

SUBDIVISION REGULATIONS



**CONVERSE COUNTY,
WYOMING**

Certification

CONVERSE COUNTY SUBDIVISION REGULATIONS

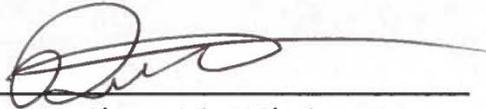
BOARD OF COMMISSIONERS
CONVERSE COUNTY, WYOMING

APPROVED AND ADOPTED THIS 18TH DAY OF AUGUST 2015

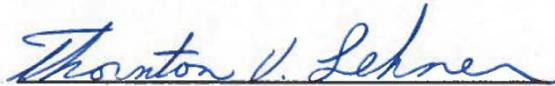
Board of Commissioners
of Converse County, Wyoming



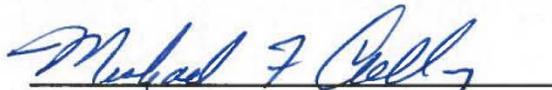
Richard C. Grant, Jr., Chairman



Robert G. Short, Vice-Chairman



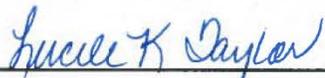
Thornton V. Lehner, Commissioner



Michael F. Colling, Commissioner



James H. Willox, Commissioner

ATTEST: 
Lucile K. Taylor, County Clerk



Approved and Adopted by the Converse County Board of Commissioners August 18, 2015
These Subdivision Regulations supersede and replace any previous regulations adopted.
All references to Wyoming State Statutes are current as of the date of adoption.

SUBDIVISION REGULATIONS

TABLE OF CONTENTS

Certification.....	2
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CHAPTER 1 GENERAL PROVISIONS

Section I. Title.....	7
Section II. Authority.....	7
Section III. Intent and Purpose of Resolution.....	7
Section IV. Applicability.....	7
Section V. Effective Date.....	8
Section VI. Subdivision Permit Required.....	8
Section VII. Fees.....	8
Section VIII. Floodplain.....	9
Section IX. Enforcement and Penalties.....	9
Section X. Roads and Access.....	10
Section XI. Maintenance of Roads.....	10
Section XII. Construction of Perimeter Fence.....	10
Section XIII. Public Records.....	10
Section XIV. Airport Influence Area (AIA).....	10
Section XV. Signage.....	10
Section XVI. Tax Implications.....	10
Section XVII. Expiration of Application.....	10

CHAPTER 2 TYPES OF SUBDIVISIONS, EXEMPTION, SUBDIVISION REVIEW PROCESS

Section I. Types of Land Divisions.....	11
Section II. Exemptions.....	12
Section III. Public Hearing Requirements.....	13
Section IV. Wyoming Department of Environmental Quality Review Requirements.....	14
Section V. Improvement and Service District.....	15
Section VI. Variances.....	15

CHAPTER 3 EXEMPTIONS FROM PROVISIONS – FAMILY EXEMPTION

Section I. Purpose.....	16
Section II. Statutory Requirements.....	16
Section III. Record of Survey.....	17
Section IV. Application Form.....	17
Section V. Affidavit of Family Exemption.....	17
Section VI. Airport Influence Area (AIA).....	17

**CHAPTER 4
MINOR SUBDIVISION REVIEW PROCESS**

Section I. Purpose.....	18
Section II. Definition.....	18
Section III. Municipalities.....	18
Section IV. Review of Preliminary Plat.....	18
Section V. Procedure for Processing Minor Subdivision Final Plat.....	21
Section VI. Recording of Minor Subdivision Plat.....	22
Section VII. Construction of Perimeter Fence.....	22
Section VIII. Expiration of Application.....	22

**CHAPTER 5
MAJOR SUBDIVISION REVIEW PROCESS**

Section I. Purpose.....	23
Section II. Definition.....	23
Section III. Municipalities.....	23
Section IV. Pre-Application Discussion & Sketch Plat.....	23
Section V. Preliminary Plat - Purpose.....	23
Section VI. Preliminary Plat - Submittal Requirements.....	24
Section VII. Preliminary Plat – Review Process.....	26
Section VIII. Final Plat – Submittal Requirements.....	28
Section IX. Final Plat – Review Process.....	29
Section X. Recording of Major Subdivision Plat.....	30
Section XI. Construction of Perimeter Fence.....	30
Section XII. Expiration of Application.....	30

**CHAPTER 6
MAJOR LAND DIVISION**

Section I. Purpose.....	31
Section II. Definition.....	31
Section III. Requirement for Large Acreage Subdivision Permits.....	31
Section IV. Submittal Requirements.....	31
Section V. Additional Documentation Required.....	34
Section VI. Recording of Major Land Division Documents.....	36
Section VII. Construction of Perimeter Fence.....	36
Section VIII. Expiration of Application.....	36

**CHAPTER 7
SUBDIVISION DESIGN STANDARDS**

Section I. Planning Considerations.....	37
Section II. General Standards.....	37
Section III. Road Standards.....	38
Section IV. Other Standards.....	40
Section V. General Policy on Roads and Paving.....	40

Approved and Adopted by the Converse County Board of Commissioners August 18, 2015
These Subdivision Regulations supersede and replace any previous regulations adopted.
All references to Wyoming State Statutes are current as of the date of adoption.

Section VI. Mountain Roads.....	42
Section VII. Curbs & Gutters.....	42
Section VIII. Sidewalks.....	42
Section IX. Pedestrian Walkways.....	43
Section X. Road Lighting.....	43
Section XI. Block Standards.....	43
Section XII. Easement Standards.....	43
Section XIII. Alley Standards.....	43
Section XIV. Signs.....	43
Section XV. Approaches.....	43
Section XVI. Utility Standards.....	43
Section XVII. Sewer Standards.....	44
Section XVIII. Water Standards.....	44
Section XIX. Fire Safety Standards.....	45
Section XX. Guarantee of Public Improvements.....	45
Section XXI. Recreational Vehicle Parks.....	46
Section XXII. Mobile Home Parks.....	47

**CHAPTER 8
PLAT VACATIONS, AMENDMENTS,
RESUBDIVISION OR REPLATS**

Section I. Vacation of Plat.....	50
Section II. Procedure for Processing Plat Vacations.....	50
Section III. Amendment of Recorded Plats.....	52
Section IV. Re-subdivisions or Replats.....	52

**CHAPTER 9
EXCEPTIONS, AMENDMENTS, SEPARABILITY,
PENALTY, ADMINISTRATIVE LIABILITY, ADOPTION**

Section I. Exceptions.....	53
Section II. Amendments.....	53
Section III. Separability.....	53
Section IV. Penalty.....	54
Section V. Enforcement.....	54
Section VI. Subdivision Appeal Process.....	54

APPENDICES

APPENDIX A Definitions.....	55
APPENDIX B Proof of Ownership Requirements.....	62
APPENDIX C Family Exemption Application Form.....	63
APPENDIX D Affidavit of Family Exemption.....	64
APPENDIX E Record of Survey and Monument Requirements.....	65
APPENDIX F Record of Survey Affidavit.....	67
APPENDIX G Notice of Intent to Subdivide.....	68
APPENDIX H Minor Subdivision Application Form.....	69
APPENDIX I Major Subdivision Sketch Plat Application Form.....	70
APPENDIX J Major Subdivision Application Form.....	71
APPENDIX K Notice of Intent to Divide - Major Land Division.....	73
APPENDIX L Major Land Division Application Form.....	74
APPENDIX M Notice of Intent to Vacate.....	75
APPENDIX N Vacation Application.....	76
APPENDIX O Sketch Plat Contents.....	77
APPENDIX P Preliminary Plat Contents.....	78
APPENDIX Q Final Plat Contents.....	81
APPENDIX R Dedication Statement for Plats.....	82
APPENDIX S Subdivision Improvement Agreement.....	84
APPENDIX T Recommendations for Fire Safety – Mountain/Forest.....	95
APPENDIX U Required Roadway Sections.....	99
APPENDIX V Airport Influence Area (AIA).....	101
APPENDIX W Subdivision Process Flow Chart.....	109
APPENDIX X DEQ Water Quality Chapter 23.....	111

**CHAPTER 1
GENERAL PROVISIONS**

Section I. Title

This Resolution shall be known as the Converse County Subdivision Regulations and may also be referred to as the "Subdivision Regulations" or "this Resolution".

Section II. Authority

This Resolution is authorized by Wyoming Statutes 16-3-101, 18-5-201 to 18-5-318 and 34-1-2-101 et. seq. All previously adopted subdivision regulations for Converse County are hereby repealed. The burden of proof as to the conformity to these regulations lies with the subdivider.

Section III. Intent and Purpose of Resolution

The Board of County Commissioners of Converse County establishes these Subdivision Regulations to promote public health, safety, welfare, and orderly growth of the County. These regulations are enacted for the purpose of implementing the County Land Use Plan by establishing requirements and procedures to regulate and control the subdivision of lands within the County consistent with the goals and policies of the County Land Use Plan and to achieve the following purposes;

- A. To ensure conformance and coordination of land subdivision plats with the public improvement plans of the County and municipalities' land use plans and approval of municipalities as provided by W.S. 18-5-308;
- B. To encourage well planned subdivisions by establishing standards for design and improvement;
- C. To improve land records by establishing standards for surveys and maps;
- D. To safeguard the interests of the public, adjacent landowners, the property owner, and the subdivider;
- E. To ensure equitable processing of all subdivision proposals by establishing uniform procedures and standards;
- F. Regulation of such matters as the procedures of the County Planning & Zoning Commission and other issues they may deem necessary in order to protect the public interest.

Section IV. Applicability

This Resolution shall apply to all of the unincorporated land located within Converse County, Wyoming.

Section V. Effective Date

This Resolution shall be in full force and effect, as adopted by the Converse County Commissioners and filed with the County Clerk.

Section VI. Subdivision Permit Required

No person shall sell land located in Converse County, subject to subdivision regulation under this article, record a plat or commence construction of a subdivision without first securing a subdivision permit in the manner prescribed in this Resolution pursuant to W.S. 18-5-306 or, if applicable, W.S. 18-5-316 from the Board of County Commissioners. Such subdivision permit shall be constituted by the execution and recording of the final plat indicating approval of the subdivision by the Board of County Commissioners. No division of unincorporated County land shall create any lot smaller than the minimum lot size of four (4) acres, **excluding roads and easements** and except as provided below.

Subdivisions that meet the definition of Transitional Residential per the Converse County Land Use Plan may have the following reduced lot size requirement;

- A. Where public or community water or sewer is available, the lots may be reduced to no less than two (2.0) acres, **excluding roads and easements**;
- B. Where both public or community water and sewer are available, the lots may be reduced to no less than twelve-thousand (12,000) square feet (0.2755 acres), **excluding roads and easements**;
- C. All subdivision applications under this section must be accompanied by a Memorandum of Understanding from the municipality agreeing to provide water and/or sewer service.

Requests for a variance from the minimum lot size shall be accompanied by a report authored by a professional engineer or professional geologist licensed in the State of Wyoming. The report shall address the impact of smaller lot sizes on ground water resources.

No subdivision permit shall be issued unless and until the requirements of this Resolution have been met.

Section VII. Fees

The Board of County Commissioners shall establish by separate resolution a permit fee schedule as allowed by Wyoming State Statute for the review of subdivisions. The submission of an application for a subdivision permit shall be accompanied by the established fee.

The County Clerk will charge additional fees for recording the plat and supporting documentation.

Section VIII. Floodplain

As a participating community in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP), Converse County is obligated to manage development in the Special Flood Hazard Area (SFHA). Subdivision proposals shall be consistent with *Converse County Flood Damage Prevention Regulations*. Each parcel of a new subdivision shall provide adequate space with a designation of Zone X, outside the 1%-annual chance flood zone or demonstrate that sufficient areas for construction exist above base flood elevation (BFE). For all new subdivision proposals situated whole or partially within the SFHA as mapped, there are FEMA procedures within the NFIP to remove property from the floodplain. Please consult the *Converse County Flood Damage Prevention Regulations* and the Floodplain Administrator.

In all instances, subdivision proposals located within floodplain areas will be required to maintain adequate vertical separation distances between septic system leachfield bottom elevation and seasonal high ground water as required by the Wyoming Department of Environmental Quality, Water Quality Division. Vertical separation distances less than 4 feet may require a lift station mounded leachfield, or raised evapotranspiration, or pressure dosing system.

Section IX. Enforcement and Penalties

- A. No final plat of a subdivision shall be approved by the County Planning & Zoning Commission and accepted by the Board of County Commissioners unless it conforms to the provisions of these subdivision regulations.
- B. No construction shall begin on any structure or other improvements made upon land for which a plat is required by these regulations unless and until the requirements of this Resolution have been fully met.
- C. The Board of County Commissioners may act upon a violation or attempted violation of any provision of this Resolution as provided in Wyoming Statutes, sections 18-5-312 through 18-5-314.
- D. No changes, modifications, or revisions shall be made in a final plat after approval and prior to recording of the plat without the written consent of the Board of County Commissioners.
- E. All subdivision permit applications submitted after the effective date of this Resolution shall comply with the requirements of this Resolution.
- F. Any subdivision permit application pending on the effective date of this Resolution shall be processed in accordance with the Resolution in effect at the time the application was submitted.

