

JOHNSON COUNTY, WYOMING

INFORMATION AND INSTRUCTIONS ON SUBDIVIDING
IN JOHNSON COUNTY
APRIL 2, 1996

Johnson County Commissioners
County Commissioners Office
76 North Main
Buffalo, WY 82834

Buffalo-Johnson County
Planning Office
46 North Main
Buffalo, WY 82834

Johnson County Planning Commission
76 North Main
Buffalo, WY 82834

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JOHNSON COUNTY
SUBDIVISION PERMIT APPLICATION INSTRUCTIONS

For filing a Subdivision Plat in Johnson County, Wyoming, the following procedures are to be followed.

1. Furnish proof of publication in a county newspaper of general circulation (see suggested form for notice on page 3 of this Section). Must be published once a week for two weeks within thirty (30) days of the date of the Preliminary Plat review meeting by the County Planning Commission.

2. The names and mailing address of all adjacent landowners to the property proposed to be subdivided shall be furnished to the Planning Commission at least 14 days prior to the date of the first Preliminary Plat review meeting. This is to include adjacent landowners who are separated from the property to be subdivided by a street, road or highway. The County Planning Commission will notify the owners of the intent to subdivide and the date of the meeting to review the Preliminary Plat.

Sketch Plan Review Meeting

1. The subdivider shall submit a sketch plan of the subdivision to the Planning Commission prior to the Preliminary Plat submission meeting.

2. The sketch plan requirements are detailed on Page Seven of the Subdivision Resolution.

Preliminary Plat Review Procedures

1. The plat, all supporting documents, mapping, and supplemental information as required by the Johnson County Subdivision Regulation Resolution shall be supplied in the number of copies specified in the Subdivision Resolution at least 14 days prior to the Planning Commission meeting.

Submit six copies of the Subdivision Application Form (see Appendix A of Section II of these regulations) at the same time. Submit two copies of the APPLICATION FOR A SUBDIVISION PERMIT (Appendix "B") along with a copy of the receipt from the County Clerk's office showing the Permit fees have been paid.

2. The Planning Commission shall cause the material to be reviewed and a report of the review to be prepared and presented to the Commission at the meeting scheduled for such review.

3. The Planning Commission will study the submitted material and the review report with the developer and then make a decision as to the completeness of the application and if there is a need to supply any additional information or make any changes in the proposal. If approved, the developer may then proceed to the Final Plat Review Procedures.

Final Plat Review Procedures

1. The plat, all supporting documents, mapping, and supplemental information as required by the Johnson County Subdivision Regulation Resolution shall be supplied in the number of copies specified in the Resolution at least 14 days prior to the Planning Commission meeting.
2. The Planning Commission shall cause the material to be reviewed and a report of the review to be prepared and presented to the Commission at the meeting scheduled for such review.
3. The Planning Commission will study the submitted material and the review report with the developer and then make a decision as to the completeness of the application. If there is a need to supply any additional information or make any changes in the proposal, this will be discussed with the developer.
4. If the Final Plat is approved by the Planning Commission, a recommendation will then be made to the Johnson County Commissioners. If further information is required by the Planning Commission, this information shall be prepared and submitted as per the timing for the original submission and this material shall be reviewed and presented at the next scheduled meeting of the Commission.
5. Upon approval by the Planning Commission with a favorable recommendation, the developer is then required to present the Plat and supplemental information at a regular meeting of the Johnson County Commissioners to secure their approval, conditional approval, or disapproval of the application.

NOTE: The following is the required form for publication in the newspaper. Publish twice within thirty (30) days prior to the Preliminary Plat review meeting with the Planning Commission.

NOTICE OF INTENT TO SUBDIVIDE
LAND IN JOHNSON COUNTY, WYOMING

Pursuant to the provisions of the Wyoming Real Estate Subdivision Act, Statutes 18-5-301 through 18-5-315 Session Laws of 1975 as amended, NOTICE IS HEREBY GIVEN THAT _____ (owners) _____ intend to apply for a Subdivision Permit from the Johnson County Board of County Commissioners to subdivide lands in Johnson County, Wyoming to be called _____ (name of subdivision) _____.

These lands are comprised of _____ acres located in Section _____ Township _____ North, Range _____ West. The property is being subdivided for the purpose of _____ (list uses proposed) _____.

Persons wishing to comment on the application may do so by sending written comments to the Johnson County Commissioners, 76 North Main, Buffalo, WY 82834 or by attending the Johnson County Planning Commission Preliminary Plat review meeting to be held on the _____ day of _____ 19____ at _____ in the Johnson County Courthouse.

Publish two (2) times
Applicant pays for cost of publication

NOTE: This is a sample of the letter sent to the owners of property adjacent to the proposed subdivision. This letter may be varied as the circumstances require.

To Whom It May Concern:

This letter from the Johnson County Planning Commission is to notify you that property adjacent to yours has been proposed to be subdivided. Enclosed as a copy of the legal notice pertaining to this matter.

A copy of the subdivision plat and supplemental information is on file for review at the Planning Commission office at the Buffalo City hall, 46 North Main.

The Johnson County Planning Commission will review the preliminary plat and supplemental information at a public meeting to be held on the _____ day of _____ 19 _____ at _____ in the Johnson County Courthouse. Written comments may be sent to the attention of the Johnson County Planning Commission, 76 North Main, Buffalo, WY 82834.

I – DESIGNATION OF LOTS

The lots in _____ Subdivision are hereby designated as follows: _____. No lots shall be used except for _____ purposes. No building shall be erected, altered, placed, or permitted to remain on any residential lot other than one single-family dwelling not to exceed _____ stories in height, and a private garage for not more than _____ cars, and one additional structure for storage or for housing animals within the limits of the covenants.

No lot may be further subdivided or split in any manner without the approval of the Johnson County Board of County Commissioners for Johnson County, Wyoming.

II – NUISANCES

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done therein which may be, or may become, an annoyance or nuisance to the neighborhood.

III – TEMPORARY STRUCTURES

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be used upon any lots at any time as a residence, either temporarily or permanently, except that for a period of one (1) year, temporary facilities may be placed upon any lot which shall be reasonably required, convenient, or incidental to the construction of a permanent structure upon said lot.

IV – LIVESTOCK

No livestock, including domestic pets, shall be allowed to remain loose within the Subdivision. The owner of each lot is required to keep all animals for which they are responsible within the confines of that lot. No animals of any kind shall be raised or bred for commercial purposes. Animals not raised or bred for commercial purposes are permitted so long as the number, type, or habitat of the animals does not become offensive or a nuisance to the neighborhood.

V – PERIMETER ACCESS

- 1) No perimeter lot in the Subdivision shall be used at any time as a means of access from any of the streets in the Subdivision to any other lands not included in the Subdivision.
- 2) Access to or from dedicated roads in the Subdivision to lands not included in the Subdivision shall not be denied provided however, that use of said roads shall be contingent upon a pro-rate contribution to road maintenance by adjacent land owners.

VI – WATER SUPPLY

1) NO PROVISION IS MADE IN _____ SUBDIVISION FOR PUBLIC OR CENTRAL DOMESTIC WATER SOURCE.

2) No individual water supply system shall be permitted on any lot in the Subdivision unless the system is located, constructed, and equipped in accordance with the requirements of State law, appropriate State agencies, and regulations promulgated by Johnson County. Provided further that no well may be dug, drilled, or installed upon any lot unless it meets all requirements of the State of Wyoming for well drilling and installation. All wells must be registered with the State Engineers Office upon completion.

VII – SEWAGE DISPOSAL

1) NO PROVISION IS MADE IN _____ SUBDIVISION FOR PUBLIC OR CENTRAL SEWAGE DISPOSAL SYSTEMS.

2) No individual sewage disposal system shall be permitted on any lot in the Subdivision unless the sewage disposal system is located, constructed, and equipped in accordance with the requirement of State law, appropriate State agencies, and regulations promulgated by Johnson County. Approval in the form of a Permit to Construct shall be obtained from the proper agencies prior to actual construction of any system.

VIII – SUBDIVISION ROADS

1) NO PROVISION IS MADE IN _____ SUBDIVISION FOR THE PUBLIC MAINTENANCE OF STREETS OR ROADS. (Note: If public maintenance of the subdivision roads is not provided this statement is mandatory).

IX – POLLUTION OF WATERS

In the interest of public health and sanitation and so that the land known as _____ Subdivision and all other land in the same locality can be benefited by a decrease in the hazards of stream pollution and by protection of water supplies, recreation, wildlife, and other public uses thereof, the Grantee will not use or permit the use of the above described property for any purpose that will result in the degradation of these uses nor allow pollution of any stream, lake or body of water within the subdivision.

No alterations shall be made to the banks of any stream, lake or pond which shall harm the natural aesthetics of the immediate area or which will permit the introduction of refuse, sewage, equipment, or other material which might affect these uses or pollute the waters or otherwise impair the ecological balance of the surrounding lands.

X – GARBAGE AND REFUSE DISPOSAL

No lot shall be used and maintained as a dumping ground for rubbish and debris, nor shall any lot be used as a storage area for non-operative

motor vehicles, miscellaneous parts or supplies, or other unsightly or unseemly material. Trash, garbage, and other waste shall not be kept except in sanitary containers. Rocks, dirt piles, and construction debris shall be promptly removed from lots after construction of buildings.

