in drilled hole 2" deep.

#### Bench Marks

- 1) 1  $\frac{3}{8}$ " diameter metal tablet with 1  $\frac{1}{2}$ " shank set in solid bedrock or concrete bridge abutment which is scheduled to remain in service for at least ten (10) years, or cast-in-place monument.
- 2) Bench marks shall not be attached to sidewalks or curbs.
- 3) Bench marks shall not be set closer than 20 feet from the edge of any existing proposed excavation.
- 4) Each bench mark shall be built within a street or road right-of-way or on other dedicated land in a location that will not be disturbed by site grading or road construction.

NOTE: Construction standards given above are minimum. More massive and durable monuments are, of course, permitted.

**(L) MARKINGS**

1) General

All monuments, markers, and bench marks shall have affixed securely to the top thereof the registration number of the land surveyor responsible for the establishment of such monument, marker, or bench mark.

2) Aliquot Corners

Aliquot corners within the Public Land Survey System shall be marked with the Bureau of Land Management designation pursuant to Chapter IV of the "Manual of Instructions for the Survey of the Public Lands of the United States, 1947," except that the date may be omitted.

3) Bench Marks – Bench marks shall be stamped with the letters "B.M." and the elevation.

**(M) ACCURACY STANDARDS**

Surveys shall be conducted in such a manner as to insure the following accuracy ratios:

1) Mountain subdivisions 1 in 2000

2) Other rural subdivision 1 in 3000

3) Subdivisions with 2 miles of Corporate limits 1 in 5000

All surveys will be adjusted by the surveyor and the final plat shall show adjusted values that will insure mathematical closure.

**(N) WITNESSING**

All survey monuments shall be witnessed or referred by one of the following methods:

1) In timbered area – Distance and bearing ties to two or more trees or bearing objects. This information would be submitted in the form of an affidavit which would be filed with the final plat.

2) 4" x 4" x 4' fir post set along side perimeter and block corners and 2" x 2" x 2' fir stake set alongside lot corners.

3) A steel fence post driven alongside perimeter, block and lot corners.

4) A mound of stone – 18" high over the corner.

Items 2, 3, and 4 shall be noted on the final plat.



**(P) (SAMPLE) PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, that We, \_\_\_\_\_  
\_\_\_\_\_ as Principals, \_\_\_\_\_, State of  
\_\_\_\_\_, and the Corporation authorized to do business in the State of  
Wyoming, having an office and place of business at \_\_\_\_\_, as  
Sureties, are held and firmly bound into the County of Carbon, State of Wyoming, as  
Obligee, in the sum of \_\_\_\_\_ DOLLARS, (\$ \_\_\_\_\_ )  
lawful money of the United States, for the payment whereof to the Obligee, the Principal  
and the Surety bind themselves, their heirs, executors, administrators, successors, and  
assigns, jointly and severally, firmly to these presents:

SIGNED, SEALED, AND DATED, this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
20\_\_\_\_\_.

WHEREAS, Application was made to the Ogligee for approval of a subdivision on  
plat \_\_\_\_\_ entitled  
“ \_\_\_\_\_  
\_\_\_\_\_ ”

filed with the Administrative Official to the Carbon County Planning Commission, on  
\_\_\_\_\_, A.D., 20\_\_\_\_\_, said Final Plat approved upon certain  
conditions, one of which is that a performance bond in the amount of  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), to be filed with the Board  
of County Commissioners to guarantee certain improvements in said subdivision.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if  
the above named Principal shall within two years from the date thereto (time may be  
extended for one year only by the Board of County Commissioners of Carbon County  
with the consent of the parties) will and truly make and perform the required  
improvements and construction of public improvements in said subdivision in  
accordance with the county specifications and the Regulations of  
\_\_\_\_\_, 20\_\_\_\_\_, then this obligation to be void; otherwise to  
remain in full force and effect.