Section X. Roads and Access

The applicant may be required to develop and convey to the public a road or easement if the road would be a logical extension of an existing public road. At least one legal access from a public road to the subdivision must be provided. Roads will be constructed in accordance with the Converse County Subdivision Standards for roads, Chapter 7, and Appendix U. The property owner may be required to secure an easement for possible future extension of a public road.

Section XI. Maintenance of Roads

Unless otherwise designated by written official action, Converse County maintains only roads which are officially established as County roads, and does not maintain roadways within subdivisions which are dedicated to the public.

Section XII. Construction of perimeter fences

For subdivisions as defined in W.S. 18-5-302(a)(vii), the subdivider shall be responsible for the construction of the perimeter fence. The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land.

Section XIII. Public Records

Information, reports, plats, surveys and other documentation submitted to the County pursuant to these regulations are considered public documents, and are available for public inspection pursuant to the Wyoming Public Records Act W.S. 16-4-201 et seq.; unless confidential information specifically designated is submitted.

Section XIV. Airport Influence Area (AIA)

Subdivisions proposed in the Airport Influence Area shall abide by height and population densities as outlined in Appendix V. If a subdivision is proposed within the AIA, a note acknowledging its restrictions shall be placed on the preliminary plat prior to processing by the County.

Section XV. Signage

The subdivider is responsible for payment of the initial installation of subdivision street signs. The subdivider must pay for signage prior to final approval of the Board of County Commissioners. Converse County Road and Bridge will install the first set of signs; any future signs are the responsibility of the lot owners and shall conform to current County standards.

Section XVI. Tax Implications

Consult with the County Assessor any tax implications of the stated intended use of subdivided lots.

Section XVII. Expiration of Application

Subdivision Applications will expire one (1) year from the application date if no proof of progress is received by the County.

CHAPTER 2
TYPES OF SUBDIVISIONS, EXEMPTIONS,
SUBDIVISION REVIEW PROCESS

Section I. Types of Land Divisions

- A. Family Exemption: A division of land for the purpose of gift or sale to an immediate family, pursuant to W.S. 18-5-303 (a) (i).
- B. Minor Subdivision: A division of one (1) or more parcels of land into five (5) or fewer lots, parcels, or tracts of land (W.S. 18-5-306 (a)) under thirty-five acres each. If the subdivision divides a large parcel(s) of land, the remaining portion of the original parcel(s) must be greater than eighty (80) acres in order to be excluded from the subdivision. A minor subdivision shall be reviewed through the minor subdivision process as outlined in Chapter 4. The creation of new roads and the proximity to existing subdivisions and dwellings, not within the proposed subdivision, may trigger a review under Major Subdivision standards. Minor Subdivisions may be exempt from Major Subdivision requirements and DEQ approval.
- C. Major subdivision: A division of one (1) or more parcel(s) into six (6) or more parcels. A major subdivision shall be reviewed through the major subdivision process, outlined in Chapter 5. Major Subdivisions require DEQ review.
- D. Major Land Division: A division of land which creates parcels that are thirty-five (35) acres or larger and up to eighty (80) acres in size inclusive.
- E. Recreational Vehicle Parks: All RV Parks created by a division of land that can be severed and transferred to a second party operated in Converse County with or without compensation to the owner of the real property on which they are located are subject to these Regulations. All RV Parks existing prior to the adoption of these Regulations shall meet the requirements of these Regulations if there are any additions or expansion of facilities.
- F. Mobile Home Parks: All mobile home parks created by a division of land that can be severed and transferred to a second party operated in Converse County with or without compensation to the owner of the real property upon which they are located are subject to these Regulations. All mobile home parks existing prior to the adoption of these Regulations shall meet the requirements of these Regulations if there are any additions or expansion of facilities.

Section II. Exemptions

- A. Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land. However, the following subdivisions are subject to requirements which may be adopted by the Board of County Commissioners regarding documentation of the proper use and implementation of the following exemptions:
1. May be created by any court of this State pursuant to the law of eminent domain, by operation of law or by order of any court in this State, except that this paragraph shall not exempt a partition of real property pursuant to W.S.1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article;
 2. Is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
 3. Concerns lands located within incorporated cities or towns;
 4. Is created by the sale or other disposition of land to the State of Wyoming or any political subdivision thereof;
 5. Affects railroad rights-of-way;
 6. Is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;
 7. Is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;
 8. Creates cemetery lots;
 9. Is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this subsection as only one (1) interest.
 10. A division of land creating a parcel five (5) acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations or similar unmanned facilities.
- B. Except by provided in W.S. 18-5-316, this article shall not apply to the sale or other disposition of land where parcels involved are thirty-five (35) acres or larger, subject to the requirement that ingress and egress and utility easements

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shall be provided to each parcel by binding and recordable easements of not less than forty (40) feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

Section III. Public Hearing Requirements

Public hearings shall be held as part of the review process for every minor or major subdivision.

- A. The Special Projects Office shall prepare a report on the plat (minor or major subdivision preliminary plat) and supporting information and submit it to the County Planning & Zoning Commission and developer prior to the County Planning & Zoning Commission meeting at which the application will be considered.
- B. The County Planning & Zoning Commission may hold a public hearing regarding the proposed subdivision. Notice of the time and place of public hearings shall be published in a newspaper of general circulation in the County at least seven (7) days before the date of the hearing. The Special Projects Office shall be responsible for the legal publication.
- C. Special Projects Office will attempt to notify all the adjacent property owners of the time, date and place of the hearing before the County Planning & Zoning Commission. Failure to notify adjacent property owners due to clerical oversight or failure of mail delivery shall not affect the validity of the meeting or the decision of the County Planning & Zoning Commission.
- D. The County Planning & Zoning Commission shall, at a regularly scheduled meeting, hear and consider evidence and arguments on the application from any person present at the meeting who desires to be heard and may also consider written communication from any person regarding the application. The County Planning & Zoning Commission shall only recommend approval for those plats which the County Planning & Zoning Commission finds to be developed in accordance with the intent, standards, and criteria specified in this Resolution. After reviewing the evidence and argument(s) presented, the County Planning & Zoning Commission shall recommend approval of the application as submitted, approval of the application subject to such modifications or conditions as it deems necessary, table the application to a specific date, or deny the application. In the latter three cases, the County Planning & Zoning Commission shall specify the reasons for its action. Following the applicant's request or express consent, the County Planning & Zoning Commission may table the application indefinitely or dismiss the application.
- E. The Special Projects Office shall forward the County Planning & Zoning Commission's recommendations to the Board of County Commissioners for consideration at their next regularly scheduled meeting following the County Planning & Zoning Commission meeting.

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- F. The Board of County Commissioners shall conduct a public hearing as provided by law. Notice of the time and place of public hearings shall be published in a newspaper of general circulation in the County at least seven (7) days before the date of the hearing. The Board of County Commissioners shall hear and consider evidence and arguments on the application from any person present at the meeting who desires to be heard and any written communication from any person regarding the application. After closing the public hearing on the application and considering the arguments and evidence presented, the Board of County Commissioners shall approve the application as recommended by the County Planning & Zoning Commission; approve the application as submitted; approve the application on its own conditions; deny the application; or remand the application to the County Planning & Zoning Commission for reconsideration or table to a specific date. With the express consent or request of the applicant, the Board of County Commissioners may table indefinitely or dismiss the application.
- G. Subdivision applications will expire one (1) year from the application date if no proof of progress is received by the County.
- H. Pursuant to W.S. 18-5-308, if any part of the subdivision lies outside the limits of an incorporated city or town but within one 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. The Special Projects Office shall submit a copy of the preliminary plat to the municipality for their review. Approval shall be through the signature of the incorporated city or town's mayor or their designated representative and the Board of County Commissioners on the final plat.

Section IV. Wyoming Department of Environmental Quality Review Requirements

- A. All major subdivisions are required to have a study completed which meets the Wyoming Department of Environmental Quality, Water Quality Division, Chapter 23 requirements for subdivision (see Appendix X). The study is an evaluation of the cumulative effect of the proposed subdivision on water and sewage.
- B. The Chapter 23 requirements can be found in Appendix X of the Converse County Subdivision Regulations. Incomplete Chapter 23 studies may delay the review of the subdivision. Subdivision applicants are urged to contact the DEQ directly to obtain application materials and any necessary assistance.
- C. Following Special Projects' review of the major subdivision preliminary plat, the developer shall prepare and submit their DEQ Chapter 23 water study to the DEQ and provide a copy to Special Projects Office. All major subdivision applications must be submitted to DEQ. After receiving a subdivision application from the developer, DEQ has 45 days to make a recommendation to the developer and the County. This period may be extended by the DEQ. The purpose of the

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recommendation is to advise the developer and the County about water and sewage issues related to the subdivision. The County cannot proceed with its own review of the subdivision until DEQ has completed its review.

- D. Converse County may require minor subdivisions to conduct a less comprehensive Chapter 23 study, determined on a case by case basis. See Chapter 4.
- E. The DEQ contact for all questions, application forms, background materials, and other information regarding this program is:

Subdivision Application Coordinator
Wyoming Department of Environmental Quality
Water Quality Division
Cheyenne, Wyoming 82002
307-777-6183

- F. Upon receipt by the Special Projects Office of the recommendation from DEQ, the applicant may proceed with the final plat process. The County will take into consideration the recommendations of the DEQ, but shall not be bound by the DEQ's recommendations.

Section V. Improvement and Service District

The Board of County Commissioners may require the applicant to form an Improvement and Service District, W.S. 18-12-101 et seq., to provide maintenance of subdivision roads and other infrastructure.

Section VI. Variances

Should the subdivider clearly demonstrate that, because of peculiar physical conditions pertaining to his land, the literal enforcement of one or more of these Regulations is impractical or will exact undue hardship, the Board of County Commissioners may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, requirements, and standards established by these Regulations. Variances shall be granted only by an affirmative vote of a majority of the members of the Board of County Commissioners and after said variances are presented and reviewed at a public meeting before the County Planning & Zoning Commission.

CHAPTER 3
EXEMPTIONS FROM PROVISIONS - FAMILY EXEMPTION

Section I. Purpose

The purpose of this chapter is to set out the process necessary to transfer property pursuant to the family exemptions to the subdivision regulations. W.S. 18-5-303.

Section II. Statutory Requirements

Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these regulations, a family exemption is created as follows:

A family exemption is a division of land made **outside of platted subdivisions** for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

- A. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;
- B. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
- C. The parcel being subdivided must have been held by the grantor for a period of not less than five (5) years prior to this action;
- D. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one (1) year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
- E. No parcels shall be created or retained that do not comply with *Converse County Minimum Standards Governing Individual Sewage Disposal Systems Regulations*. No division of unincorporated County land shall create any lot smaller than the minimum size of four (4) acres, excluding roads and easements;
- F. No parcel smaller than five (5) acres created under this paragraph shall be further divided unless the owner obtains a exemption permit pursuant to W.S. 18-5-304 and these regulations;
- G. Where the landowner is a corporation and eighty percent (80%) of the shares are held by individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift.

Section III. Record of Survey

A Record of Survey is required for all deeds creating a division of land under this section (See Appendix E.). The Record of Survey shall be filed together with the deed(s) and Record of Survey Affidavit (See Appendix F).

Section IV. Application Form

A “Family Exemption Application Form” shall be submitted to the County Special Projects Office (see Appendix C). The Special Projects Office shall notify the County Assessor’s Office of any family exemption applications submitted to its office.

Section V. Affidavit of Family Exemption

An Affidavit of Family Exemption shall be filed together with the deed(s) and Record of Survey. The form shall be substantially similar to the form in Appendix D.

Section VI. Airport Influence Area (AIA)

Divisions proposed in the Airport Influence Area shall abide by height and population densities as outlined in Appendix V. If a family exemption is proposed within the AIA, a note acknowledging its restrictions shall be placed on the record of survey prior to processing by the County.

CHAPTER 4
MINOR SUBDIVISION REVIEW PROCESS

Section I. Purpose

The purpose of this provision is to establish minimum procedures and informational requirements to expedite the preparation, review and approval of minor subdivision plats within Converse County, Wyoming.

Section II. Definition

A minor subdivision is a division of one (1) or more parcels of land into five (5) or fewer lots, parcels, or tracts of land (W.S. 18-5-306 (a)) under thirty-five acres each. If the subdivision divides a large parcel(s) of land, the remaining portion of the original parcel(s) must be greater than eighty (80) acres in order to be excluded from the subdivision. A minor subdivision shall be reviewed through the minor subdivision process as outlined in this chapter. The creation of new roads and the proximity to existing subdivisions and dwellings, not within the proposed subdivision, may trigger a review under Major Subdivision standards. Minor Subdivisions may be exempt from Major Subdivision requirements and DEQ approval.