XI – GENERAL CONDITIONS

Each of the conditions and covenants set forth above shall continue and be binding upon Declarants and upon their successors and assigns, and upon each of them and all parties and persons claiming under them for a period of _____ years from the date hereof, and automatically shall be continued thereafter for successive periods of _____ years each. It is however provided that the owners of not less than seventy five (75) percent of the record fee title owners of lots subject to these covenants, may release all or any part of the land so restricted from any one or more of said restrictions, or may change or modify any one or more of said non-mandatory restrictions only with the approval of the Johnson County Planning Commission and the Johnson County Board of County Commissioners by executing and acknowledging an appropriate agreement in writing and filing the same in the Office of the County Clerk for Johnson County, Wyoming. The recorded certificate of an abstractor doing business in Johnson County, Wyoming as to the record ownership of the property hereby restricted shall be deemed conclusive evidence of ownership thereof.

XII – ENFORCEMENT

The covenants herein set forth shall run with the land and bind the present owners, their successors and assigns, and all parties claiming under them shall be taken to hold, agree, and covenant with the owners of said lots, their successors, assigns, and with each of them, to conform to said restrictions. The purchase of any lot within _____ Subdivision is taken as an assent to be bound by these covenants during the period of ownership and to abide thereby. Declarants, or the owner of any of the lots shall have the right to sue for and obtain an injunction to prevent the breach of or to enforce observance of the restrictions above set forth, in addition to ordinary legal action for damages.

The failure of Declarant or of the owner of any of the other lots hereby restricted to enforce any of the restriction herein set forth at the time of its violation, shall in no event be a waiver of the right to enforce any subsequent violation. Reasonable attorneys fees shall be recovered as required in any proceeding either to enjoin violation of the Declaration of Protective Covenants or to recover damages resulting from such violation. The violation of these restrictions shall not defeat nor render inviolate the lien of any mortgage or deed of trust made in good faith and for value.

XIII – ENFORCEMENT BY COUNTY

Any of the covenants, restrictions, or conditions contained herein which may, in the sole discretion of the Johnson County Board of County Commissioners be in the public interest, may at the sole discretion of the Johnson County Board of County Commissioners be enforced in the same manner and upon the same terms and conditions as any lot owner can seek to enforce the same in any proceeding of law or equity. Reasonable attorneys fees shall be recovered by the

County in any proceeding either to enjoin a violation of the Declaration of Protective Covenants or to recover damages resulting from such violation. The purchase of any lot shall be taken as consent to pay costs and fees and the same shall be a lien on the land.

XIV – SEVERABILITY

Invalidation of any one of these covenants by judgment or Court order shall in no way or manner affect any of the other provisions which shall remain in full force and effect.

IN WITNESS THEREOF, the undersigned being the Declarant herein, has hereunto set their hand this _____ day of _____, 19 _____.

STATE OF WYOMING)
)ss
County of Johnson)

The foregoing instrument was acknowledged before me this _____ day of _____, 19 ____ by _____.

Witness my hand and official seal.

Notary Public

(Note: The original of the covenants is then filed with with the Johnson County Clerk with one copy with the filing statement affixed then presented to the Johnson County Planning Office).

THE FOLLOWING COVENANTS PAGES TEN THROUGH ELEVEN ARE
CONSIDERED TO BE OPTIONAL

I – DWELLING QUALITY AND SIZE

No dwelling shall be permitted on any lot herein designated as single-family residential with a ground floor area of the main structure (exclusive of porches, basements, and garages) which is less than _____ square feet for a one story building or _____ square feet for a dwelling of more than one story, provided that the total square footage living area of a dwelling more than one story will be no less than _____ square feet.

II – SETBACK REQUIREMENTS

No building or part thereof shall be located nearer than _____ feet to any lot line, street or easement.

III – SIGNS

No signs of any kind shall be displayed to public view on any lot except one professional sign of not more than _____ square feet, one sign of not more than _____ square feet advertising the property for sale or rent, or signs being used by a builder or the developer, to advertise the property during the construction and sales period.

IV – MOBILE HOMES

All construction on lots within the Subdivision shall be new, and no building or buildings may be moved from other locations onto the lots. No mobile homes or homes with factory installed axles or wheels, whether removable or not, may be placed upon said lots. Provided however, that modular homes may be placed upon said lots if said modular homes are placed on permanent foundations or basements and they do not have flat roofs.

V – EASEMENTS FOR UTILITIES

Easements for the installation, repair, re-installation, replacement, and maintenance of utilities are reserved as provided in the recorded plat of _____ Subdivision. Said utility easements are hereby dedicated, granted, and conveyed to all public utilities and cable supplies, privately or publicly owned, now or hereafter providing utility and television services to _____ Subdivision or any lot therein, and to the successors and assigns of said utility companies, each in common with others having a similar right, for the purpose of installing, repairing, re-installing, replacing and maintaining water, sewer, electrical, gas, communications, television, and other utility services. Within these easements no structure, planting or other permanent fixture shall be placed or permitted to remain which may damage or interfere with the utility systems. The easement area of each lot shall be maintained by the owner of the lot except for those improvements for which a utility company is responsible.

VI – SUBDIVISION ROADS

1) Each lot owner within the Subdivision shall be responsible for the maintenance and repair of that portion of any road fronting, adjoining, or contiguous to the owned lot. Provided that said maintenance responsibility shall be in common with all other lot owners whose lots are also fronting, adjoining, or contiguous to the road or street.

2) Vehicles which are not in operating condition or which are in a state of disrepair shall not be parked on any road in the Subdivision for a period of more than twenty-four (24) hours.

3) Parking of trailers, trailer campers, truck campers, bus campers, boats and trailers or otherwise large vehicles such as stock trucks and trailers, shall be limited to a period of seventy two (72) hours when parked on any road in the Subdivision.

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**SUBDIVISION REGULATIONS FOR JOHNSON COUNTY, WYOMING
PART I.**

AUTHORITY: this Resolution is authorized by Wyoming Statutes 18-5-201 to 18-5-315 and Section 34-12-1-1 et. seg. All previously adopted subdivision regulations for Johnson County are hereby repealed.

PURPOSE OF RESOLUTION: This Resolution is designed and enacted for the purpose of promoting the public health, safety, and general welfare of the present and future residents of Johnson County, Wyoming by: encouraging the proper arrangements of streets and roads in relation to existing or planned streets and roads; providing adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, civil defense, recreation, sites for educational facilities, light and air; avoiding population congestion and inadequate land planning, including minimum area and width of lots and tracts; and regulating such other matters as the Johnson County Planning and Zoning Commission and the Board of Johnson County Commissioners may deem necessary in order to protect the best interests of the public.

ADMINISTRATION: All plans, plats, and plots of land laid out in a subdivision or building lots, and the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchaser's or owner's of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission and the Board of County Commissioners for review and subsequent approval, conditional approval, or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement, the review and approval of the Planning Commission and the Board of County Commissioners, upon compliance therewith the County Clerk shall file the approved plat.

APPLICABILITY: This Resolution shall apply to all of the unincorporated land located within Johnson County, Wyoming. No person shall subdivide land or commence the physical layout or construction of a subdivision without first obtaining a subdivision permit from the Board of County Commissioners of Johnson County, Wyoming.

ENFORCEMENT AND PENALTIES:

A. No final plat of a subdivision shall be approved by the County Planning Commission and accepted by the Board of County Commissioners unless it conforms to all the provisions of this Subdivision Regulation Resolution.

B. No construction shall begin on any structure or other improvements made upon land for which a plat is required by this Resolution unless and until all the requirements of this Resolution have been complied with.

C. The Board of County Commissioners shall withhold all public road improvements and public maintenance from all rights-of-way which have not been accepted for such purposes by the Board of County Commissioners.

D. The Board of County Commissioners of Johnson County may seek to enforce through the County Attorney the violation or attempted violation of any provision of this Resolution as provided in Wyoming Statutes, Sections 18-5-205, 18-5-206, and 18-5-311 through 18-5-314. If not enforced by the County Attorney, the State Attorney General has jurisdiction.

E. No changes, modifications, or revisions shall be made in a Final Plat after approval of the plat without the consent of the Board of County Commissioners.

F. All plats approved by the County Planning Commission for recordation after the effective date of this Resolution shall comply with the provisions set forth herein.

PART II. DEFINITIONS

(1) Block. A piece or parcel of land entirely surrounded by public highway, streets, streams, parks, etc., or a combination thereof.

(2) Board. Shall mean the Johnson County Board of County Commissioners, may also be referred to as "Board" or "Commissioners".

(3) Building Permit. Authorization for the construction of a building within a recorded subdivision issued by an official authorized by the Board of County Commissioners.

(4) Building Site. The specific location of a proposed or existing building within a recorded subdivision.

(5) Comprehensive Plans. A plan or set of plans, duly adopted by the County or municipalities, for future growth, protection and development of the County and municipalities therein, affording adequate services and facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

(6) County. Shall mean Johnson County, Wyoming

(7) Crosswalk or Walkway. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

(8) Dwelling Unit. Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

(9) Easement. A recorded right or privilege to use a certain portion of land for a specific purpose or purposes.