It is hereby understood and agreed that in the event that any required  
improvements have not been installed as provided by said regulation, within the term of  
this Performance Bond, the Board of County Commissioners of Carbon County may  
thereupon declare this bond to be in default and collect the sum remaining payable  
thereunder and upon receipt of the proceeds thereof, the county shall install such  
improvements as are covered by this bond and commensurate with the extent of  
building development that had taken place in the subdivision but not exceeding the  
amount of such proceeds.

**(Q) (SAMPLE) IRREVOCABLE LETTER OF CREDIT**

(LETTERHEAD OF FINANCIAL INSTITUTION)

(DATE)

Board of County Commissioners  
Carbon County  
Rawlins, Wyoming 82301

RE: (Name of Subdivision)

Dear Commissioners:

We hereby open our Irrevocable Letter of Credit in favor of Carbon County, for the account of \_\_\_\_\_(Name of Subdivision) for a sum not to exceed the aggregate of \_\_\_\_\_(written sum of money) (\$ \_\_\_\_\_), available by your one or more drafts drawn at sight of us, each draft accompanied by:

- a) Copy of your commercial invoice made out to accountee covering street improvements and/or water improvements and/or sewer improvements and/or drainage improvements, for a total value equal to your draft, and
- b) Your officially signed statement that payment of such invoice is past due and owing.

Each draft so drawn must be marked "Drawn under \_\_\_\_\_(Name of Financial Institution) Irrevocable Letter of Credit No. \_\_\_\_\_" and be presented together with the original advice hereof.

This credit is subject, so far as applicable, to the "The Uniform Customs and Practices for Documentary Credits, 1974 Revision, The International Chamber of Commerce Publication No. 290."

We hereby agree with you that your drafts drawn under and in compliance with the terms of this credit will be duly honored if drawn and presented of payment to our \_\_\_\_\_ Office, \_\_\_\_\_(Address), \_\_\_\_\_(City and State), on or before \_\_\_\_\_(Date).

Very truly yours,

\_\_\_\_\_

**(R) (SAMPLE FORM) TRUST AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ (Escrow Agent or Trust Company), a Wyoming Corporation, as Trustee, Under Trust No. \_\_\_\_\_ (hereinafter referred to as \_\_\_\_\_), and Carbon County, Wyoming, (hereinafter referred to as the County).

WITNESSETH:

WHEREAS, \_\_\_\_\_, as Trustee, is the owner of a certain parcel of property located and lying within the jurisdictional area of Carbon County; and

WHEREAS, the parties hereto wish to establish specific terms, conditions and guidelines for compliance with the provisions of the Ordinances and Regulations of Carbon County;

NOW, THEREFORE, in consideration of the County approving a Final Plat, it is understood and agreed that the following conditions are established for the property described herein:

I

**PROPERTY DESCRIPTION**

The property which is the subject-matter of this agreement is \_\_\_\_\_ (Subdivision Name), as recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the Office of the Carbon County Recorder.

II

**CONSTRUCTION OF IMPROVEMENTS**

\_\_\_\_\_ will not transfer, lease, or in any other way convey, in whole or in part, any of the property described herein, without obtaining the prior written approval of the County, except that the Trustee may sell and convey all the property described herein in one transaction to a single purchaser, provided that such purchaser shall enter into an assurance agreement with the County.

Before written approval shall be given by the County, the improvements contemplated and set forth in the Plans and Specifications on file with the County Engineer, shall first be installed in accordance with all applicable County regulations and specifications.

III

ABANDONMENT AND REVERSION

\_\_\_\_\_(Name), as Trustee, after expiration of two years from the date hereof, shall petition the County to abandon the remaining portions of the subdivision for which approval to transfer, lease, or convey has not been received, so that the remaining portions of the subdivision shall revert to undeveloped property.