Section III. Municipalities

Any subdivision within one mile of a municipality shall be submitted for review and approval by the municipality.

Section IV. Review of Preliminary Plat

- A. The Applicant shall submit a minor subdivision application (see Appendix H) and 25 copies of an 11” x 17” preliminary plat of the proposed minor subdivision drawn in accordance with the requirements of Appendix P. The applicant shall transmit an ESRI-compatible file of the preliminary plat to the Special Projects Office. The applicant shall submit all supporting documents via paper copies and pdf format.
- B. Applicant shall submit proof that a Notice of Intent to Subdivide (see Appendix G) has been published twice in two separate weeks within 30 days of submitting the application for a minor subdivision.
- C. Applicant shall submit proof of ownership of the proposed subdivision meeting the requirement of Appendix B.
- D. Applicant shall pay the subdivision permit fee established by the Board of County Commissioners.

- E. The Special Projects Office shall transmit one (1) copy of the subdivision application and one (1) copy of the preliminary plat to the following entities through certified, return-receipt with the U.S. Postal Service mail:
1. All adjacent landowners,
 2. Converse County Conservation District for review regarding soil suitability, erosion control, sedimentation and flood problems. This review and recommendations shall be completed and returned within sixty (60) days
 3. The County Fire Warden and/or Municipal Fire Department
 4. All applicable public utilities,
 5. All applicable improvement and service districts,
 6. The LaPrele Irrigation District, if appropriate. A recommendation from the Irrigation District is required for preliminary plat review. The Irrigation District shall submit its recommendations to the Special Projects Office no later than sixty (60) business days after their receipt of the subdivision application and preliminary plat.
 7. The appropriate governmental agencies and departments,
 8. The appropriate school district
 9. All applicable service providers
 10. Any municipality within a three-mile radius of any portion of the proposed subdivision
 11. All other agencies as deemed necessary, such as Wyoming Department of Transportation

And deliver to the following County Offices:

1. County Attorney
 2. County Assessor
 3. County Clerk
 4. County Surveyor
- F. Where the combined grouping of a proposed minor subdivision and an existing County subdivision or pre-existing dwelling (outside a County subdivision) results in more than five (5) lots, a DEQ Chapter 23 study shall be required. The cumulative effect of the proposed new subdivision, existing subdivisions and existing dwelling(s) on the water table and sewerage disposal shall be evaluated by a professional engineer and/or professional geologist licensed in the State of Wyoming. The study shall be required when the proposed minor subdivision is within both real and effective distance of 800 feet or less of an existing subdivision or dwelling.

Minor subdivisions are reviewed for Chapter 23 study requirements on a case-by-case basis.

Where the combined grouping of a proposed minor subdivision and an existing County subdivision or pre-existing dwelling (outside a County subdivision) results in five (5) or less lots, a Chapter 23 streamlined study shall be required. The cumulative effect of the proposed new subdivision, existing subdivisions and existing dwelling(s) on the water table and sewerage disposal shall be evaluated by a professional engineer and/or professional geologist licensed in the State of Wyoming. The study shall be required when the proposed minor subdivision is within both real and effective distance of more than 800 feet of an existing subdivision or dwelling.

All Chapter 23 streamlined studies must be completed by a Wyoming professional engineer or professional geologist. If the Special Projects Office determines that a streamlined Chapter 23 study is warranted, the following information shall be included in the study:

Where individual on-lot wells are proposed as the water supply system, a report demonstrating the safety and adequacy of the water supply system shall address, at a minimum, the following:

1. The estimated total number of gallons per day for the subdivision;
2. Information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well;
3. Documentation that the proposed water supply system will be compatible with and not adversely affected by the sewage system proposed for the subdivision or any other sources of pollution within a reasonable distance. Documentation shall include a discussion of soil percolation rates or results of actual percolation tests taken near the proposed subdivision;
4. List of all surface and groundwater rights which will be used or which will be affected, including state engineer applications and permit numbers, and description of expected effects identified by the study; and
5. Plans for the mitigation of water right conflicts which will result from the use of water within the proposed subdivision, as identified by the study, unless such conflicts are deemed not to exist to the satisfaction of the Board.

6. A map illustrating all nearby wells within one mile in the State Engineers' Groundwater database showing the elevations of the potentiometric surface and yields. The map base may either be topographic or an aerial photo.
- G. Adjacent landowners, public utilities, governmental agencies and departments, schools and/or service providers shall notify the Special Projects Office within two (2) weeks of any changes required to the preliminary plat. The Special Projects Office shall then inform the applicant to submit a final minor subdivision plat, incorporating any suggested changes.

Section V. Procedure for Processing Minor Subdivision Final Plat.

- A. Submittal to the County Special Projects Office: The minor subdivision final plat drawn to the requirements of Appendix Q, supplementary information, a copy of the Chapter 23 Water Study as submitted to the Wyoming Department of Environmental Quality Water Division or the streamlined Chapter 23 Water Study or the streamlined County water study, a Subdivision Improvement Agreement (Appendix S) if required and as approved by the Converse County Attorney, may be submitted to the Special Projects Office when all information is complete and ready for review, at least 30 days prior to the next regularly scheduled County Planning & Zoning Commission meeting.
- B. The Special Projects Office shall recommend approval of the application and plat, approval with contingencies, denial or tabling to a specific date.
- C. The Special Projects Office may advertise the proposed minor subdivision for a public hearing at the next regularly scheduled County Planning & Zoning Commission meeting.
- D. The County Planning & Zoning Commission may conduct a public hearing as provided by law. The County Planning & Zoning Commission shall hear and consider evidence and arguments on the application from any person present at the regularly scheduled meeting who desires to be heard and any written communication from any person regarding the application. The County Planning & Zoning Commission shall approve the application and plat as recommended by the Special Projects Office, approve with conditions, deny or table the plat to a specific date. The Special Projects Office shall notify the applicant of the County Planning & Zoning Commission's recommendation.
- E. The applicant shall transmit an ESRI-compatible file of the final plat to the Special Projects Office.
- F. The subdivider is responsible for payment of the initial installation of subdivision street signs. The subdivider must pay for signage prior to final approval of the Board of County Commissioners. Converse County Road and Bridge will install the first set of signs; any future signs are the responsibility of the lot owners and shall conform to current County standards.

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- G. Board of County Commissioners Action: The Special Projects Office shall deliver its recommendation on the application and the action of the County Planning & Zoning Commission to the Board of County Commissioners. The Board of County Commissioners shall conduct a public hearing as provided by law. The Board of County Commissioners shall hear and consider evidence and arguments on the application from any person present at the meeting who desires to be heard and any written communication from any person regarding the application. The Board of County Commissioners shall approve the application and plat as recommended by the County Planning & Zoning Commission; approve the application on its own conditions; deny the application; remand the application to the County Planning & Zoning Commission for reconsideration or table to a specific date. With the express consent of the applicant, the Board of County Commissioners may table indefinitely or dismiss the application.
- H. Upon receipt by the Board of County Commissioners of any recommendation from DEQ, the Board of County Commissioners will take into consideration the recommendations, but shall not be bound by the DEQ's recommendations.
- J. No minor subdivision final plat shall be filed until the subdivider has made any required corrections in the final plat and has submitted a Subdivision Improvement Agreement agreeing to construct the required improvements as shown in plans, plats and supporting documents. Improvement guarantees may be required.

Section VI. Recording of the Minor Subdivision Final Plat

After the Board of County Commissioners has approved the final plat; the applicant shall submit the fully-executed plat and Subdivision Improvement Agreement, if applicable and any other required documents to the Converse County Clerk for recording. Upon payment of required recording fees by the Applicant, the Converse County Clerk shall record the plat and Subdivision Improvement Agreement.

Section VII. Construction of perimeter fences

For subdivisions as defined in W.S. 18-5-302(a)(vii), the subdivider shall be responsible for the construction of the perimeter fence. The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land.

Section VIII. Expiration of Application

Subdivision Applications will expire one (1) year from the application date if no proof of progress is received by the County.

CHAPTER 5
MAJOR SUBDIVISION REVIEW PROCESS

Section I. Purpose

The purpose of this provision is to establish minimum procedures and informational requirements to expedite the preparation, review and approval of major subdivision plats within Converse County, Wyoming.

Section II. Definition

A major subdivision is a division of one (1) or more parcel(s) into six (6) or more parcels. Major subdivisions require DEQ review.

Section III. Municipalities

Any subdivision within one mile of a municipality shall be submitted for review and approval by the municipality.

Section IV. Pre-Application Discussion and Sketch Plat

- A. The subdivider shall submit a sketch plat, including an application (see Appendix I) of the proposed subdivision to the Special Projects Office prior to the submission of a preliminary plat. The Special Projects Office shall review the sketch plats with regard to conformance with general design standards and improvement requirements.
- B. The Sketch Plat shall include all information required in Appendix O.
- C. The Special Projects Office shall review the sketch plat within ten working days of its submission by the developer. The Special Projects Office shall forward copies of the sketch plat to the County Assessor's, and Clerk's Offices for their review.
- D. The Special Projects Office's review shall outline whether the proposed subdivision generally complies with the policies and requirements of the adopted Converse County Land Use Plan and these regulations.
- E. After completing the review of the Sketch Plat, the Special Projects Office shall inform the developer that they may submit a major subdivision application (Appendix J) and list any changes the Special Projects Office would recommend in the design for the preliminary plat.

Section V. Preliminary Plat – Purpose

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

Section VI. Preliminary Plat – Submittal Requirements

- A. All Preliminary Plats shall include information as required in Appendix P.
- B. The applicant shall submit proof (Publisher’s Affidavit) that the applicant has published notice of his intent to apply for a Subdivision 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. (See Appendix G)
- C. The applicant shall submit the major subdivision application (Appendix J), and submit one (1) full-size 24” x 36” print, 25 reproducible 11” x 17” copies of the preliminary plat and transmit an ESRI-compatible file of the preliminary plat to the Special Projects Office.
- D. Applicant shall pay the subdivision permit fee established by the Board of County Commissioners.
- E. The applicant shall submit all supporting documents via paper copies and pdf format to include:
 - 1. Ten copies of a proof of ownership of the proposed subdivision meeting the requirements of Appendix B.
 - 2. Ten copies of a summary statement containing:
 - a. Total number of proposed dwellings and other improvements;
 - b. Description of the water source contemplated for the development, to include information on water quality and water rights, distribution system, and other significant water information;
 - c. Information concerning established flood plains on the property from the Converse County Flood Damage Prevention Regulations.
 - d. Information concerning storm water treatment and management, if applicable and as may be required by law.
 - e. Proof of perimeter easements of ten (10) feet for each lot proposed for utilities and a sixty (60) foot dedicated right-of-way to the subdivision from a state highway or County road.
 - f. A statement indicating whether the subdivision is located within the Airport Influence Area (AIA). Subdivisions proposed in the Airport Influence Area shall abide by height and population densities as outlined in Appendix V. If a subdivision is proposed in the AIA, a note acknowledging its restrictions shall be placed on the plat.
 - g. Any other information consistent with these regulations.

3. Ten copies of written covenants as evidence that all parcels of land created by the subdivision will be subject to written and recorded covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision. The entities that may be used include, but are not limited to, special improvement districts, homeowners' associations and mutual benefit corporations. The Board of County Commissioners shall not mandate the creation of an entity with the ability to interfere with any owner's ability to use his private property, except to collect any assessment. The covenants shall provide for:
 - a. Maintenance and responsibility for common areas, roads and water supply systems and assessments against all parcels of land in the subdivision to defray the costs thereof;
 - b. Continued management of the entity proposed for the subdivision.
 4. Ten 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 building on skylines or hilltops, avoiding disturbing the local natural beauty, compatibility with surrounding land uses, natural landscaping, non-intrusive home siting, etc.
- F. All major subdivisions are required to have a study completed which meets the Wyoming Department of Environmental Quality, Water Quality Division, Chapter 23 (See Appendix X). All major subdivision applications must be submitted to DEQ. After receiving a subdivision application from the applicant, DEQ has 45 days to make a recommendation to the applicant. This time period may be extended by the DEQ. The purpose of the recommendation is to advise the applicant and the County about water and sewage issues related to the subdivision. The County cannot complete its review of the subdivision until DEQ has completed its review.
- G. The Chapter 23 requirements can be found in Appendix X of the Converse County Subdivision Regulations. Incomplete studies may delay the review of the subdivision. Subdivision applicants are urged to contact the DEQ directly to obtain application materials and any necessary assistance.
- H. Following Special Projects' review of the major subdivision preliminary plat, the developer shall prepare and submit their DEQ Chapter 23 water study to the DEQ and provide a copy to Special Projects Office.
- I. The DEQ contact person for all questions, application forms, background materials, and other information regarding this program is:

Subdivision Application Coordinator
Wyoming Department of Environmental Quality
Water Quality Division
Cheyenne, Wyoming 82002
307-777-6183

The County will take into consideration the recommendations of the DEQ, but shall not be bound by the DEQ's recommendations.