(10) Encumbrance. A mortgage, lien, charge or liability attached to and binding upon real property, including easements, rights-of-way and delinquent taxes and assessments.

(11) Engineer. A licensed professional engineer registered with the State of Wyoming.

(12) Final Plat. The map or maps and specified supporting materials to be recorded with the County Clerk, drawn and submitted in accordance with the requirements of this Resolution.

(13) Lot or Tract. The unit into which land is divided on a subdivision plat or deed for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. Lot or Tract shall also mean parcel, plot, site or similar term.

(14) Multi-Family Dwelling. A building providing separate dwelling units for two or more families.

(15) Municipality. An incorporated City or Town, including all property within its corporate limits.

(16) Off-Street Parking Space. The space required to park one passenger vehicle which space shall not be less than two hundred (200) square feet in area, exclusive of access drives.

(17) Official Map. The Official Map adopted by Johnson County or any municipality therein.

(18) Permanent Monument. Any structure or masonry and/or metal marker permanently placed on or in the ground, including those expressly placed for surveying reference.

(19) Planned Unit Development. A project located on at least two acres of land including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance of normal zoning or subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced, while still being in harmony with the surrounding neighborhood.

(20) Planning Commission. Shall mean the Johnson County Planning Commission also referred to as "Commission" or "Planning Commission".

(21) Plat. As used in this Resolution “plat” shall be a map of certain described tracts of land prepared in accordance with this Resolution as an instrument for recording of subsequent real estate transactions by the County Clerk.

(22) Preliminary Plat. The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Resolution, to permit the evaluation of the proposal prior to detailed engineering or design.

(23) Public or Community Sewer. Municipal, city or town, or quasimunicipal (such as a sanitation district) operating trunk outfall lines and treatment facilities.

(24) Public Roads and Streets. A right-of-way dedicated to the Public to be maintained by Federal, State or County forces.

(25) Resubdivision. The changing of any existing lot or lot boundaries, any streets, alleys or other change from the subdivision plat recorded in the office of the County Clerk.

(26) Reverse Frontage Lots. Lots which front on one public street and back on another.

(27) Roadway). The portion of the street right-of-way designed for vehicular traffic.

(28) Sewage Disposal System. Those patented and non-patented sewage disposal systems engineered, designed, and manufactured to destroy, digest, dissolve, or otherwise reduce human waste.

(29) Sketch Plan. The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this Resolution, to evaluate the feasibility and general design characteristics at an early stage in planning.

(30) Street. An avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for movement of vehicular traffic which is an existing State, County or municipal roadway shown upon a plat, heretofore approved, pursuant to law or approved by official action, and includes the land between street lines whether improved or unimproved, and may comprise pavement, shoulder, gutter, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this Resolution streets shall be classified as defined in the following:

A. Major Street. A street which serves or is designed to serve heavy traffic flow between heavy traffic generating areas.

B. Collector Street. A street or road designed to carry vehicular traffic for a neighborhood, or as a feeder to a major street.

C. Local (Minor) Street. A street intended to serve primarily as an access to abutting properties.

D. Freeway/Expressway. A major regional highway designed to carry vehicular traffic into, out of, or through the regional area or inter-regional area, from one or more political subdivisions of the area.

E. Alley. A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

F. Cul-de-Sac. A short dead-end street terminating in a vehicular turn around area.

G. Stub Street. A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around.

(31) Street Right-of-Way. That portion of land dedicated to public use for roadway and utility purposes.

(32) Subdivider or Developer. Any person, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

(33) Subdivision or Subdivided Land. A parcel of land in the County outside of corporate limits, which is divided into two (2) or more parcels unless exempted in paragraphs A, B, and C below.

A. The definition of subdivision or subdivided land shall not apply to any division of land which creates parcels of land each of which comprise thirty-five (35) or more acres of land none of which is intended for use by multiple owners.

B. The terms “subdivision” and “subdivided land” as defined above, shall not apply to any division of land:

- 1) which creates parcels of land, such that the land area of the parcels, when divided by the number of interests in any parcel results in thirty-five (35) or more acres per interest;
- 2) which is created by order of any court in the State of Wyoming;
- 3) which creates cemetery lots;
- 4) the sale of land to the State of Wyoming or any political subdivision thereof;
- 5) the sale of land for agricultural purposes
- 6) land located within incorporated cities and towns;
- 7) railroad rights-of-way
- 8) mere alignment of property lines for agricultural purposes;

9) any parcel of land which may be shown as one (1) of the lots of a subdivision for which a plat has been recorded in the office of the County Clerk of any county.

C. The Board of County Commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms “subdivision and subdivided land” any division of land if the Board of County Commissioners determines that such division of land is not within the purposes of this Resolution.

(34) Subdivision Improvements Agreement. One or more security agreements which may be accepted by the County to secure the construction of such public or private improvements as are required by this Resolution or agreements between the subdivider and the County, within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loans commitment, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

(35) Unincorporated Area. That area of the county not within the limits of an incorporated city or town.

PART III. PLAT SUBMISSION PROCEDURES AND REQUIREMENTS

Exemption from the Definition of Subdivision or Subdivided Land

A. Any parcel of land in Johnson County, which is divided, shall not be considered a subdivision or subdivided land, provided that such division conforms to each of the following:

1) Such land division creates one additional parcel, tract, or lot, which will have access from an existing public right-of-way or private access road, and;

2) That the property to be divided is not part of a parcel, site, tract, or lot previously divided under this section, and;

3) Such division shall not be detrimental to the public health and welfare or impair the intent and purpose of the Johnson County Subdivision Regulation Resolution.

B. A request for exemption from this Resolution shall be made by direct application for exemption (stating the reasons for the request) and presented to the Planning Commission for review. As a minimum, the procedures for meetings and the plat preparation requirements shall follow Part IV, D. Minor Boundary Adjustments.

PRE-APPLICATION DISCUSSION SKETCH PLAN

A. The subdivider shall submit a sketch plan of the proposed subdivision to the County Planning Commission prior to the submission of a preliminary plat. The Planning Commission shall review the sketch plans with regard to conformance with general design standards and improvement requirements stated herein.

B. The Sketch Plan shall be prepared to include the following:

- 1) A map showing the general location of the subdivision and the total development area, the property boundaries of the area, and the North arrow.
- 2) Topographic contours from available information, such as USGS maps.
- 3) A lot, street, park and open space layout indicating general scaled dimensions of lots.
- 4) Type of water system proposed, also general information pertinent to the history of the water system (such as: water rights, quality of water).
- 5) Type of sewer system proposed
- 6) A map showing significant natural and man-made features on the site or immediately adjacent to the site.
- 7) The acreage of the total development area.
- 8) The developer shall submit a copy of the Sketch Plan to the Soil Conservation Service so as to allow the SCS to develop a map showing the potential for flooding, the general soils types and their boundaries, and a table showing interpretations for soil types shown on the map. The information from the SCS review shall be presented to the Planning Commission at the Preliminary Plat review meeting.
- 9) If applicable, the proposed location of temporary access roads to be constructed.
- 10) General information concerning streams, lakes, vegetation, and other natural features. Explain how the proposed development would deal with these natural features.

PRELIMINARY PLAT

A. The purpose of the Preliminary Plat is to review and check the proposed subdivision against the specific design standards and improvements set forth herein.

B. Drawing Requirements. The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed in the State of Wyoming. A poorly drawn or illegible plan is sufficient cause for its rejection. Sheet size shall be 24 inches high by 36 inches wide and where necessary several sheets shall be submitted.

C. Preliminary Plat Submission Requirements.

- 1) Name of Subdivision. The name shall not be such that it tends to duplicate that of an existing subdivision name.
- 2) Scale. 1"= 100' or less, or 1"=200' where the minimum lot size is five acres or larger.
- 3) Street and lot layout.
- 4) Total area to be subdivided.
- 5) Lots and blocks numbered consecutively
- 6) Survey plat description of the perimeter of the proposed subdivision including ties to existing section monuments of record and description of monuments. The survey plat shall have an error not greater than one part in 10,000.
- 7) A vicinity sketch map at the scale of 1"=1,000' or 1"=2000' showing the perimeter outline of the plan and man-made or natural features of the surrounding area, as well as adjoining property owners.
- 8) Existing contours at two (2) foot intervals for predominant ground slopes between level and ten (10) percent grade, and five foot (5) contours for predominant ground slopes over ten (10) percent grade. Elevations where possible, shall be referenced to USGS control. Where minimum lot size is greater than ten acres, ten (10) foot intervals adopted from USGS topographic maps may be accepted.
- 9) Dimensions of all lots to the nearest foot (may be scaled).
- 10) name and address of the subdivider, the designer of the subdivision, and the registered engineer or surveyor licensed by the State of Wyoming. The date of preparation, map scale and North arrow.
- 11) Name and location and dimensions of all existing or recorded roads, alleys, easements, right-of-way, section lines, and other similar features within and adjacent to the proposed subdivision. Also, the location of existing and proposed water and sewer lines and other utilities.
- 12) The location of all existing surface or underground improvements such as buildings, fences, other structures, utilities, pipelines, etc.
- 13) Proposed sites, if applicable, for multi-family residences, commercial, industrial, quasi-public uses, and single-family residential uses.

14) Existing and proposed street and road names shall not duplicate any name used for a county road, or used in the county rural addressing system, or used in any other county subdivision unless it is an extension of an existing road.