\_\_\_\_\_(Name), as Trustee, hereby designates the County as its agent to institute proceedings to abandon the remaining portions of the subdivision for which \_\_\_\_\_(Trustee) has not received written approval for lease, or transfer by the County and for which \_\_\_\_\_(Trustee) has failed to apply for abandonment as provided for herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

\_\_\_\_\_(Name of Escrow Agent or Trust Co.)  
A Corporation, as Trustee under Trust  
\_\_\_\_\_ only and not otherwise.

\_\_\_\_\_

APPROVED AS TO FORM

By \_\_\_\_\_  
County Attorney

THE COUNTY OF CARBON

By \_\_\_\_\_  
Board Chairman

I, \_\_\_\_\_, County Clerk of the County of Carbon, hereby certify that this Agreement was approved by the County Commissioners of the County of Carbon, Wyoming, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date

**(S) (SAMPLE) RELEASE OF TRUST AGREEMENT**

WHEREAS, THE COUNTY OF CARBON and \_\_\_\_\_(Trust Company/Trust Number) have entered into an Agreement on \_\_\_\_\_, 20\_\_\_\_, providing that there shall be no transfer, lease, or sale/conveyance of the property contained in \_\_\_\_\_ (Subdivision Name) without first obtaining a written approval of the County Commissioners; and,

WHEREAS, the Agreement was made in order to provide for improvements to be made upon the real property subject to the Plat; and,

WHEREAS, such improvements have been completed in accordance with the specifications and regulations of the County of Carbon;

NOW, THEREFORE, IT IS RESOLVED by the Board of County Commissioners by RESOLUTION NUMBER \_\_\_\_\_, that the owners of \_\_\_\_\_ (Subdivision Name), have the approval of the Board of County Commissioners, to transfer, lease or sell lots in that subdivision.

COUNTY OF CARBON

By \_\_\_\_\_  
Board Chairman                      Date \_\_\_\_\_

Attest: \_\_\_\_\_  
County Clerk                              Date \_\_\_\_\_

CERTIFICATION OF COMPLETION

\_\_\_\_\_  
County Engineer                      Date \_\_\_\_\_

AMENDMENTS TO THE  
CARBON COUNTY  
SUBDIVISION REGULATIONS

CHANGE WORKSHEET

PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS OF CARBON COUNTY OF 1980

ARTICLE # 4.00

TITLE Plan Requirements  
Minimum Requirements

SECTION # 4.04

TITLE for Subdivision Permits

SUBSECTION # (k)

TITLE \_\_\_\_\_

ITEM \_\_\_\_\_

PRESENT REGULATION:

No regulation

AMENDED: Insert (k)

TO ADD: Provisions with respect to any water rights appurtenant to lands to be subdivided.

TO CHANGE: (k) to (l)

TO DELETE:

TO READ:

See attachment.

APPROVED

TABLED BY THE CARBON COUNTY  
COMMISSIONERS ON June 3, 1981  
REVIEW OF STATE LAW

BY: Planning Commission

DATE: MAY 6, 1981

CASE FILE 81-10 DATE March 27, 1981

APPROVED BY COMMISSIONERS July 8, 1981.

TITLE PAGE

PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS OF  
CARBON COUNTY OF 1980

Section 4.04 – MINIMUM REQUIREMENTS FOR SUBDIVISION PERMITS

After (j), insert the following

- k) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter:
  - 1) Evidence that the subdivider had notified purchasers, the Board and the State Engineer of his intent to abandon the water rights; or
  - 2) Evidence that the subdivider has petitioned the State Board of Control to change the use, place of use or point of diversion to provide for beneficial use of water rights outside the subdivision; or
  - 3) A plan, a copy of which was submitted to the State Engineer or Board of Control prior to the filing of the application for the distribution of the water appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use, or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104, or 41-3-114; and
  - 4) If the subdivision is located within an irrigation district or within lands served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan had been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and
  - 5) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

Re-number (k) to (l)

CASE FILE 81-10

DATE MARCH 27, 1981