- J. When any road or driveway will intersect with a state highway or County road, an approved and signed copy of the state highway access permit or copies of the County road access permits shall be submitted.
- K. When a subdivision road or easement must cross other private property or public property, a copy of appropriate road dedication, easement, or equivalent document shall be submitted.
- L. A Subdivision Improvements Agreement, as approved by the County Attorney, and any other agreements or contracts to assure construction of required improvements and maintenance.
- M. When applicable, the developer shall furnish a warranty deed to Converse County conveying to the County all public lands other than roads as shown on the plat.

Section VII. Preliminary Plat – Review Process

- A. Submittal to the County Special Projects Office: The preliminary plat, including supplementary information and the permit fee, may be submitted to the Special Projects Office when all information is complete and ready for review, at least 30 days prior to the next regularly scheduled County Planning & Zoning Commission meeting.
- B. Special Projects Office review and action: The Special Projects Office shall immediately transmit within ten working days, one (1) copy of the subdivision application and one (1) copy of the preliminary plat to the following entities through certified, return-receipt with the U.S. Postal Service mail:
 - 1. All adjacent landowners,
 - 2. The County Fire Warden and/or Municipal Fire Department
 - 3. All applicable public utilities,
 - 4. All applicable improvement and service districts,
 - 5. All appropriate irrigation districts
 - 6. The appropriate governmental agencies and departments,
 - 7. The appropriate school district
 - 8. All applicable service providers
 - 9. Any municipality within a three-mile radius of any portion of the proposed

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- subdivision
10. All other agencies as deemed necessary, such as Wyoming Department of Transportation
 11. The Converse County Conservation District

And deliver to the following County Offices:

1. County Attorney
2. County Assessor
3. County Clerk
4. County Surveyor

If the proposed subdivision is located within the boundaries of the LaPrele Irrigation District, a recommendation from the Irrigation District regarding attached water rights and the Irrigation District's easements is required for preliminary plat review. The LaPrele Irrigation District shall submit its recommendations to the Special Projects Office no later than sixty (60) days after their receipt of the application.

If the subdivision will create a significant additional burden or risk of liability to the LaPrele Irrigation District, an irrigation company or association or remaining appropriators including appropriators or an unorganized ditch, the applicant shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability.

If the proposed subdivision is not located within the boundaries of the LaPrele Irrigation District, but is served by or crossed by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted, at least sixty (60) days prior to the submittal of the application for the permit to the company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations;

A recommendation from the Conservation District is required for preliminary plat review. The Conservation District shall submit its recommendation to the County Special Projects Office no later than sixty (60) days after their receipt of the application.

The Special Projects Office shall recommend approval of the plat, approval with contingencies, denial or tabling to a specific time.

- C. The County Planning & Zoning Commission shall consider the preliminary plat under "New Business". The proposed subdivision may be advertised for a public hearing at the next regularly scheduled County Planning & Zoning Commission meeting, but no sooner than 30 days after submittal. The County Planning & Zoning Commission shall hear and consider evidence and arguments on the application from any person present at the meeting who desires to be heard and

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any written communication from any person regarding the application. After closing the public hearing on the application, the County Planning & Zoning Commission shall approve the application as recommended by the Special Projects Office, approve the application subject to such modification or conditions as it deems necessary, table the plat to a specific date, or deny the plat. In these cases the County Planning & Zoning Commission shall specify the reasons for its action. The Special Projects Office shall notify the applicant of the County Planning & Zoning Commission's recommendation.

Section VIII. Final Plat – Submittal Requirements

- A. Final Plat Requirements. The final plat shall conform to the approved preliminary plat and shall include all changes and conditions specified on the preliminary plat as required by the County Planning & Zoning Commission. A final plat may be developed in phases. 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. All new roads on the final plat shall be named and addressed in co-operation with the Converse County Assessor's office. Additional fees may be required for road signage.
- B. Final plat submission shall include one (1) full size 24" X 36", ten reproducible 11" x 17" copies of the final plat and all required supporting documents, including any covenants or other instruments creating an entity, binding upon subsequent owners of the land within the subdivision proposed by the developer. The copies shall be submitted at least fifteen (15) working days prior to the next regularly scheduled County Planning & Zoning Commission meeting.
- C. Final Plat Contents. The final plat drawing shall comply with the standards outlined in Appendix Q.
- D. The applicant shall transmit an ESRI-compatible file of the final plat to the Special Projects Office
- E. Final Plat Supplemental Information: As appropriate to each subdivision, ten copies of the following documents and plans shall be submitted with the final plat.
 - 1. If required, homeowners' association documents, Improvement and Service District papers, maintenance bonds, special agreements, escrow funds, approvals from ditch companies, WYDOT, 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.
 - 2. A Subdivision Improvements Agreement, as approved by the County Attorney, and any other agreements or contracts to assure construction of required improvements and maintenance.

Section IX. Final Plat – Review Process

- A. The County Special Projects Office shall check the final plat for conformity with the approved Preliminary Plat, the recommendations of the DEQ and other requirements of this Resolution and shall submit a report to the County Planning & Zoning Commission and applicant prior to the next County Planning & Zoning Commission meeting.
- B. The County Planning & Zoning Commission shall consider the final plat under “Old Business” and shall approve the plat as submitted, approve subject to such modifications or conditions as it deems necessary, table the plat to a specific date, or deny the plat. In the latter two cases, the County Planning & Zoning Commission shall specify the reasons for its action.
- C. The subdivider is responsible for payment of the initial installation of subdivision street signs. The subdivider must pay for signage prior to final approval of the Board of County Commissioners. Converse County Road and Bridge will install the first set of signs; any future signs are the responsibility of the lot owners and shall conform to current County standards.
- D. Board of County Commissioners Action: The Special Projects Office shall deliver its recommendation on the final plat and the action of the County Planning & Zoning Commission as well as the recommendation from the DEQ to the Board of County Commissioners.

The Board of County Commissioners shall conduct a public hearing as provided by law.

The Board of County Commissioners shall hear and consider evidence and arguments on the final plat from any person present at the meeting who desires to be heard and any written communication from any person regarding the final plat. After closing the public hearing on the application, the Board of County Commissioners shall approve the final plat; approve the final plat on its own conditions; deny the final; remand the final plat to the County Planning & Zoning Commission for reconsideration or table to a specific date.

- E. The Board of County Commissioners may require 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, roads 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.

Section X. Recording of Major Subdivision Plat

Upon the approval of the final plat by the Board of County Commissioners, the fully-executed final plat, the Subdivision Improvement Agreement, covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision and any other supporting documents shall be recorded in the Office of the County Clerk by the applicant. Upon payment of the required recording fees by the applicant, the Converse County Clerk shall record the Subdivision Improvement Agreement, covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision and any other supporting documents. These fees are in addition to the Subdivision Application Fee.

Section X. Construction of Perimeter Fence

For subdivisions as defined in W.S. 18-5-302(a)(vii), the subdivider shall be responsible for the construction of the perimeter fence. The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land.

Section XI Expiration of Application

Subdivision applications will expire one (1) year from the application date if no proof of progress is received by the County.

CHAPTER 6
MAJOR LAND DIVISION

Section I. **Purpose.** This section establishes the process to review and approve major land division within Converse County. Major land divisions require a division permit. W.S. 18-5-316.

Section II. **Definition.** A Major Land Division is a division of land which creates parcels that are thirty-five (35) acres or larger and up to eighty (80) acres in size inclusive.

Section III. **Requirements for Large Acreage Division Permits.**
Except as provided in this subsection, each lawfully recorded parcel of land on July 1, 2008 shall be exempted from all provisions of this section other than compliance with paragraphs b.(i) through b.(iii) of this subsection and W.S. 18-5-317 and shall be allowed to be divided into not more than ten (10) parcels of eighty (80) acres or less in size, provided that each new or remaining parcel is no less than thirty-five (35) acres. Parcels created pursuant to this exemption may be created at any time and may be created over a period of years through separate transactions. In no case, however, shall this exemption be used to create more than ten (10) parcels of land from each original parcel and each parcel created after July 1, 2008 shall be subject to this section and W.S. 18-5-317 as otherwise provided in this section. Boundary adjustments between or among parcels shall not be considered as a division of property subject to the limitations in this section. The provisions of W.S. 18-5-306 and 18-5-315 shall not be applicable to a division of land under this section. Before granting the exemption provided in this subsection the Board of County Commissioners shall require the person seeking the exemption to submit any or all of the following:

Section IV. **Submittal Requirements:**

- A. The applicant shall submit proof that a Notice of Intent to Divide (see Appendix K) has been published twice in two separate weeks within 30 days of submitting the application for a major land division.
- B. The divider shall obtain a Major Land Division permit (see Appendix L) pursuant to this section, pay the application fee and shall submit the following:
 1. Ten copies of a legal description or recordable survey (see Appendix E) containing the following:
 - a. Date of preparation, scale and north arrow;
 - b. The location of the division units including the section, township and range;
 - c. The location and dimension of access and utilities easements, which shall conform to the requirements of W.S. 18-5-303 (b). requiring that ingress and egress and utility easements shall be provided to each parcel by

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binding and recordable easements of not less than sixty (60) feet in width to a public road.

- d. The location and dimension of existing and proposed lots, parcels, streets, alleys, roads, highways, public ways, parks and the location of proposed permanent buildings and structures if known.
2. If a centralized water supply system is proposed on the parcel or parcels, a scientific report evaluating the water supply system proposed and the adequacy and safety of the system. The scientific report shall include information relative to the potential availability and quality of groundwater proposed within the parcel or parcels which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled on the parcel or parcels indicating soil types, depth, quantity and quality of water produced in the test well. Where individual on-lot wells are proposed, the scientific report shall not be required and the words **"NO PROPOSED CENTRAL WATER SUPPLY SYSTEM"**, in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the parcel or parcels.
3. Airport Influence Area (AIA) - Divisions proposed in the Airport Influence Area shall abide by height and population densities as outlined in Appendix V. If a division is proposed in the AIA, a note acknowledging its restrictions shall be placed on the plat.
4. If a centralized sewage system is proposed, a scientific report evaluating the sewage system proposed for the division and the adequacy and safety of the system. Where individual on-lot sewage systems are proposed, the words **"NO PROPOSED CENTRALIZED SEWAGE SYSTEM"**, in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the division;
5. If the applicant proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the applicant shall provide copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend and shall provide a minimum access roadway right-of-way of sixty (60) feet to the division for all public ways. Where no or limited on-lot utility connections are proposed, the words **"NO PROPOSED UTILITY CONNECTIONS"** or **"LIMITED UTILITY CONNECTIONS"**, as appropriate, in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the division. A permit shall not be denied for failure to provide on-lot utility connections;

6. Documentation that adequate ingress and egress access has been provided to all proposed lots, units, tracts and parcels and that all proposed lots, units, tracts, parcels, streets, alleys and roadways within the division conform to the minimum standards adopted by the Board and applied uniformly throughout the County which shall not in itself constitute consent of the Board of County Commissioners to locate, repair or maintain roadways and facilities. If, however, the applicant proposes to make any streets, alleys or roadways private, then the applicant shall submit to the Board of County Commissioners properly acknowledged written certification that certain streets, alleys or roadways within the division shall remain private and the Board of County Commissioners shall be under no obligation to repair, maintain or accept any dedication of these roads to the public use. If no such public maintenance is contemplated on any of the roads, the applicant shall put a legend on the plat of the division and on all offers, contracts or agreements for the sale and purchase of lots within the division showing the streets, alleys and roadways showing in capital letters "**NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR ROADS**";
7. The applicant is required to obtain the review and recommendations from the Converse County Conservation District regarding soil suitability, erosion control, sedimentation and flooding problems. The review and recommendations shall be completed within sixty (60) days. The mailing address is:

Converse County Conservation District
911 S. Windriver Dr.
Douglas, WY 82633

A note indicating the soil absorption findings shall be placed on the plat.

8. The applicant is required to obtain the review and recommendations from the Fire Suppression Authority Board or any fire protection district in which any portion of the division lies, from the authority having jurisdiction over fire prevention and protection in the area or from the nearest fire protection district if no part of the division lies within a fire protection district, regarding adequacy of fire protection measures. If the entire division does not lie within a fire protection district and no city, town or fire protection district is obligated to provide fire protection pursuant to an agreement authorized by law the applicant shall put a legend on the plat of the division and on all offers, contracts or agreements for the sale and purchase of lots within the division showing in capital letters "**LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED**".

9. The applicant is required to put a legend on the record of survey and on all offers, contracts or agreements for the sale and purchase of lots within the division showing in capital letters "**THE SURFACE ESTATE OF THE LAND TO BE DIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE**".