15) Sites to be reserved for parks, playgrounds, schools, or open space.

16) General location within the subdivision of any area of trees, streams, lakes, or other natural features. In heavily wooded areas, indicate the outline of the wooded area adapted from available information such as aerial photographs or USGS mapping. The intent of this provision is to assist in the overall design of the subdivision.

17) Where open space is reserved for common use, a statement as to the maintenance of this area dedicated or reserved for public use.

18) Other information required for review by the Planning Commission.

19) Proof that the applicant has published notice of his intent to apply for a permit once each week 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.

20) The plat shall be accompanied by an APPLICATION FOR A SUBDIVISION PERMIT (Appendix "B"). Each application for a permit shall be accompanied by a fee which shall be the greater of one hundred dollars (\$100.00) or twenty-five dollars (\$25.00) per lot up to a maximum fee of one thousand dollars (\$1,000.00). The fee shall be credited to the County General Fund.

D. Supporting Documents Required.

1) Six (6) copies of the Subdivision Application Form (Appendix A). Two (2) copies of the APPLICATION FOR A SUBDIVISION PERMIT as per 20) above along with a copy of the receipt from the County Clerk's Office showing that the permit fee has been paid.

2) Two (2) copies of the Sewage System Application to the State of Wyoming Environmental Quality Agency along with a Sewage Disposal Report. The Sewage System application shall meet the requirements of the State Agency and shall be reviewed and approved by the Wyoming Department of Environmental Quality prior to final plat approval. This section (B) shall apply only when a public sewage disposal system is proposed.

3) Two (2) copies of an affidavit of ownership of the proposed subdivision.

4) Six (6) copies of a summary statement containing:
a. total number of proposed dwellings and other improvements;

b. total number of off-street parking units, if commercial or multi-family dwellings are contemplated;

c. description of water source contemplated for the development, to include information on water quality and water rights, distribution system, and other significant water information.

d. any other information consistent with the Resolution and the County's published rules and regulations which is deemed pertinent or relevant to the evaluation of the application.

5) Six copies of the covenants proposed for the subdivision. Covenants shall be mandatory on each subdivision and shall be equal to or more stringent than the mandatory sections provided in the SAMPLE COVENANTS approved by the Planning Commission and the Board of County Commissioners.

6) Six copies of the Soil Conservation Service review of the subdivision soils and related information.

7) Six copies of a written statement outlining the considerations that have been given to the maintenance of quality of life and scenic beauty in the area. These might include maintaining open lands and vistas, avoiding buildings on skyline or hilltops, avoiding disturbing the local natural beauty, compatibility with surrounding land uses, natural landscaping, non-intrusive home siting, etc.

8) Section 18-5-306 of the Wyoming Statutes requires that any developer meet the requirements of Section 0. Water Standards of this Resolution in regard to the disposition of water rights on a subdivision. No final plat approval will be given for any subdivision that is not in compliance with this Section of State law.

E. Preliminary Plat Review Procedure

1) Six (6) copies of the preliminary plat and the required supplemental material shall be submitted to the Planning Commission no less than fourteen (14) days before the next regularly scheduled meeting of the Planning Commission.

2) When a preliminary plat has been officially submitted and received by the Planning Commission, it shall be placed on the agenda of the Planning Commission meeting next scheduled for subdivision review, provided that a minimum of fourteen (14) calendar days has elapsed between the subdivision date and the scheduled date of the meeting.

3) The Planning Commission may use the Soil Conservation Service information to determine the locations within the proposed subdivision where the sewage treatment percolation tests may have to be taken. Any approval of the subsequent Final Plat shall be dependent on the percolation tests proving that the lot sizes in the Preliminary Plat are of sufficient size to accommodate on-site sewage disposal.

4) The developer shall distribute copies of prints of the Plat as follows:

- a. To the school district if appropriate, Planning Commission to verify if this submission is necessary at Sketch Plan meeting.
- b. To any municipality within at least a one (1) mile radius of any portion of the proposed subdivision;
- c. To any utility, improvement or service district, ditch companies, when applicable;
- d. When applicable, to the State Engineer for an opinion regarding the affects on decreed water rights, historic development, cumulative effect of on lot wells on water rights and existing rights;
- e. When applicable, to the Wyoming Geological Survey for an evaluation of those geologic factors which would have significant impact on the proposed use of the land.

The above agencies, towns, or cities shall have thirty (30) days from the date information is mailed or delivered to them to comment.

5) The Planning Commission shall only recommend approval for those preliminary plans which the Planning Commission finds to be developed in accordance with the intent, standards, and criteria specified in this Resolution.

6) Time Limitations. Approval of a preliminary plat shall be effective for one (1) year from the date of approval. If a final plat is not submitted within the said time limit or extension together with all applicable fees, a preliminary plat must again be submitted before action may be taken on a final plat.

7) Disapproval. The specific changes which the Planning Commission recommends shall be given in writing to the subdivider.

8) The construction of roads, or other similar improvements shall not be commenced until the Final Plat has been approved by the County Commissioners.

FINAL PLAT

A. Final Plat Requirements. The final plat shall conform to the conditionally approved preliminary plat and shall include all changes specified on the preliminary plat as required by the Planning Commission. A final plat may be submitted in sections covering representative and reasonable portion of the subdivision tract. In such cases submission shall include a key map indicating the sections designated for the entire tract, and each sheet numbered accordingly to include title, legend, match lines, and other appropriate information.

Final plat submission shall include six (6) copies of the final plat and all required supporting documents including the Covenants. The copies shall be submitted not more than twelve (12) months after approval of the preliminary plat and shall be submitted at least fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

B. Final Plat Contents. The final plat drawing shall comply with the following standards:

1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed in the State of Wyoming. The plat shall be properly sealed and signed as per Wyoming requirements. A poorly drawn or illegible plat is sufficient cause for its rejection.

2) The plat shall be delineated in black drawing ink on mylar at a size of 24 inches high by 36 inches wide. The perimeter survey description of the proposed subdivision shall include at least one tie to an existing section monument of record and a description of monuments.

3) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of closing meander traverse should be given and a notation made that the plat includes all land to the centerline of the stream.

4) All blocks and all lots within each block should be consecutively numbered.

5) On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves: 1. radius of the curve; 2. central angle; 3. arc length; 4. notation of non-tangent curves.

6) Excepted parcels shall be marked "not included in this subdivision" and the boundary completely indicated by bearings and distances.

7) All streets and sidewalks and alleys shall be designated as such and streets shall be named, bearings and dimensions must be given. All easements shall be designated as such and bearings and dimensions given.

8) All dimensions or irregularly shaped lots shall be indicated in each lot.

9) Bearings and lengths shall be given for all lot lines, except bearings and lengths need not be given for interior lot lines where the bearing and length are the same as those of both end lot lines.

10) Parcels not contiguous shall not be included in one plat, ~~not~~ [nor] shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat.

11) Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to twenty seconds of arc.

12) The information on the plat shall include: 1. name of the subdivision, relative north arrow, and date; 2. name of owner or owners of record; 3. total acreage of subdivision and total number of lots or tracts; 4. township, range, section, principle meridian, block and lot numbers; 5. graphic scale-the drawing shall be made at a scale of 1"=100' or less. Where lot size is greater than 5 acres a scale of 1"=200' may be used; 6. acreage to nearest one-hundredth acre of each lot or tract.

13) 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. If no domestic water source is proposed by the subdivider, the legend "NO PROPOSED DOMESTIC WATER SOURCE" in bold capital letters shall appear on all offers, solicitations, plats, advertisements, contracts, and agreements, relating to the subdivision.

14) 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 conditions, and water sheds located on or draining into or over the proposed subdivision. If no public sewage disposal system is proposed by the subdivider, the words "NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM" in bold capital letters shall appear on all offers, solicitations, plats, advertisements, contracts, and agreements, relating to the subdivision.

15) Evidence satisfactory to the Commission 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 of County Commissioners and applied uniformly throughout the county which shall not in itself constitute consent of the Board of County Commissioners to locate, repair, or maintain roadways and facilities.

If however, the subdivider proposes to make any streets, alleys, or roadways private, the subdivider shall submit to the Board of County Commissioners properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the Board of County Commissioners 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 of 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 bold capital letters “NO PUBLIC MAINTENANCE OF STREETS OR ROADS”.

C. Monuments

1) Permanent reference monuments shall be set on the external boundary of the subdivision and for all lot and block corners.

2) Subdivision boundary control and monumentation shall, unless otherwise modified herein, comply with the most recent applicable portions of the Guidelines for the Profession Practice of Land Surveying as published by the Wyoming Association of Consulting Engineers and Surveyors.

Refer to applicable portions of Chapter V, Section 8 for requirements concerning boundary control. Monumentation and construction of survey monuments should be in accordance with Chapter V, Section 9, as applicable. Accuracy of surveys shall be such that closures better than one part in ten thousand are obtained for the perimeter and all interior lots.

3) Where section lines or section subdivision lines form part of the boundaries of a subdivision these lines shall be legally established and monumented as per the 1973 BLM Manual of Instruction for the survey of public lands and the pertinent detailed information shall be shown on the Plat.