Section V. Additional Documentation Required

- A. Documentation that the applicant has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the applicant, including but not limited to water supply 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 division will in fact be completed as proposed, or escrow sufficient monies out of land sales to guarantee that the above facilities are installed. The amount of any bond or other financial commitment or escrow required under this paragraph shall reflect the estimated costs of providing the facilities;
- B. With respect to any water rights appurtenant to lands to be divided in accordance with this section and prior to final approval of the division the applicant shall provide:
 1. Evidence that the applicant has submitted to the State Engineer's Office the documentation necessary to relinquish the water rights and has notified purchasers and the Board of County Commissioners of this action; or
 2. Evidence that the applicant has submitted to the State Engineer's Office the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the division; or
 3. A plan, a copy of which was submitted to and approved by the State Engineer's Office prior to the final approval of the division application, for the distribution of the water rights appurtenant to the land to be divided. The plan shall specify the distribution of the water to the lots within the division and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114;
 4. If the division is located within lands served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted at least sixty (60) days prior to the submittal of the application for the division permit to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and

5. Evidence that the applicant will specifically state on all offers relative to the division his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed division. 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.
6. If the division is located within the boundaries of the LaPrele Irrigation District, the application shall include a review and recommendations from the LaPrele Irrigation District regarding the attached water rights and the Irrigation District's easements. If there is a conflict with the Irrigation District's recommendations, the applicant shall certify that it has met with the Irrigation District and made a good faith effort to resolve any conflicts with the LaPrele Irrigation District; and the mailing address is:

LaPrele Irrigation District
P.O. Box 115
Douglas, WY 82633

7. If the division will create a significant additional burden or risk of liability to the LaPrele Irrigation District, other irrigation district company, association or remaining appropriators including appropriators on an unorganized ditch, the applicant shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability.

C. Submit evidence that:

1. The applicant or his duly authorized agent who offers any part of the division for sale or who solicits any offers for the purchase thereof, may convey merchantable title subject only to noted reservations or restrictions of record 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 effected; or
2. Binding arrangements have been made by the person or his duly authorized agent who offers any part of the division for sale, to assure purchasers of any part of the division 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 subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which the sale may be legally effected.

- D. The applicant is responsible for payment of the initial installation of the division's street signs. The applicant must pay for signage prior to final approval of the Board of County Commissioners. Converse County Road and Bridge will install the first set of signs; any future signs are the responsibility of the lot owners and shall conform to current County standards.
- E. Nothing in this section shall require the acquisition of a permit for the sale or disposition of lands that on or before July 1, 2008 have been developed and promoted as part of a large acre division as evidenced by dated plat maps, sales brochures or other evidence acceptable to the Board of County Commissioners.
- F. If the lots, units, tracts or parcels created pursuant to a permit issued under this section are used for agricultural purposes and otherwise qualify as agricultural land for purposes of W.S. 39-13-103(b)(x), the lots, units, tracts or parcels shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

Section VI. Recording of Major Land Division Documents

Upon the approval of the record of survey by the Board of County Commissioners, the fully-executed record of survey and all required additional documentation shall be recorded in the Office of the County Clerk by the applicant. Recording fees are in addition to the Subdivision Application Fee.

Section VII. Construction of perimeter fence

For divisions as defined in W.S. 18-5-302(a)(vii), the applicant shall be responsible for the construction of the perimeter fence. The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the divided land.

Section VIII. Expiration of Application

Division applications will expire one (1) year from the application date if no proof of progress is received by the County.

CHAPTER 7
SUBDIVISION DESIGN STANDARDS

Section I. Planning Considerations

- A. The County Planning & Zoning Commission shall study and review all subdivision plats in relation to the general character of the area, the general requirements of the County Land Use Plan, and the particular requirements of the neighborhood.
- B. 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.
- C. 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 in accordance with the Converse County Flood Damage Prevention Regulations and subsequent updates.
- D. 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 and the County Land Use Plan.
- E. Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.

Section II. General Standards

- A. The design and development of any subdivision shall preserve, insofar as it is practicable, the natural terrain, natural drainage, existing topsoil, trees, wildlife and fish habitats.
- B. Land subject to hazardous conditions such as landslides, 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 or will be mitigated by the subdivider with approved construction plans.
- C. General Design Criteria
 - 1. The subdividing of the land shall be such as to provide each lot with legal access.
 - 2. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of and use contemplated.

3. 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.
4. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.
5. 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 roads or overcome specific disadvantages of topography and orientation.
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 divided by a road, alley or other lot.
8. 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. Flag lots are not permitted.

Section III. Road Standards

A. Road Requirements shall be as follows:

1. The road plan or road layout shall conform to any duly adopted County Land Use Plan and County Road Map, and/or functional classification map.
2. Access to all subdivisions shall be from a public road.
3. Local roads shall be laid out to discourage excessive through traffic.
4. Provisions must be made, or the extensions of new roads, to connect to existing roads to provide an efficient road system.
5. Not more than four lots shall front on a cul-de-sac, or a stub road unless a turnaround is provided with a minimum radius of 50' constructed to the same standards as the road.
6. Intersections of local roads with major roads shall be kept to a minimum.
7. No more than two roads shall intersect at one point.

8. Where a residential subdivision abuts a State highway or County road, 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 Board of County Commissioners and/or the Wyoming Department of Transportation. County/State approach permits may be required.
 9. All new roads on a final plat shall be named and addressed in co-operation with the Converse County Assessor's office. Any new subdivision roads which are in alignment with County roads or streets in an adjoining municipality shall have the same name. There shall be no duplication of road names within the County.
 10. Dead-end roads shall be provided with turn-a-rounds with a minimum radius of 50' constructed to the same standards as the road.
 11. The subdivider is responsible for payment of the initial installation of subdivision street signs. The subdivider must pay for signage prior to final approval of the Board of County Commissioners. Converse County Road and Bridge will install the first set of signs; any future signs are the responsibility of the lot owners and shall conform to current County standards.
- B. Roads shall meet the following functional road classifications and meet the requirements listed:
1. **Arterial:** A roadway designed to serve heavy traffic flow between heavy traffic generating areas, such as a divided or multi-lane roadway, with arterials in urban areas carrying more than 10,000 vehicles per day. Arterials shall have a 100-foot right-of-way, and shall be paved with four 12-foot travel lanes. Urban arterials shall have curb walk, or curb, gutter and separate walkway. Rural arterials shall have six-foot shoulders and drainage ditches.
 2. **Collector:** A road designed to carry vehicular traffic for a neighborhood, designed as a connector road to an arterial which carries variable traffic in rural areas and up to 10,000 vehicles a day in urban areas. Urban collectors shall have an 80 foot right-of-way, shall be paved, have two 12-foot travel ways, two eight-foot parking lanes and curb walks or curb, gutter and separate walkway. Rural collectors shall have an eighty-foot right-of-way, be paved with two 12-foot travel ways, two paved six-foot shoulders and drainage ditches.
 3. **Local (minor):** A road designed to serve primarily as a direct access to fronting properties, carrying up to 3,000 vehicles per day in urban areas and variable traffic in rural areas. Urban local roads shall have a 60 foot right-of-way as determined by the County, shall have two ten-foot travel ways, two four-foot parking lanes and curb walks or curb and gutter and walkway. Rural locals shall have a 60 foot right-of-way as determined by the County and two

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11-foot travel ways and two 2-foot shoulders. Pavement is optional for rural locals as determined by the Board of County Commissioners.

4. **Alley:** A minor way, having a right-of-way of twenty feet, which is use primarily for vehicular service access to the rear or side of properties which abut a street.
5. **Cul-de-sac:** A short dead-end street terminating in a vehicular turn-around with a minimum radius of 50' constructed to the same standards as the road.
6. **Stub Road:** An internal road extending to a subdivision boundary and terminating in a cul-de-sac with a minimum radius of 50' constructed to the same standards as the road.
7. Urban arterial, collector and local roads are those extending existing municipal roads. Urban arterial, collector and local roads shall be designed to match the adjacent road width, curb and gutter and sidewalk design, as determined by the Board of County Commissioners.

Section IV. 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. 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.

Section V. General Policy on Roads and Paving

- A. If deemed necessary by the Board of County Commissioners, paving of roads may be required for subdivisions with proposed densities of two (2) or more dwelling units per acre, or if the development is within one mile of a municipality.
- B. Roads shall be paved according to the specifications of the Converse County Road Standards or surfaced with a minimum of crushed rock or gravel surface as designed by a professional engineer and/or approved by the County.
- C. Road designs for subdivisions shall meet the following requirements:
 1. All paved 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.

2. The developer's engineer shall also consider soil, water, and any other conditions necessary for the design and construction of serviceable roads.
3. Prior to the signing of the plat by the Converse County Commissioners the developer's engineer shall certify to the Commissioners in writing that the subdivision roads were constructed in accordance with the design specifications or the developer shall guarantee construction of the roads to specifications through the Subdivision Improvement Agreement and/or necessary financial guarantees.
4. If a development extends a municipality roadway, the design of that roadway shall match the existing municipal roadway.
5. Road improvements done after initial installation by a homeowners' association or improvement and service district, shall meet these County Road Standards;
 - a. Right-of-way width: Streets shall have the following minimum right-of-way:

Arterial:	One-hundred fifty (150) feet
Collector:	Eighty (80) feet
Local/Service Road:	Sixty (60) feet

All roads shall meet or exceed the following minimum standards:

- Minimum right-of-way: Sixty (60) feet
- Minimum travel way: Twenty-four (24) feet
- Minimum shoulder width: Two (2) feet
- Minimum gravel base: Four (4) inches

The following shall not be permitted:

- Half-streets
- Dead-end streets (NOT including cul-de-sacs)

- b. Where a subdivision abuts a major route, service roads shall be required.
- c. Where a subdivision borders a railroad right-of-way, freeway, arterial, or collector street, a buffer area of not less than twenty (20) feet may be required.
- d. All roads, bridges, and auto gates (cattle guards) shall be designed to sustain a minimum gross vehicle weight as defined by AASHTO Standards HS-25.

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- e. All street and roadway rights-of-ways shall consist of an easement granted by the subdivider to the owners of the lots in the subdivision, to their guests and invites, and to authorized public vehicles, equipment and personnel for roadway, utility and emergency services. The easement and right-of-way shall be of the above-required total widths, extending where practical one-half (1/2) the required width on each side of the abutting platted lot boundaries.
- f. The owners of the lots within the subdivision shall be responsible for the construction and maintenance of all such streets and roadways within the subdivision.

CONVERSE COUNTY DOES NOT AND WILL NOT ASSUME ANY RESPONSIBILITY FOR THE CONSTRUCTION OR MAINTENANCE OF ROADS OR STREETS WITHIN THE SUBDIVISIONS OR OF THOSE CONNECTING THE SUBDIVISIONS TO ANY PUBLIC ROAD.

- D. Developers are strongly encouraged to implement improvement and service districts to fund future maintenance and improvements to roads and other infrastructures.

Section VI. Mountain Roads

For roadways in mountainous areas, rights-of-ways may be reduced to fifty feet and the roadway width reduced to twenty feet while still maintaining adequate width and height for emergency vehicles.

Section VII. Curbs and Gutters

Curb and gutter may be required where a development extends to a municipal street which has curb and gutter. Design of curb and gutter and road width shall conform to that of the contiguous city or town.

Section VIII. Sidewalks

- A. Sidewalks may be required:
 - 1. where a development extends to a municipal street which has sidewalks. Design of sidewalks shall conform to that of the contiguous city or town;
 - 2. along roads where, in the opinion of the Board of County Commissioners, pedestrian usage is anticipated;
 - 3. in all cases where school site dedication is required.

- B. The minimum width of the sidewalk shall be four feet, excluding the curb and gutter. Sidewalks may be separated from curb and gutter.

Section IX. Pedestrian Walkways

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

Section X. Road Lighting

Road lighting capable of illumination of roads and pedestrian walkways for safe movement of vehicles and pedestrians at night may be required if the development extends a municipal roadway which has lighting or as required by the Board of County Commissioners. The developer shall be responsible for installation and maintenance of the lighting.

Section XI. Block Standards

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

Section XII. Easement Standards

- A. All lots shall have a ten (10) foot perimeter utility easement. This provision may be waived for small lots upon application by the developer.
- B. Easements shall be designed so as to provide efficient and practical installation of utilities. Public utility installations shall be so located as to permit multiple installations within the easements.

Section XIII. Alley Standards

Service access to the interior of blocks may be permitted in certain instances through alleys. Alleys must be indicated on the plat and have a minimum width of twenty (20) feet.

Section XIV. Signs

Stop signs and street name signs shall be installed by the Developer in accordance with the manual on Uniform Traffic Control Devices.

Section XV. Approaches

Approaches to County roads are permitted by the County through an Access Permit.

Section XVI. Utility Standards

Telephone lines, electric lines and other like utility services may be required to be placed underground in subdivisions where the lot(s) size falls below four (4) acres or is within a one (1) mile radius of a municipality. The developer shall be responsible for installation of utilities.

Section XVII. Sewer Standards

- A. Subdividers interested in land development are encouraged to investigate sewage disposal options prior to land acquisition. In all new proposed subdivisions within one mile of a municipality, every effort shall be made to obtain public sewage collection and disposal systems.
- B. 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 Converse County.

Section XVIII. Water Standards

- A. Subdividers interested in land development are encouraged to investigate water availability prior to land acquisition. In all new proposed subdivisions within one mile of a municipality, every effort shall be made to seek a municipal water supply.
- B. Water availability shall be listed on the subdivision plat. Categories of water available shall be listed as:
 - 1. Water not proven,
 - 2. Water has been proven through an existing permitted ground water well on the property to be subdivided,
 - 3. Water has been proven, but quality is questionable.
 - 4. Potable water is proven on each lot.
- C. Plans and specifications for community potable water supply systems and water distribution systems shall meet the approval of the State of Wyoming Department of Environmental Quality and all adopted rules and regulations of the State and Converse County.
- D. The internal distribution system shall be designed to meet initial and future extensions to the original system.
- E. Water Supply. Public water supply systems shall be reviewed and approved by DEQ. Water wells or supplies shall be registered with the Wyoming State Engineer's Office and shall meet the "Water Well Minimum Construction Standards", State Engineer's Office latest addition. All construction of any type water system or supply shall be in accordance with all adopted rules and regulations of the State and Converse County.

- F. Water Rights. The applicant must comply with state law regarding the acquisition and/or disposition of water rights in subdivisions.

Section XIX. Fire Safety Standards

In areas served by public water systems, fire hydrants shall be located as required and be of a type approved by the County Fire Officials.

Section XX. Guarantee of Public Improvements

- A. No final plat shall be recorded until the subdivider has completed all public improvements or the applicant and Board of County Commissioners have executed a Subdivision Improvements Agreement. A subdivision improvements agreement shall require installation or construction of public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of County Commissioners, to ensure completion of said improvements.
- B. 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 the Board of County Commissioners. Upon inspection and approval, the Board of County Commissioners shall release said collateral. If the Board of County Commissioners 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 retain collateral sufficient to ensure such substantial compliance.
- C. The following improvements shall be constructed as stipulated in the Subdivision Improvement Agreement (see Appendix S) or other agreements or contracts in a manner approved by the Board of County Commissioners consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of this Resolution they shall apply.
 - 1. Road, grading and surfacing.
 - 2. Curbs and gutters, if required.
 - 3. Street lights, if required.
 - 4. Sidewalks, if required.
 - 5. Sanitary sewer laterals and treatment, where required.
 - 6. Storm sewers or storm drainage system, as required.
 - 7. Firefighting equipment, where applicable.

8. Water distribution and treatment system, where applicable.
9. Permanent reference monuments.
10. Phone and electric lines for major subdivisions only. The Board of County Commissioners may require underground installation.
11. Other facilities as may be specified or required in this Resolution by the Board of County Commissioners.

Section XXI. Recreational Vehicle Parks

All RV Parks created by a division of land that can be severed and transferred to a second party operated in Converse County with or without compensation to the owner of the real property on which they are located are subject to these Regulations. All RV Parks existing prior to the adoption of these Regulations shall meet the requirements of these Regulations if there are any additions or expansion of facilities. The following requirements are in addition to all other design standards outlined in this chapter.

- A. A subdivision permit as provided for by these Regulations is required.
- B. Design requirements
 1. Minimum space size shall be eighteen hundred (1800) square feet. Minimum space width shall be thirty (30) feet. Minimum space length shall be sixty (60) feet.
 2. All streets and roadways within the RV Park boundary shall be private driveways.
 3. Entrances to RV Parks shall have direct access to public streets or roads. If the RV Park is isolated from such public street or road, the subdivision shall provide an easement and right-of-way to such public street or road in the same manner as required by these Regulations.
 4. The interior, street or roadway system shall provide for convenient and safe circulation. Stub streets and cul-de-sacs shall be limited to a maximum of five hundred (500) feet and shall provide a minimum turn radius of fifty (50) feet.
 5. All two-way streets with no parking shall have a minimum travel width of twenty-four (24) feet.
 6. All one-way streets shall have a minimum travel width of twelve (12) feet.
 7. All streets and roads within the boundaries of the RV Park and access streets and roads shall be constructed to meet or exceed Converse County's construction specifications.

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8. Solid waste facilities, Sewage and Water Supply Systems shall meet the requirements of the Wyoming Department of Environmental Quality and the Wyoming State Engineer's Office.
 9. Every RV Park shall have at least one (1) approved sanitary dumping station for emptying sewage holding tanks and at least one (1) water station for filling water storage tanks which meet the requirements of the Wyoming Department of Environmental Quality and the Wyoming State Engineer's Office.
- C. Every RV Park shall meet State Fire Codes in relation to setbacks, and parking
- D. Management headquarters, recreational facilities, bathrooms, showers, dumping stations, swimming pools, coin-operated laundry facilities, stores, and other uses and structures customarily incidental to the operation of an RV Park and Campground are permitted, subject to the following restrictions:
1. Such facilities and establishments shall be restricted to their use by occupants of the RV Park.
 2. The structures housing such facilities shall not be directly accessible from any public street, but shall be accessible only from a street within the RV Park
 3. If the RV Park is an accessory to a larger commercial business there shall be no access restrictions.
- E. All RV Parks shall be in compliance with the County's adopted Land Use Plan.

**CONVERSE COUNTY DOES NOT AND SHALL NOT
ACCEPT ANY RESPONSIBILITY FOR CONSTRUCTION OR
MAINTENANCE OF ANY STREETS OR ROADWAYS
IN RECREATIONAL VEHICLE PARKS.**

Section XXII: Mobile Home Parks

All mobile home parks created by a division of land that can be severed and transferred to a second party operated in Converse County with or without compensation to the owner of the real property upon which they are located are subject to these Regulations. All mobile home parks existing prior to the adoption of these Regulations shall meet the requirements of these Regulations if there is any expansion of facilities. The following requirements are in addition to all other design standards outlined in this chapter.

A. Subdivision permit required

B. General Design Requirements

1. A development plan must be submitted, reviewed, and approved prior to the construction of a mobile home park.
2. The maximum densities permitted shall not exceed eight (8) mobile homes or trailers per acre.
3. Minimum area per mobile home or trailer shall be five thousand four hundred forty-five (5445) square feet.
4. Every Mobile Home Park shall meet State Fire Codes in relation to setbacks, and parking
5. Where required by the Board of County Commissioners screening shall be provided to separate residential and non-residential uses.
6. Solid waste: Areas for centrally located solid waste collection shall be provided and shall be maintained in a healthful and sanitary manner.
7. Streets and access:
 - a. Entrances to mobile home parks shall have access to a public street or road.
 - b. If the mobile home park is isolated from such public street or road, the subdivider shall provide an easement and right-of-way to such public street or road in the same manner as required by these Regulations.
 - c. The interior street or roadway system shall provide for convenient and safe circulation. Stub streets and cul-de-sacs shall be limited to a maximum of five hundred (500) feet and shall provide a minimum turn radius of fifty (50) feet.
 - d. All entrance and collector streets with parking shall have a minimum width of eighty (80) feet.
 - e. All other minor streets or drives with no parking shall have a minimum travel width of twenty-four (24) feet.
 - f. All streets and roadways within the boundaries of the mobile home park shall be constructed to meet or exceed the County construction specifications. As a minimum, all streets or roadways shall be of hard surface such as asphalt or concrete, and shall be adequately drained.

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g. The construction and maintenance of all streets and roadways in the mobile home park shall be the responsibility of the owner of the mobile home park.

C. All Mobile Home Parks shall be in compliance with the County's adopted Land Use Plan.

**CONVERSE COUNTY DOES NOT AND SHALL NOT
ACCEPT ANY RESPONSIBILITY FOR CONSTRUCTION OR
MAINTENANCE OF ANY STREETS OR ROADWAYS
IN A MOBILE HOME PARK.**

**CHAPTER 8
PLAT VACATIONS, AMENDMENTS,
RESUBDIVISION OR REPLATS**

Section I. Vacation of Plat.

- A. In accordance with Wyoming Statutes 34-12-106 et. seq. any plat may be vacated at any time before the sale of lots by filing a written instrument duly executed with the County Clerk, provided that the vacation of the subdivision will not interfere with sound and proper development nor deny public access to adjacent property, utilities, or other improvements.
- B. The effect of the vacation shall be to divest all public rights in the roads, 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.
- C. Any part of a plat may be vacated under the provisions and subject to the conditions of this Resolution and provided the vacation does not abridge or destroy any of the rights and privileges of other proprietors in said plat, or authorizes the closing or obstruction of any public highways laid out according to law. The Converse County Board of Commissioners must approve vacations.
- D. Land covered by a vacated plat may be re-platted 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, once approved and recorded shall act to vacate the original plat which it replaces.

Section II. Procedure for Processing Plat Vacations.

- A. The applicant shall submit an application to vacate (see Appendix N) and an affidavit signed by all the owners of the lots in such plat (if applicable) indicating that the intention is to vacate a platted subdivision in its entirety or a portion of the platted subdivision to the Special Projects Office. If there is a lien or mortgage on the property, certified, return-receipt proof of notification to the mortgagor of the proposal must be submitted by the applicant.
- B. 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.
- C. Applicant shall submit proof that a Notice of Intent to Vacate (see Appendix M) has been published twice in two separate weeks within 30 days of submitting the vacation application.

- D. Applicant shall submit proof of ownership of the lands within the subdivision to be vacated.
- E. Applicant shall submit 25 copies of an 11” x 17” vacation plat drawn to the specifications in Appendix Q with the required wording: ‘A Vacation Plat of _____’.
- F. Applicant shall pay the subdivision permit fee established by the Board of County Commissioners.
- G. The Special Projects Office shall transmit one (1) copy of the vacation affidavit, vacation application and vacation plat to the following entities through certified, return-receipt with the U.S. Postal Service mail:
 - 1. All adjacent landowners,
 - 2. The County Fire Warden and/or Municipal Fire Department
 - 3. All applicable public utilities,
 - 4. All applicable improvement and service districts,
 - 5. All appropriate irrigation districts
 - 6. The appropriate governmental agencies and departments,
 - 7. The appropriate school district
 - 8. All applicable service providers
 - 9. Any municipality within a three-mile radius of any portion of the proposed subdivision
 - 10. All other agencies as deemed necessary, such as Wyoming Department of Transportation

And deliver to the following County Offices:

- 1. County Attorney
 - 2. County Assessor
 - 3. County Clerk
 - 4. County Surveyor
- H. Adjacent landowners, public utilities, governmental agencies and departments, schools and/or service providers shall notify the Special Projects Office in writing within two (2) weeks of any objection to the proposed vacation.
 - I. The Special Projects Office shall transmit the vacation proposal to the Planning & Zoning Commission along with any written comments from adjacent landowners, public utilities, governmental agencies and departments, schools and/or service providers.
 - J. The County Planning & Zoning Commission may conduct a public hearing as provided by law. The County Planning & Zoning Commission shall hear and consider evidence and arguments on the application from any person present at

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the regularly scheduled meeting who desires to be heard and any written communication from any person regarding the application. The County Planning & Zoning shall approve the vacation application, approve with conditions, deny or table the application to a specific date. The Special Projects Office shall notify the applicant of the County Planning & Zoning's recommendation.

- K. The Special Projects Office shall deliver its recommendation on the application and the action of the County Planning & Zoning Commission to the Board of County Commissioners.
- L. The Board of County Commissioners may conduct a public hearing as provided by law. If the vacation request is approved by the Board of County Commissioners, the applicant shall file the duly executed vacation affidavit and vacation plat with the County Clerk.

Section III. Amendment of Recorded Plats.

Any amendment to a recorded plat which has been filed with the County Clerk will require an amended plat, certified by a land surveyor licensed with the State of Wyoming. The amended plat will clearly indicate what is being amended from the original recorded plat and be signed by any and all affected entities. The process for amended plats shall follow the same requirements as a new subdivision.

Section IV. Re-subdivisions or Replats.

The re-subdivision or replat of any lots, tracts, or parcels, or the relocation or addition of roads within a subdivision shall be considered a new subdivision and a plat shall be prepared and submitted in compliance with the requirements for subdivisions as set forth in this Resolution. The process for re-subdivisions or replats shall follow the same requirements as a new subdivision.

CHAPTER 9
EXCEPTIONS, AMENDMENTS, SEPARABILITY,
PENALTY, ADMINISTRATIVE LIABILITY, ADOPTION

Section I. Exceptions

- A. The Board of County Commissioners may authorize exceptions from the design standards and this Resolution in cases where, due to exceptional topographical conditions or other conditions peculiar to the site or other conditions or circumstances which would place an unnecessary hardship on the subdivider. Such an exception shall not be granted if it would be detrimental to the public goals established in the adopted County Land Use Plan, this Resolution, or impair the intent and purposes of this Resolution.