D. Certification and Approval Statements. All signatures shall be made in black drawing ink.

Dedication statement reads as follows:

“The above or foregoing subdivision of herein insert a correct description of the land or parcel subdivided as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors; containing (to the nearest one-hundredth) acres more or less; have by these presents laid out, and surveyed as (subdivision name), and do hereby dedicate and convey to and for the public use forever hereafter the streets as are laid out and designated on this plat, and do also reserve perpetual easements for the installation and maintenance of utilities and for irrigation and drainage facilities as are laid out and designated on this plat. The dedication of the streets or roads on this plat in no way obligates the Johnson County Commissioners to maintain such roads or accept them as county roads, nor

1) Sewage Disposal Report and application with the approval of the State of Wyoming Department of Environmental Quality where public sewage treatment is proposed. If this report is submitted with the preliminary plat, disregard this section providing no major changes have been made.

2) Special Documents. If required, homeowner's association documents, special improvement district papers, maintenance bonds, special agreements, escrow funds, approvals from ditch companies, State Highway Department, cities and towns, or others that are involved. All documents are to be in a form acceptable to the County Attorney and the Board of County Commissioners.

3) When any street will intersect with a state highway or county road, an approved and signed copy of the state highway or county road access permits shall be submitted.

4) When a subdivision road or easement must cross other private property or public property, a copy of appropriate road dedication, easement, special use permit or equivalent document shall be submitted.

5) Subdivision Improvements Agreement or other agreements or contracts to assure construction of required improvements and maintenance.

6) A statement of future use of each lot and any common land with the regard to the future construction of water and sewer systems, resubdivision, and other potential changes which might significantly alter the subdivision as approved by the County with regard to the criteria and standards of this Resolution, shall appear on the plat. Such statement shall also contain a notice, when applicable, of the Homeowner's Association for maintenance of roads, irrigation ditches or other common facilities, and that failure to adequately maintain same may result in a lien upon lots affected.

7) When applicable a warranty deed to Johnson County conveying to the County all public lands other than streets shown on the plat.

8) When applicable a surety bond, escrow agreement, or other acceptable collateral in the amount stipulated in the Subdivision Improvements Agreement, or other agreements or contracts to assure construction of public improvements for either part or all of the plat, as the Board of County Commissioners shall determine.

9) The Homeowner's Association or equivalent, established for the purpose of maintaining roads, irrigation facilities, open space, parks, or other common facilities (Hereinafter referred to as "common facility") shall provide that in the event such association shall fail to maintain the common facility in a reasonable order and condition in accordance with the original plan submitted with the final subdivision plat, the Board of County Commissioners shall serve written notice upon such organization or

upon the residents of the subdivision involved, setting forth the manner in which the association has failed to maintain the facility in a reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice.

At such hearing, the County may modify the terms of its original notice as to the deficiencies, and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within said thirty (30) days or any extension thereof, the County, in order to preserve the taxable values of the property contained within the subdivision, and to prevent the common facilities from becoming a public nuisance and public liability, may undertake to maintain the same for a period of one (1) year.

Before the expiration of said year, the County, upon its initiative or upon the written request of the association theretofore responsible for the maintenance of the common facility will call a public hearing upon notice to such association and to the residents of the subdivision involved, to be held by the Board of County Commissioners, at which hearing such association or the residents of the subdivision shall show cause why such maintenance by the County shall not, at the election of the County, continue for a succeeding year.

If the Board of County Commissioners shall determine that such association is ready and able to maintain said common facility in a reasonable condition, the County shall cease to maintain said common facility at the end of said year. The cost of such maintenance by the County shall be paid by the owners of the properties within the subdivision that have a right to enjoyment or use of the common facility involved, and any unpaid assessments shall become a tax lien upon said properties.

The County shall file a notice of such lien in the office of the County Clerk upon the property affected by such lien within the subdivision, and shall certify such unpaid assessments to the County Treasurer for collection, enforcement and remittance of general property taxes in the manner provided by law.

The Homeowner's Association or equivalent shall also further provide for: 1) adequate funding and means for enforcement; 2) continuous health and safety inspections and immediate follow-up maintenance to correct unsafe conditions; 3) the receiving and processing of complaints; 4) regular maintenance program where required for roads, parks, buildings and other mutually owned facilities. No Homeowner's Association may be dissolved without the prior permission of the Board of County Commissioners.

10) Evidence that:

a. 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 reservation[s] or restrictions of record, but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally affected; or

b. Binding arrangements have been made by the person whom 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 affected.

11) Evidence satisfactory to the board that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water systems, sewage systems, streets and roadways. The applicant shall provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed; or escrow sufficient monies out of land sales to guarantee that the above facilities are installed.

12) The statement of review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation, and flooding problems.

13) The Developer shall submit a plat of the subdivision that conforms with the following County Rural Addressing Standards as part of the Final Plat review.

Upon approval of the subdivision, the Addressing Plat will become a part of the Johnson County Rural Addressing Map Book and will be used to issues and/or update addresses in the subdivision.

The Rural Addressing Plat shall consist of the following:

- A. A mylar plat 17 inches by 14 inches in size, conforming to existing rural addressing maps.
- B. Mapping scale as large as allowed by plat size, in no case smaller than 1 inch = 500 feet.

- C. The plat information shall also be submitted on a 3 ½ inch disk in an AutoCad Drawing file
- D. North arrow and scale
- E. Subdivision name in large bold lettering. Individual lot lines and lot numbers. Block outlines and block numbers as applicable.
- F. Roads, road names, and county or highway road designation number as shown in the Rural Addressing Map Book “Road Index”
- G. Indicate section lines where applicable
- H. Bearings, distances, and acreages shall not be shown.
- I. Date under the North Arrow and scale indicating month and year of subdivision.”

F. Final Plat Approval.

1) The County Planning Commission shall check the Final Plat for conformity with the approved Preliminary Plat and other requirements of this Resolution and shall ~~the~~ approve, conditionally approve, or disapprove the submitted Final Plat. If any part of the subdivision lies outside the limits of an incorporated city or town but within one (1) mile of the boundaries of an incorporated city or town, the approval of the governing body of the city or town must also be obtained in accordance with W.S. 18-5-308.

2) If the Final Plat is approved by the Commissioners a mylar duplicate with all signatures shall be prepared from the original by the developer and presented to the Planning Commission for ~~its~~ [its] files.

3) Once all the required supplemental conditions are met and the Final Plat approved the original of the Final Plat shall be presented to the Board of County Commissioners for their review and action.

4) The Board of County Commissioners shall review the final Plat, at a regularly scheduled meeting, especially with regard to required improvements and the acceptance of areas dedicated for public use, easements, etc., and shall then either approve as submitted or disapprove the Final Plat and Subdivision Permit.

5) Upon the approval of the Final Plat by the County Commissioners, the final plat shall be recorded in the office of the County Clerk and the recording and filing fees paid by the subdivider. These fees are in addition to the Subdivision Permit Fee.

6) The County Commissioners shall not sign an approved Final Plat until proof has been furnished to them by the developer that all conditional matters relating to the subdivision have been complied with. To be recorded by the County Clerk the approved Final Plat must be accompanied by the approved Covenants and both items recorded concurrently. The Final Plat must contain a book and page filing reference for the covenants.

7) If the developer's intent is to put in all subdivision improvements prior to selling any lot and without collateral to guarantee the installation of the improvements, then the Final Plat shall not be signed by the County Commissioners until the improvements have been constructed.

Verification of this will be made through inspection by an official designated by the County Commissioners or the developer's engineer and that official or engineer shall provide a written statement to the Commissioners that the improvements meet all county or other standards. For the electrical or other utility systems proof of installation shall be furnished to the Commissioners by the relevant company.

PART IV. SUBDIVISION DESIGN STANDARDS

A. Planning Considerations.

1) The Planning Commission shall study and review all subdivision plats in relation to the general character of the area, the general requirements of the county, and the particular requirements of the neighborhood.

2) Particular consideration will be given to topography in relation to the suitability of the land for development, flooding, storm drainage, and preservation of natural areas for open space.

3) Land subject to flooding shall be set aside for uses which will not aggravate the danger of flood hazard, will not be endangered by flooding, or will not endanger the general health, safety or welfare of the county.

4) Land area for floodways, natural areas, schools, parks, open spaces, and future road rights-of-way shall be reserved and located according to good planning practices and principles.

5) Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.

6) Multiple land uses within subdivisions must be properly oriented and situated within the subdivision to provide the maximum convenience to the residents.

B. General Standards.

1) The design and development of subdivision shall preserve, insofar as it is practicable, the natural terrain, natural drainage, existing topsoil, trees, wildlife and fish habitats.

2) land subject to hazardous conditions such as land slides, rock falls, possible subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

3) The subdivision improvement chart shall be used as a general guide for determining improvements required within a subdivision.

SUBDIVISION IMPROVEMENTS CHART

Density Group 1:	One or more lots per acre, one dwelling unit per acre, one or more dwelling units per acre. Sewer (R); Water (R); Fire Protection (R+); Street Lighting (M); Underground utilities (R); Street pavement (R).
Density Group 2:	One to 2.5 acre lot size: Sewer (M); Water (M); Walk ways (M); Underground utilities (R); Street pavement (M).
Density Group 3:	Two ½ to 5 acres lot size: Walkways (M); Underground utilities (R); Street pavement (M).
Density Group 4:	Five to 35 acre lot size: Discussed with subdivider.