- B. A request for exceptions shall be submitted in writing and will be referred to the County Planning & Zoning 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 exception request shall be stated in writing in the minutes of the Board of County Commissioners. In granting approval, the Board of County Commissioners may require such conditions as will ensure substantial compliance with the objectives and standards of this Resolution.

Section II. Amendments

From time to time the Board of County Commissioners may amend this Subdivision Regulation Resolution. Amendments shall be made in conformance with W.S. 18-5-301 et. seq., and the Wyoming Administrative Procedures Act, W.S. 16-3-101 et. seq.

Section III. Separability

- A. If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction:
 - 1. Any such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
 - 2. Such decision shall not affect, impair, or nullify this Resolution as a whole or any other part thereof, and the remainder shall remain in force.

- B. If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of a court of competent jurisdiction:
 - 1. 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

2. 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.

Section IV. Penalty

Pursuant to W.S. 18-5-314 any person who willfully violates any 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) days or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

Section V. Enforcement

Pursuant to W. S. 18-5-312, the provisions of this article are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

Section VI. Subdivision Appeal Process

- A. Any person aggrieved by any written determination, interpretation, decision, or similar action by the County Special Projects Office under the provisions of these Subdivision Regulations may appeal such action to the County Planning & Zoning Commission. Determinations subject to public hearing review pursuant to these regulations are not appealable under this process. Actions which may be reviewed include determination of exempt status of family subdivisions or whether a division is reviewed as a minor or major subdivision.
- B. Decisions of the County Planning & Zoning Commission may be appealed to the Board of County Commissioners.
- C. Appeals shall be in writing, and shall state the basis of the appeal. Appeals shall be filed with the County Special Projects Office not later than the tenth (10) calendar day following the date of the action being appealed.
- D. The County Planning & Zoning Commission shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed in the County Special Projects Office.
- E. The Board of County Commissioners shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed with the County Planning & Zoning Commission.
- F. Failure of Appellate Body to Act – Failure of the County Planning & Zoning Commission or County Commissioners to act within the time specified shall sustain the determination being appealed.

APPENDIX A DEFINITIONS

Administrator – The Administrator of the Water Quality Division of the Wyoming Department of Environmental Quality

Agricultural Use – The use of land primarily for the production of crops, the storage thereof, or for the breeding or raising of livestock, with the necessary buildings, structures, erections thereof, or appurtenances which area adapted by reason of nature and use for these purposed. This definition shall include grasslands.

Block - A piece or parcel of land entirely surrounded by public highway, roads, streams, parks, etc., or a combination thereof.

Board of County Commissioners - Shall mean the Converse County Board of County Commissioners.

Building Site - The specific location of a proposed or existing structure.

Commercial Use – The use of land primarily for the sale, lease, or rent of goods and services.

Corner – A point on a land boundary, at which two or more boundary lines meet. Not the same as “monument”, which refers to the physical evidence of the corner’s location on the ground.

County Planning & Zoning Commission - Shall mean the Converse County Planning & Zoning Commission.

Comprehensive Plan, County - The duly adopted plan for the future growth, protection and development of the County.

Comprehensive Plan, Municipal - Any plan or set of plans duly adopted, for the future growth, protection and development of the municipalities.

County - Converse County, Wyoming.

County Attorney – The County Attorney of Converse County.

County Clerk – The Clerk of Converse County.

County Engineer – The engineer duly appointed and engaged as such by the Board of County Commissioners or any other engineer retained by the Board of County Commissioners to act as such. In either case the engineer must be currently registered as a professional engineer by the State of Wyoming.

Dedication – To dedicate means to appropriate and set apart land from one’s private property for some public use. There must be an express manifestation on the part of the owner of his purpose to devote the land to a particular public use, such as the streets in platted subdivision. To make the dedication complete, there must not only be an intention on the part of the owner to set apart the land for the use and benefit of the public, but there must be an acceptance by the public entity.

Department – The Department of Environmental Quality.

Development plan – A plan showing the existing conditions of a parcel of land, the basic features, use, and general location and elements of the project.

Director – The Director of the Department of Environmental Quality.

Director of Special Projects - The County Director of Special Projects employed or retained by the Board of County Commissioners

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

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

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

Family (as in W. S. 18-5-303 a(i)(A) Family Exemption) - A member of the immediate family is limited to any person who is a natural or adopted child; stepchild; spouse; sibling; grandchild; grandparent or parent of the landowner.

Final Plat – A map or maps of a subdivision, which have been accurately surveyed, and such survey marked on the ground such that easements, streets, roads, alleys, lots, blocks, and other divisions as required by these Regulations can be identified.

Flag Lot – A lot which is located behind lots which front on the public roadway and is connected to the roadway by means of a narrow corridor.

Floodplain – The 100 year floodplain as identified in the Converse County Flood Damage Prevention Regulations.

Geologist – Any geologist currently registered as a professional geologist by the State of Wyoming.

Homeowners’ Association – A non-profit organization operating under recorded agreements through which each lot owner in a subdivision or other described land area is automatically a member and such lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities as related to the maintenance of the common elements.

Improvements – All facilities constructed or erected by a subdivider within a subdivision or development to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial purpose.

Improvements Agreement – One or more security arrangements, which may be accepted by the Board of County Commissioners to secure the construction of such public improvements as are required by the Regulations.

Industrial Use – The use of land primarily for the treating, processing, concentrating, manufacturing of materials into other forms.

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. A tract is often a large parcel within a subdivision which is not intended as a building site.

Lot Line – The line bounding a lot.

Lot, double frontage – Any lot having frontage on two (2) parallel or approximately parallel streets.

Lot, Through - Lots which front on one public road and back on another.

Mobile Home Park - A parcel (or contiguous parcels) of land divided into three or more mobile home lots for rent or lease for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).

Mobile Home – A portable unit principally designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a permanent foundation for year-round living.

Monument – Any structure of masonry or metal permanently placed on or in the ground for the purpose of marking or referencing the location of a corner or other survey point. The terms “corner” and “monument” are not synonymous.

Municipality - An incorporated city or town, including all property within its corporate limits.

Open Space - Lands not developed and deemed suitable by the County to be dedicated as part of parks and open space requirements of this Resolution.

Parcel - A contiguous piece of property under common ownership.

Pedestrian Walkway – a walkway for the support of walking, and includes stairs, ramps, passageways and related off-street tools that provide for a developed pathway.

Person – Any individual, corporation, trust, partnership, unincorporated association, government or governmental subdivision or agency, or any combination of the above

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

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.

Plat Final - 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.

Plat Preliminary - 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.

Plat Vacation – The annulling, setting aside, canceling, or making void a previously recorded subdivision plat.

Public or Community Water or Sewer - Municipal, city or town, or quasi-municipal (such as a water or sanitation district) operating water distribution lines, sewer lines and treatment facilities.

Public Road - A right-of-way dedicated for use of the public but not necessarily maintained by the County.

PUD, Planned Unit Development – An area of land improved as a residential, commercial, industrial development or a combination thereof, in which normal restrictions of lot sizes, set backs, densities, land uses, and other criteria may be relaxed in return for development in conformance with an approved plan for the total parcel.

Recreational Vehicle – A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Recreational Vehicle Park – A parcel of land upon which recreational vehicles are located, established, or maintained for occupancy by RV vehicles of the general public, as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Space – A plot of ground within a recreational vehicle park intended for the accommodation of an RV, tent, or other individual camping unit on a temporary basis.

Regulations – The Converse County Subdivision Regulations.

Replating – The vacating of a recorded County subdivision or townsite plat and approving a new plat and legal subdivision.

Re-subdivision - The alteration of any existing lot or lot boundaries, any road alignments, or alleys changed from the original subdivision plat recorded in the office of the County Clerk.

Reviewing Agencies – Those municipal, county, state, federal, and private agencies or companies that may be called upon to comment on a prepared development, i.e., Converse County Soil Conservation District, LaPrele Irrigation District, utilities, state highway, State Forest Service, Department of Public Health, school districts, County Fire Warden, and those other agencies required to do so by the County Planning & Zoning Commission.

Reverse Frontage - A corner lot on which the building fronts on the side street, facing the street perpendicular to the street on which the remainder of the buildings on the block face.

Right of Way - That strip of land on which an easement exists. A right of way is actually a “right of passage”, a right to “go across” someone else’s land. A right of way may be created by an easement or an actual deed in which case some fee title may pass. A right of way may be limited to “right of passage” or it may include other usages such as installation and maintenance of utility lines depending on the manner in which it was created. Rights of way commonly have reference to federal, state, county highways, or railroads. That portion of land dedicated for roadway and utility purposes.

Private - A roadway not dedicated to the use of the public but only the property owner or owners.

Public - A roadway with a right-of-way dedicated to the use of the public, which allows anyone to use the road and allows for emergency and law enforcement access. The county may not maintain these rights-of-way.

County - A roadway officially established by the county for the use of the public and operated and maintained under the authority of state statutes.

Road - An avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for movement of vehicular traffic which includes the land between right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutter, sidewalks, parking areas and other areas within the right-of-way, see Chapter 7 for standards.

Roadway or Road - The surfaced portion of the road right-of-way designed for vehicular traffic. Also see public right-of-way.

Scientific Report – A report authored by either a professional engineer or professional geologist that analysis the ground water table, septic tank effluent effects upon the ground water, and withdrawal of potable water upon the ground water table.

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

Sewage Disposal System - Those systems engineered, designed, and manufactured to destroy, digest, dissolve, or otherwise reduce human waste.

Sidewalk – that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

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

Special Projects Office – The office of the County Director of Special Projects.

Street: ***Freeway*** – A major highway, including inter-state highways, with full control of access and grade separated intersection.

Arterial Streets – A street or road designed to carry high volumes of vehicular traffic over long distance in a direct manner.

Collector – Provides for traffic movements between major arterial and local streets and direct access to abutting property.

Local or Minor Streets – Provides for direct access to abutting land and designed to discourage through traffic.

Alley – A minor way which is not designed for general travel; which is used primarily as a means of access to the rear of residences and business establishments and which generally affords only a secondary means of access to the property abutting along its length.

Cul-de-Sac – A street with only one (1) outlet terminating in a vehicular turn-around with a minimum turning radius of 50 feet.

Half-Street – A street adjacent to a property that is of a lesser right-of-way width than is required for minor or major streets. Half-streets shall not be approved, except to complete existing half-streets.

Service Road – A street or road paralleling and abutting freeways or arterial streets provide access to adjacent property so that adjacent property will not have direct access to the major thoroughfare.

Stub Streets – A street or road terminating at the subdivision boundary with a cul-de-sac. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Subdivider or Developer - A person who lays out any subdivision or parts thereof for the account of the subdivider or others.

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

A. **Minor Subdivision:** A division of one (1) or more parcels of land into not more than a total of five (5) parcels of land (WSS 18-5-306 (a)). A minor subdivision shall be reviewed through the minor subdivision process as outlined in Chapter 4. New roads being created and the review of the proximity to existing subdivisions and dwellings may cause review under Major Subdivision standards. Minor subdivisions may be exempt from major subdivision requirements and DEQ approval.

B. **Major Subdivision:** A division of one parcel into six or more parcels or not otherwise a minor subdivision. A major subdivision shall be reviewed through the major subdivision process, outlined in Chapter 5. Major Subdivisions generally require DEQ review.

C. **Major Land Division:** A division of land which creates parcels that are thirty-five (35) acres or larger and up to eighty (80) acres in size inclusive.

Subdivision Improvements Agreement - One or more agreements which are entered into 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.

Transitional Residential – a residential development which has access to city water and sewer, physically close to the city limits of incorporated communities within the county and is suitable for possible annexation and/or incorporation.

Unincorporated Area - That area of the County not within the limits of an incorporated city or town.

APPENDIX B
PROOF OF OWNERSHIP REQUIREMENTS

The applicant for any subdivision permit shall submit notarized certificated proof of ownership to the Special Projects Office. This proof ownership shall meet the following criteria:

1. The subdivided/divided land is free of all encumbrances and that the person who offers any part of the subdivision/division for sale or who solicits any offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservation 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 effected: or
2. Binding arrangements have been made by the person who offers any part of the subdivision/division for sale, directly or through an agent, to assure purchasers of any part of the subdivision/division that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and free of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected.
3. If mortgaged, the applicant must provide proof of certified, return-receipt notification to the mortgagor of the proposed division/subdivision.

APPENDIX C
FAMILY EXEMPTION APPLICATION FORM
APPLICATION INSTRUCTIONS

This is an application for a family exemption on the parcel of land described hereon. By completing the application form and providing the other requested information, your application will be acted upon in the fastest, fairest manner prescribed by County regulation. Citizens are encouraged to discuss their application with the Special Projects Office. All applications must be complete.

PLEASE SUBMIT THE FOLLOWING:

- A. A completed application form. Answer all portions and type or print your answers. Attach additional pages, if needed.
- B. A Record of Survey - See Appendix E, Converse County Subdivision Regulations.
- C. Affidavit of Family Exemption See Appendix D, Converse County Subdivision Regulations.