M = Improvements may be required by Planning Commission or Board of County Commissioners where deemed necessary. R = Improvements shall be required. + = Urban type fire protection, (hydrants).

C. Lot Standards.

1) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision, for the type of development and use contemplated.

2) Depth and width of properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

3) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

4) Double frontage and reverse frontage lots should be avoided except where it is essential to provide separation of residential development from expressways and major arterial streets or overcome specific disadvantages or topography and orientation.

5) The subdividing of land shall be such as to provide each lot with satisfactory access to an approved public or private road.

6) Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.

7) A single lot shall not be divide by a road, alley or other lot.

8) Wedge shaped lots. In the case of irregular or wedge shaped lots, no lot shall be less than thirty (30) feet in width at the front property line.

9) No portion of any lot shall lie within any street, road, or highway right-of-way.

D. Street Standards.

1) Street Requirements shall be as follows:

a. Street Plan. The street or road layout shall conform to any duly adopted County Road Plan, applicable municipalities major street plan (if adopted pursuant to Wyoming Statutes, Section 15.1-78) or any duly adopted City or County Comprehensive Plan.

b. Access to all subdivisions shall be from a public street and road system.

c. Through Traffic. Local streets shall be laid out to discourage excessive through traffic.

d. Provisions must be made, through the use of stub streets or extensions of new streets to connect to existing streets to provide an efficient street system. Not more than four (4) lots shall front on a stub street except where a temporary cul-de-sac is provided.

e. Intersections of local streets with major streets shall be kept to a minimum.

f. No more than two (2) streets shall intersect at one point to avoid hubs.

g. Where a residential subdivision abuts a major highway, service roads may be required. Driveways from subdivision lots shall not be permitted to have direct access to highways or county roads unless approved by the Planning Commission.

h. Street Names. Streets shall have the names of existing streets which are in alignment in the county or in an adjoining municipality. There shall be no duplication of street names within the county.

i. Street Signs. The Developer shall be responsible to furnish and install all necessary street signs in the subdivision and where the subdivision access road(s) abut any county or state road. These signs shall be of the size and type as directed by the County Commissioners.

2) Minimum Road Right-of-ways shall be as follows:

- a. Freeway/Expressway.....200 feet
- b. Major Streets..... 80 feet
- c. Local (minor) Streets..... 60 feet
- d. Frontage Roads..... 50 feet
- e. Cul-de-sacs..... 50 feet

3) Minimum usable surface widths shall be as follows for major, local, and frontage roads in subdivisions:

Density Group	Major Street	Local or Frontage	Minimum Shoulder Width
1	36'	32'	6'
2	36'	32'	6'
3	32'	32'	6'
4	32'	32'	6'

See improvements chart of Page 22 for Density Group definitions.

4) Other Standards.

All excess material such as boulders, felled trees, limbs and roots, resulting from the construction of roads or other required improvements shall be disposed of in a manner approved by the appropriate County Official appointed by the Board of County Commissioners. Arrangements for the disposal of such materials shall be provided for in the subdivision improvement agreement or other agreements or contracts approved by the County Attorney and the Board of County Commissioners.

E. General Policy on Roads and Paving.

1) Roads shall be paved according to the specifications of the Johnson County Road Standards where the following exists:

a. The proposed densities of a subdivision will be one dwelling unit per acre or greater, or 25% or more of the lots within a subdivision will be less than or equal to one acre. If deemed necessary by the Planning Commission, paving of roads and streets may be required for subdivisions with proposed densities greater than or equal to 0.5 dwelling units per acre or with 25% or more of the lots within the subdivision less than or equal to 2.5 acres.

b. A development is within one (1) mile of a municipality with a duly adopted subdivision regulation which requires street paving, or a street paving policy; in which case, the proposed subdivision shall conform to such municipal paving requirements where requested by said municipality.

c. Streets of county subdivisions which adjoin an asphalt surface county or state road shall have the streets within the subdivision brought to the asphalt surfacing requirements of the Johnson County Road Standards before the county will take over maintenance of the road or before it will be designated as a county road. Such maintenance or designation actions shall only occur with the prior approval of the County Commissioners.

All county subdivisions which adjoin asphalt surfaced roads shall have the access road paved from the county or state roadway to the property line of the subdivision. All county subdivisions are required to have their street improved to the gravel base requirements as provided for by these standards.

d. A commercial subdivision is proposed.

2) All other roads shall be surfaced with a minimum of crushed rock or gravel surface according to the specifications of the Johnson County Road Standards.

3) Road Designs for Subdivisions shall meet the requirements of a. through d. below.

a. All subdivision roads shall be designed by a Professional Engineer licensed by the State of Wyoming. The roads shall be designed to provide adequate support and surface for the anticipated traffic.

b. The Johnson County Road Standards represent the minimum road improvement requirements. The developers engineers shall also consider soil, water, and any other conditions necessary for the design and construction of serviceable roads.

c. The subdivision roads shall be constructed to design specifications.

d. Prior to the signing of the plat by the Johnson County Commissioners the developers engineer shall certify to the Commissioners in writing that the subdivision roads were constructed in accordance with the design specifications or the developers shall guarantee construction of the roads as specified in Section II Part IV Q.

F. Curbs and Gutters.

1) Curb and gutter may be required where a development is contiguous to a municipality which requires curb and gutter for the type of development proposed. Design of curb and gutter and street width shall conform to that of the contiguous city or town.

2) If a development is not contiguous to a municipality but will be served by municipal water and/or sewer, the Board of County Commissioners may require the construction of curb and gutter and street width shall conform to that of the contiguous city or town.

G. Sidewalks.

1) Sidewalks are required:

a. Where a development is contiguous to a municipality which

requires sidewalks for the type of development proposed. Design of sidewalks shall conform to that of the contiguous municipality.

b. Along roads where, in the opinion of the Planning Commission, pedestrian usage is anticipated.

c. In all cases where school site designation is required.

2) Sidewalk design

a. Sidewalks shall be located adjacent to the street curb.

b. The minimum width of the sidewalk shall be four (4) feet including street curb.

c. The sidewalk installation shall be in compliance with requirements of the appropriate County Official appointed by the Board of County Commissioners.

H. Pedestrian Walkways.

1) Pedestrian walkways may be required to provide access to parks or open spaces, schools or other similar areas where in the opinion of the Planning Commission significant pedestrian circulation is needed. Ten (10) foot easements may be required where deemed necessary.

I. Street Lighting

1) Street lighting capable of illumination of streets and pedestrian walkways for safe movement of vehicles and pedestrians at night may be required:

a. Where densities are greater than six (6) units per acre and/or;

b. Where the development is contiguous with a municipality which requires street lights. City standards shall apply when requested by applicable municipalities.

J. Block Standards.

1) Block lengths shall be designed to provide for convenient access and circulation for emergency vehicles.

K. Easement Standards.

1) Utility easements shall measure eight (8) feet on each side of abutting rear or side lot lines. On subdivision perimeter rear lot line adjacent to unsubdivided property utility easements shall measure ten (10) feet in width. Side lot easements, where necessary, shall measure five (5) feet in width. Front lot easements, where necessary shall measure ~~the~~ [ten] feet in width.

2) In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage or other obstructions, the subdivider shall provide like width easements subject to the approval of the affected utility company.

3) Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be so located as to permit multiple installations within the easements.

L. Alley Standards.

1) Service access to the interior of blocks may be permitted in certain instances, in which case, such alley must be indicated in the plan and plat. Where alleys are platted, a minimum of twenty (20) feet shall be required.

M. Utility Standards.

1) Telephone lines, electric lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this section, and he shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities and shall be subject to all other applicable County and State regulations.

N. Sewer Standards.

1) In all new subdivisions every effort shall be made to provide public sewer, public sewage disposal systems, or a community type sewage disposal system. Subdividers interested in land development should investigate sewage disposal aspects prior to land acquisition.

2) All public sewage systems must obtain a permit for construction issued by the State of Wyoming Department of Environmental Quality, and shall also meet all adopted rules and regulations of Johnson County.

3) All subdivisions proposing ~~on~~ lot sewage disposal systems shall require by covenants that a disposal permit be obtained from the Wyoming Department of Environmental Quality (DEQ) and/or Johnson County prior to installation of the system.

4) All subdivisions proposing to install public or community sewage disposal systems shall have plans and specifications approved and obtain a permit from DEQ prior to construction. At such time as Johnson County may require, a permit also shall be obtained from the County.

5) The subdivider is responsible for providing a plan for financing and constructing the entire sewage collection system of the proposed subdivision. Any subdivision which is located within one (1) mile of an

incorporated municipality and is not served by an existing sanitation district may be required by the Board of County Commissioners to construct the sanitation system in accordance with specifications acceptable to the municipality.

O. Water Standards.

1) Water supply systems shall be provided in proposed subdivisions as depicted in the improvements chart, and in cases as determined by the Planning Commission and Board of County Commissioners.

2) The developer is responsible, where determined by the Board of County Commissioners, to provide a plan for financing and constructing the entire water distribution system internal to the proposed subdivision in accordance with applicable criteria.

3) Plans and specifications for community potable water supply systems and water distribution systems shall meet the approval of the State of Wyoming Environmental Quality Agency, as provided in the Wyoming Environmental Quality Act and all adopted rules and regulations of the State and Johnson County.

4) The internal distribution system shall be designed to meet initial and future extensions to the original system.

5) Information on individual well systems or public water supply systems shall be reviewed and approved by DEQ. Water wells or supplies shall be registered with the Wyoming State Engineer. All construction of any type water system or supply shall be according to all adopted rules and regulations of the State and Johnson County. Water supplies shall be registered with the Wyoming State Engineer. Water supplies not requiring DEQ approval or as otherwise required shall meet the "Water Well Minimum Construction Standards", State Engineer's Office latest ~~addition~~ [edition].

6) State Law Regarding Disposition of Water Rights on Subdivisions. This is with respect to any water right appurtenant to lands to be subdivided the following must be followed and/or complied with prior to Final Plat approval.

a. Evidence that the subdivider has notified purchaser, the Board and the State Engineer of his intent to abandon the water rights; or

b. Evidence that the subdivider has petitioned the State Board of Control to change the use, place or use or point of, diversion to provide for beneficial use of the water rights outside the subdivision; or

c. 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. 41-3-102, 31-3-104 or 41-3-114; and

d. 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 has 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

e. Evidence that the subdivider will specifically state on all offers and solicitation[s] 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 right 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.

f. A mylar reproducible copy of the final approved plat with all the signatures is needed by the State Engineer's Office on each subdivision where the water is to be retained for use on the subdivision. The State Engineer's Office will then be able to record the subdivision plat with the appropriate permit.

P. Fire Safety Standards.

1) Urban Requirements. All areas served by municipal, district, or community wide water distribution systems or located within one (1) mile of an incorporated municipality shall provide fire hydrants when the proposed densities will be two (2) units per acre or greater and served by at least six (6) inch water lines providing 50 P.S.I. or greater static head pressure at the highest point. Four (4) inch water lines may be considered where higher pressure exists.

2) Fire hydrants shall be located as required and be of a type approved by the County Fire Officials.

3) Additional fire protection requirements. Subdivision communities which will have a total year round population exceeding 250 people and which are not located within an existing municipal or district fire protection area may be required by the Board of County Commissioners to establish a community fire protection association or equivalency to provide for the acquisition and maintenance of such fire fighting equipment and storage buildings that may be recommended by the County Fire Department.

Q. Guarantee of Public Improvements.

1) No final plan shall be recorded until the subdivider has submitted and the Board of County Commissioners has approved, one or a combination of, the following:

a. A subdivision improvements agreement agreeing to construct any required public improvements shown in the Final Plat documents which is sufficient, together with collateral which is sufficient in the judgment of the Board of County Commissioners, to make reasonable provisions for the completion of said improvements in accordance with design and time specifications.

b. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements which are shown in the Final Plat documents which, in the judgment of the Board of County Commissioners, will make reasonable provision for the completion of said improvements in accordance with design and time specifications.

2) 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 furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance.

3) The following improvements shall be constructed as stipulated in the subdivision improvement agreement (see Appendix B) or other agreements or contracts in a manner approved by the Board of County Commissioners which is consistent with sound construction and local practice. Where specific requirements are spelled out in other section[s] of this Resolution they shall apply.

- a. Road, grading and surfacing.
- b. Curbs and gutters, if required.
- c. Street lights, if required.
- d. Sidewalks, if required.
- e. Sanitary sewer laterals and treatment, where required.
- f. Storm sewers or storm drainage system, as required.
- g. Fire fighting equipment, where applicable.
- h. Water distribution and treatment system, where applicable.
- i. Permanent reference monuments and monument boxes.
- j. Underground telephone and electricity lines
- k. Other facilities as may be specified or required in this Resolution by the County Planning Commission or the Board of County Commissioners.

PART V. PLANNED UNIT DEVELOPMENTS

A. Planned Unit Development. A PUD shall be proposed in accordance with the requirements of the entire Johnson County Subdivision Regulation Resolution. Application for a Planned Unit Development in no manner implies that any of the regulations or design standards as adopted under the Subdivision Regulation Resolution are automatically waived or changed by such application. A Planned Unit Development shall be processed through the same manner and stages as is carried out for any other subdivision.

PART VI. PLAT VACATIONS, AMENDMENTS, RESUBDIVISIONS MINOR BOUNDARY ADJUSTMENTS, DISCLOSURE STATEMENT

A. Vacation of Plat.

1) Any plat may be vacated at any time before the sale of lots by making application to the Planning Commission, provided that the vacation of the subdivision will not interfere with sound and proper development nor deny public access to adjacent property, utilities, or other improvements.

The effect of the vacation shall be to divest all public rights in the streets, alleys, commons, and public ground laid out or described in such plat. In cases where any lots have been sold, the plat may be vacated provided all the owners of the lots in such plat join in the application to vacate.

2) Streets and alleys platted and laid out under the provision of these regulations or laid out under any prior law of the State of Wyoming regulating private plats may be altered or vacated in the manner provided by law for the alteration and discontinuance of highways.

3) Any part of a plat may be vacated under the provisions of and subject to the conditions of this Resolution provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat and provided further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law.

4) Prior to taking the vacation request to the Planning Commission the matter shall be advertised twice in a newspaper of local circulation at least 14 days prior to the Planning Commission meeting. The advertisement shall note the name of the subdivision, its location, and the lots or other property that will be affected. Where lots have been sold, each lot owner must be notified by mail of the request for vacation.

The advertisement and lot owner notifications shall be carried out by the person requesting the vacation and proof must be furnished to the Planning Commission that these requirements have been met (including and Affidavit of Publication and Registered Return Receipts for mailings). The recommendations of the Planning Commission shall be forwarded to the County Commissioners who shall have the final decision making authority over the request.

5) If the request is approved, the Johnson County Clerk shall write in plain, legible letters across that part of said plat so vacated, the word "VACATED" and shall also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.

6) land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such ~~plat~~ [plat], once approved and recorded shall act to vacate the original plat which it replaces.

B. Amendment of Recorded Plats.

1) Minor amendments which are filed with the Johnson County Clerk to correct minor survey or drafting errors in a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified to be a land surveyor licensed with the State of Wyoming. All affidavits or corrected plats shall be submitted to the Board of County Commissioners for approval.

2) Amendments to a recorded plat which do not increase the number of lots or relocate or add roads shall be submitted as an amended final plat. Prior to the submittal of such amended plats the Planning Commission shall review and compare the proposed amended plat with a copy of the plat on record. The amended final plat shall be prepared and submitted in compliance with the final plat requirements of the Resolution.

C. Resubdivisions.

1) The redivision of any lots, tracts, or parcels, or the relocation or addition of roads within a subdivision shall be considered a resubdivision and shall be prepared and submitted in compliance with the requirements for subdivisions as set forth in this Resolution.

D. Minor Boundary Adjustments.

1) Minor boundary adjustments may be approved by the Planning Commission without the necessity of going through the full platting or replatting process. The adjustments may be allowed due to encroachments, setback requirements, legitimate boundary disputes, adjusting adjoining lots lines in a subdivision, or for similar circumstances.

2) The adjustment shall be to redefine the position of a boundary line between two adjacent tracts. The request for adjustment is subject to the following:

a. The divided portion shall be totally merged with and combined in the adjoining parcel so that no additional parcels are

created. The adjustment of lots in a recorded subdivision shall not cause any resultant lot to be reduced substantially in acreage beyond the average of corresponding sized lots in the subdivision.

3) The applicant shall attend a County Planning Commission meeting to discuss the proposal. Rough drawings are acceptable. If the concept is approved the applicant shall present the following at a regular Planning Commission meeting.

a. A metes and bounds plat at a size of 8 ½ by 14 inches or other appropriate size. The plat shall show the lot lines, north arrow, notation of any easements on the property, scale, contiguous streets, the location of all buildings and structures on the lots, and any other relevant details.

b. The plat shall be prepared by a surveyor licensed in the State of Wyoming and have affixed a Certificate of Surveyor and properly signed stamp. The property shall be identified by township, section, and range. All lot corners shall be set according to the Monumentation Section of this Resolution.

c. The plat shall be accompanied with an Affidavit of Lot Division. This Affidavit shall affirm the intent of the owner(s) to subdivide the property as shown on the survey plat. The Affidavit shall be properly signed by the owner(s) and notarized. The Affidavit shall contain two statements for signatures showing the date on which the application was approved by the Planning Commission and the date on which the application was approved by the County Commissioners.

4) After approval by the Planning Commission the Affidavit and Plat shall be presented at a meeting of the Johnson County Commissioners to obtain their approval. If approved by the Commissioners the Plat and Affidavit shall be filed concurrently in the office of the Johnson County Clerk or the boundary adjustment will have no legal effect.

E. Disclosure Statement.

1) A full disclosure statement shall be submitted for review and approval by the Planning Commission and County Commissioners prior to approval of a final plat.

2) Copies of the disclosure statement will be kept at the office of the County Clerk and will be available upon request to the public. A copy of the disclosure statement must be given to each person considering purchasing a lot in the subdivision covered by the disclosure statement prior to the close of the sale on that lot.

3) Disclosure statements shall clearly and concisely as a minimum present all the facts related to the following as applicable:

- a. Street construction and maintenance including snow removal responsibility.
- b. Water supply, known well information. Statement that wells are required to be registered with the State Engineer.
- c. Sewage disposal methods and permits required.
- d. Statement on where copies of the covenants may be obtained.
- e. If applicable, information on the homeowners association.
- f. Garbage disposal availability.
- g. Fire protection availability.
- h. Statement if any of the land is subject to flooding.
- i. Any codes relating to construction in the subdivision.
- j. Postal service, mail delivery points.
- k. Statement on status of or lack of any water rights in the subdivision. Statement that subdivision purchasers are not allowed to use water out of any ditch or stream without a water right.
- l. Service providers for cable TV, telephone, and electricity with addresses and phone numbers.

PART VII. PUBLIC SITES AND OPEN SPACES

A. Requirements of Dedication.

1) The Planning Commission, upon the consideration of the proposed public or private dedication by the subdivider, school site considerations submitted by the school district involved, or any duly adopted County plans; all as applied to the subdivision site under consideration, shall recommend to the Board of County Commissioners that the subdivider be required to provide school sites, park site, and open spaces in the following manner as determined by the Planning Commission or by the Board of County Commissioners when such sites are reasonably necessary to serve the proposed subdivision and the future residents thereof.

B. Factors Concerning the Amount of Dedication.

1) In determining the requirements for school sites, open space or park space, the Planning Commission and the Board of County Commissioners shall consider the following:

- a. School sites as designated by the school district involved;
- b. Density and lot size of the proposed subdivision;
- c. The location of the subdivision with respect to other public open space;
- d. Private open space as designated in the proposed subdivision plat provided that the private ownership and maintenance of the open space is adequately provided for by written agreement and that the space is restricted only to park and recreational purposes by recorded instruments.

B. Consideration of Total Development Area

a. The Planning Commission and the Board of County Commissioners shall consider, when recommending provisions for sites and land areas for schools, parks, and open space, the total development area of the subdivision being proposed.

PART VIII. VARIANCES, AMENDMENTS, SEPARABILITY, PENALTY
ADMINISTRATIVE LIABILITY, ADOPTION

A. Variances.

1) The Board of County Commissioners may authorize variance from this Resolution in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the subdivider. Such variance shall not be granted if it would be detrimental to the public goals of the Resolution or impair the intent and purposes of this Resolution.

2) All requests for variances will be submitted in writing and will be referred to the Planning Commission for comments and recommendations prior to any action being taken by the Board of County Commissioners. The findings and actions of the Board of County Commissioners with respect to each variance request shall be stated in writing in the minutes of the Board and a copy thereof provided to the Commission. In granting approval, the Board may require such conditions as will insure substantial compliance with the objectives and standards of this Resolution.

B. Amendments.

1) From time to time the Board of County Commissioners may amend this Subdivision Regulation Resolution. Amendments shall be made in conformance with W.S. 18-5-202.

C. Separability.

1) If any provisions of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, the legislative intent is:

a. Any such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

b. Such decision shall not affect, impair, or nullify this Resolution as a whole or any part thereof, and the remainder shall remain in force.

2) If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of the court of competent jurisdiction it is hereby declared to be the legislative intent that:

a. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

b. Such decision shall not affect, impair, or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

D. Penalty.

1) Any person who willfully violates any provisions of this Resolution and any person who, as an agent for a subdivider, developer, or owner, of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of this Resolution shall upon conviction be fined not more than five hundred dollars (\$500.00) or be imprisoned in the County jail for not more than thirty (30) day of or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

E. Administrative Liability.

1) Johnson County shall defend and hold harmless the members of the Planning Commission, county agencies and officials and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the members, agency, official, or their authorized agents in the discharge of their duties hereunder.

2) Any suit brought against Johnson County or its Administration, including members of the Planning Commission, county agencies and officials and their official agents and representatives because of any such act or omission in the carrying out of the provisions of these Regulations shall be defended by the County through final determination of such proceedings.

F. Adoption.

This Subdivision Regulation Resolution is hereby adopted by the Johnson County Board of County Commissioners this _____ day of _____, 19____.

Chairman, Johnson County Commissioners

Johnson County Clerk

APPENDIX A
JOHNSON COUNTY PLANNING COMMISSION
SUBDIVISION APPLICATION

INFORMATION REQUIRED FOR REVIEW OF SUBDIVISION.

Attach report to include information required by Subdivision Regulation Resolution including but not limited to: map showing subdivision area in relation to surrounding area; contour map; location of existing natural and man made features; location of existing potable water wells; and location of soil percolation test holes.

1. Name of Subdivision _____
2. Distance to nearest incorporated municipality _____
3. Legal description of subdivision _____

4. Total proposed area of subdivision, _____ acres. Average lot size _____
Smallest lot size _____ Largest Lot Size _____
Total number of lots _____ Total adjacent area contemplated for future
subdivision development _____ acres.
5. Type of development proposed: Residential single family _____ lots,
_____ acres; Residential multi-family lots _____, _____ acres;
Commercial _____ lots, _____ acres; Industrial _____ lots, _____ acres;
Other (specify) _____
- 6 Source of domestic water: Public supply (specify) _____
Private well _____, Depth _____ feet. Other _____
7. Type of sewage disposal system proposed _____
8. Is property subject to flooding on any portion _____
9. Is property subject to landslides or other natural hazards? Identify _____

10. name, address, title of person supplying supplemental information and completing this
application _____

11. Name, address, phone number of subdivision owner _____

Attach to this Application any supplemental information to explain the proposed subdivision, covenants (with preliminary plat), copy of percolation tests, any additional information on water availability and sewage disposal, detailed information on development proposal if other than just single family residential lots are proposed.

All supplemental information, reports, documents, etc. are to be supplied in six (6) copies each.

I hereby certify that the information supplied with this Subdivision Application and all supporting information is true and accurate to the best of my knowledge.

Witness

Developer-Owner

Witness

Engineer-Surveyor

APPENDIX "B"
APPLICATION TO THE JOHNSON COUNTY COMMISSIONERS
FOR A SUBDIVISION PERMIT

1. Name of Subdivision _____

2. Date Approved by the Johnson County Planning Commission _____

3. Legal Description of the Subdivision _____

4. Number of Acres in Subdivision _____

5. Number of Lots _____; Largest Lot _____ acres; Smallest Lot _____ acres;

6. Subdivision Developer(s)

Name: _____

Address: _____

Phone: _____

7. Subdivision Owner(s)

Name: _____

Address: _____

Phone: _____

8. State law provides that each application for a subdivision permit shall be the greater of one hundred dollars (\$100.00) or ten dollars (\$10.00) per lot up to a maximum fee of one thousand dollars (\$1,000.00). The fee shall be credited to the County General Fund. All fees are to be paid at the time of filing of the plat with the Johnson County Clerk.

Subdivision Permit Fee \$ _____

County Filing Fee \$ _____

Total \$ _____

Received by the Johnson County Clerk this _____ day of _____, 19 ____.

By _____
Johnson County Clerk

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Sewer Laterals _____

Water Mains _____

On-Site Water Supply _____

Fire Hydrants _____

Street Monuments _____

Street Lighting _____

Street Signs _____

Survey Monument Boxes _____

Underground Telephone _____

Underground Electricity _____

Other Underground Utilities _____

Solid Waste Disposal _____

Other (Specify) _____

TOTAL ESTIMATED COST OF IMPROVEMENTS (Labor and Materials)

\$ _____

The guarantee of improvements shall not be required to exceed 50% of the estimated cost of labor and materials as determined by the duly appointed county official appointed by the Board of County Commissioners.

The above improvements shall be constructed in accordance with all County, State and applicable other requirements and specifications and conformance with this provision shall be determined solely by the Johnson County Board of County Commissioners or its duly authorized official or agent. The improvements shall be constructed in accordance with the time schedules as presented to the Board of County Commissioners.

Signature of Subdivider

Attest: _____

Dated this _____ day of _____, 19 _____.

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If a corporation, the Subdivision Improvements Agreement is to be signed by the President and attested to by the Secretary. Minutes of the corporation meeting approving the signing must also accompany the Agreement.

ACCEPTANCE

Approved by Resolution of the Johnson County Board of County Commissioners at their meeting of _____, 19 _____.

Chairman of the County Commissioners

Attest:

Johnson County Clerk

SKETCH PLAN CHECKLIST

- _____ General location map with total development area, boundaries, and North arrow.
- _____ Topographic contours from available information such as USGS.
- _____ Lot, street, park, open space design giving general lot dimensions.
- _____ Type of water system proposed.
- _____ Other information on water availability, wells, etc.
- _____ Type of sewer system proposed.
- _____ Map showing natural and man made features on or immediately adjacent to the site.
- _____ Other general information concerning the development.
- _____ The developer shall submit a copy of the Sketch Plan to the Soil Conservation Service to allow the SCS to develop a map showing the potential for flooding, the general soils types and their boundaries, and a table showing interpretations for the soil types shown on the map. This information will be presented to the Planning Commission at the first Preliminary Plat review meeting.
- _____ If applicable the proposed location of temporary access roads to be constructed.
- _____ Other general information concerning streams, lakes and other natural features. Explain how the proposed development would deal with these natural features.
- _____ Any other documents or information the developer wishes to present.