1. Applicant/Owner Name: _____

2. Address: _____

3. Phone: () _____

4. Explain why you are requesting this family exemption and detail the proposed use:

5. Legal description and size of property, (quarter-section, section, township and range):

6. Current land use of property: _____

7. Type of sewerage disposal: Public Septic Holding Tank Other: _____

8. Source of Water: _____

9. This property was purchased from: _____

10. The date this property was purchased (The current owner must have held the property for not less than five (5) years.) : _____

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other state or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record.

Applicant/Owner: _____ Date _____
(Signature)

APPENDIX D
AFFIDAVIT OF FAMILY EXEMPTION

I (we), _____ (Grantor[s]) and
_____ (Grantee[s]), having been first duly sworn, upon oath do hereby
certify that:

1. **NO EVASION:** This division is not for the purpose of evading any part of the Converse County Subdivision Regulations nor for short-term investment or for resale after division to persons outside of the immediate family.
2. **NOT IN A SUBDIVISION:** This division is not located within a platted subdivision.
3. **SINGLE GIFT OR SALE:** The Grantee(s) has/have not previously received title to any other parcel created by virtue of the family exemption of W.S. 18-5-303 (a)(i).
4. **IMMEDIATE FAMILY MEMBERS:** The Grantee(s) is (are) a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent of each and every Grantor(s) who is (are) the current property owner of record.
5. **HOUSING OR BUSINESS NEEDS:** The purpose of this division is to provide for the housing or business needs of the Grantee(s) and the Grantee(s) intend to construct a residence or place of business upon this parcel. Failure of the Grantee(s) to use the parcel for these purposes will constitute a violation of the Converse County Subdivision Regulations upon resale or attempted resale of the parcel.
6. **TITLE:** The Grantee(s) will retain title to this parcel for at least one year except in the case of involuntary transfer as defined by W.S. 18-5-303 (a)(i) (C).
7. **ACREAGE FOR REDIVISION:** This subject parcel is not being created from a parcel that was itself created by family exemptions; or if it is, the original parcel is four (4) acres or larger before re-division.
8. **COMPLIANCE WITH REGULATIONS:** This division complies with all provisions of the Converse County Subdivision Regulations governing family divisions. The Grantor and Grantee acknowledge that failure to comply with these provisions, now or in the future, constitutes a violation of the Subdivision Regulations. Such violations are punishable upon conviction by a fine of not more than five-hundred dollars (\$500) or imprisonment in a county jail for not more than thirty (30) days or both. Each day of violation constitutes a new offense. In addition, to correct the violation the County will require a subdivision permit before the parcel may be resold.
9. **DISCLOSURE ON RESALE:** The Grantee(s) shall provide a copy of this affidavit to the buyer upon resale of this parcel.
10. **TRUE COPY OF DEED [AND SURVEY]:** The attached deed [and record of survey] from Grantor(s) to Grantee(s) dated _____, is the subject of this affidavit and is a true and accurate copy of the instrument that will be duly executed and recorded with this affidavit.

Grantor Signature

Grantee Signature

Grantor (Printed Name)

Grantee (Printed Name)

APPENDIX E
RECORD OF SURVEY AND MONUMENTATION REQUIREMENTS

1. Records of survey to be recorded shall be legibly drawn, printed or reproduced with permanent ink, and shall be eight and one-half inches by eleven inches (8½” X 11”) or eight and one-half inches by fourteen inches (8½” x 14”).
2. One (1) signed reproducible copy of a stable base shall be submitted.
3. Whenever more than one (1) sheet must be used to accurately portray the land divided or property boundaries realigned, each sheet must show the number of that sheet, and the total number of sheets included. All certifications shall be shown or referenced on one (1) sheet.
4. The Record of Survey shall show or contain on its face, or on separate sheets referenced on its face, the following information:
 - a. A title block including the township, range, section, quarter-section, principal meridian, county, and state of the surveyed land. Space shall be provided on the Record of Survey for the Converse County Clerk’s recording information. A Record of Survey **shall not bear the title "plat", "subdivision", or any title other than "Record of Survey"**:
 - b. North arrow;
 - c. Scale or Scale bar;
 - d. All monuments found, set, reset, replaced or removed describing their kind, size, location and giving other data related thereto;
 - e. The location of any corners of sections or divisions of sections pertinent to the survey, at least one corner shall be in the coordinate system NAD83 Wyoming State Plane East or DMS;
 - f. The true bearings, distances, and curve data of all perimeter boundary lines shall be indicated;
 - g. Data on all curves sufficient to enable the re-establishment of the curves on the ground;
 - h. Lengths of all lines shown to at least one-tenth (1/10) of a foot, and all angles and bearings shown to at least the nearest minute;
 - i. All parcels created by the survey, designated by number or letter, and the dimensions and area of each parcel (Excepted parcels shall be marked "Not a part"); and roads.
 - j. The signature and seal of the registered land surveyor responsible for the survey.

5. Records of Survey shall include the following additional information:
 - a. The location of all structures and small waste systems on all parcels, if any;
 - b. Location and dimensions of the parcel to be split;
 - c. Proper monumentation.
6. Record of Survey shall be signed by the Owner(s).

SURVEY AND MONUMENTATION REQUIREMENTS

1. Survey and Monumentation.
 - a. Survey description of the perimeter of the proposed division including ties to existing section monuments of record and description of monuments.
 - b. Permanent reference monuments shall be set on the external boundary of the division and for all lot and block corners.
 - c. Division boundary control and monumentation shall, unless otherwise modified herein, comply with the most recent applicable portions of the Guidelines for the Professional Practice of Land Surveying as published by the Wyoming Association of Consulting Engineers and Surveyors. Accuracy of surveys shall be such that closures better than one part in ten thousand are obtained for the perimeter.
 - d. Where section lines or section subdivision lines form part of the boundaries of a division 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 survey description.
2. Certification and Approval Statements. All signatures shall be made in black drawing ink.

**APPENDIX F
RECORD OF SURVEY AFFIDAVIT**

I, _____ (Surveyor's Name), a registered professional land surveyor, License No. _____, do hereby certify that this drawing/plat was made from notes taken during an actual survey made under my direct supervision during _____ (insert date), and that this drawing/plat, to the best of my knowledge and belief, correctly and accurately represents said survey.

STATE OF WYOMING)
)ss
COUNTY OF CONVERSE)

Surveyor's Signature

SURVEYOR'S STAMP

Surveyor's Name, P.L.S. No. and Expiration Date

The foregoing instrument was acknowledged before me by _____ this
_____ day of _____, 20_____.

Witness my hand and official seal.

Notary

My commission expires:

APPENDIX G
NOTICE OF INTENT TO SUBDIVIDE
LAND IN CONVERSE 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 Converse County Board of County Commissioners to subdivide lands in Converse 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).

Publish two (2) times in two separate weeks within 30 days of submitting the application.

Applicant pays for cost of publication

APPENDIX I
MAJOR SUBDIVISION – SKETCH PLAT
Application Form

INSTRUCTIONS

This is an application for a major subdivision on the parcel of land described hereon. By completing the application form and providing the other requested information, your application will be acted upon in the fastest, fairest manner prescribed by law. Citizens are encouraged to discuss their application with the Special Projects Office. All applications must be complete.

PLEASE SUBMIT THE FOLLOWING:

A completed application form. Answer all portions and type or print your answers. Attach additional pages, if needed.

A sketch plat (see Appendix O)

1. Applicant/Owner Name: _____
2. Address: _____
3. Phone: (____) _____
4. Explain why you are requesting this major subdivision and detail the proposed use:

5. Legal description and size of property (give quarter-section, section, township and range).

6. Current land use of the property: _____
7. Type of sewerage disposal: Public Septic Holding Tank Other _____
8. Source of Water: _____
9. This property was purchased from: _____
10. The date this property was purchased: _____

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other state or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record.

Applicant/Owner: _____ Date: _____
(Signature)

**APPENDIX J
MAJOR SUBDIVISION APPLICATION FORM
INSTRUCTIONS**

This is an application for a major subdivision on the parcel of land described hereon. By completing the application form and providing the other requested information, your application will be acted upon in the fastest, fairest manner prescribed by law. Citizens are encouraged to discuss their application with the Special Projects Office. All applications must be complete.

PLEASE SUBMIT THE FOLLOWING:

A completed application form. Answer all portions and type or print your answers. Attach additional pages, if needed. Submit all required documents in paper copies and in pdf format

A preliminary plat (see Appendix P). Please submit one (1) full size (24" x 36") and 25 reproducible 11" x 17" copies.

A list of adjacent landowners and their mailing addresses per County records.

Ten copies of an affidavit of ownership of the proposed subdivision (see Appendix B)

Ten copies of a summary statement containing:

1. Total number of proposed dwellings and other improvements;
2. Total number of off-street parking spaces, if commercial or multi-family dwellings are contemplated;
3. Description of the water source contemplated for the development, to include information on water quality and water rights, distribution system, and other significant water information;
4. Information concerning established flood plains on the property from the Converse County Flood Damage Prevention Regulations.
5. Proof of easements of ten (10) feet for utilities and a sixty (60) foot dedicated right-of-way to the subdivision from a State highway or County road.

Any other information consistent with these regulations.

Ten copies of any covenants proposed for the subdivision

Ten copies of the statement of review and recommendations from the Converse County Conservation District regarding soil suitability, erosion control, sedimentation, and flooding.

Ten copies of the statement of review and recommendations from the LaPrele Irrigation District, if applicable, regarding attached water rights and the Irrigation District's easements as required in Chapter 5.

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

Proof that the applicant has published notice of the intent to apply for a Subdivision Permit once each week for two (2) weeks within thirty (30) days prior to filing this application. (See Appendix G)

1. Applicant/Owner Name: _____
2. Address: _____
3. Phone: (____) _____
4. Explain why you are requesting this major subdivision and detail the proposed use.

5. Legal description and size of property (give quarter-section, section, township and range).

6. Current land use of property: _____
7. Type of sewerage disposal: Public Septic Holding Tank Other: _____
8. Source of Water: _____
9. This property was purchased from: _____
10. The date this property was purchased: _____

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other state or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant/Owner: _____ Date: _____
(Signature)

**APPENDIX K
MAJOR LAND DIVISION
NOTICE OF INTENT TO DIVIDE
LAND IN CONVERSE COUNTY, WYOMING**

Pursuant to the provisions of the Wyoming Real Estate Subdivision Act, Statutes 18-5-301 through 18-5-318 Session Laws of 1975 as amended, NOTICE IS HEREBY GIVEN THAT

_____ (owners) intend to apply for a Major Land Division Permit from the Converse County Board of County Commissioners to divide lands in Converse County, Wyoming to be called _____ (name of division).

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

Publish two (2) times in two separate weeks within 30 days of submitting the application.

Applicant pays for cost of publication.

APPENDIX L
MAJOR LAND DIVISION APPLICATION FORM
APPLICATION INSTRUCTIONS

This is an application for a major land division on the parcel of land described hereon. By completing the application form and providing the other requested information, your application will be acted upon in the fastest, fairest manner prescribed by law. Citizens are encouraged to discuss their application with the Special Projects Office. All applications must be complete.

PLEASE SUBMIT THE FOLLOWING:

A completed application form. Answer all portions and type or print your answers. Attach additional pages, if needed.

A list of adjacent landowners and their mailing addresses per County records.

Proof that a Notice of Intent to Divide (see Appendix K) has been published twice in two separate weeks within 30 days of submitting this application.

Ten copies of a record of survey (see Appendices E & F)

A notarized certification of ownership or title policy or commitment. (see Appendix B)

1. Applicant/Owner Name: _____
2. Address: _____
3. Phone: () _____
4. Explain why you are requesting this Major Land Division and detail the proposed use:

5. Legal description and size of property (give quarter-section, section, township and range).

6. Current land use of property: _____
7. Type of sewerage disposal: Public Septic Holding Tank Other: _____
8. Source of Water: _____
9. This property was purchased from: _____
10. The date this property was purchased: _____

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other state or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant/Owner: _____ Date: _____
(Signature)

**APPENDIX M
NOTICE OF INTENT TO VACATE
A PLATTED SUBDIVISION
IN CONVERSE COUNTY, WYOMING**

Pursuant to the provisions of the Wyoming Real Estate Subdivision Act, Statutes 18-5-301 through 18-5-318 Session Laws of 1975 as amended, NOTICE IS HEREBY GIVEN THAT

_____ (owners) intend to apply for a Permit to Vacate from the Converse County Commissioners for _____ (name of subdivision/block/lots) in Converse County, Wyoming.

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

Publish two (2) times in two separate weeks within 30 days of submitting the application.

Applicant pays for cost of publication

APPENDIX O SKETCH PLATS

1. All sketch plats submitted to the Special Projects Office for review shall include the following information:
 - a. A map showing the general location of the subdivision and the total developed area, the property boundaries of the area, and the North arrow.
 - b. Topographic contours from available information, such as USGS maps.
 - c. A layout indicating general scaled dimensions of lot(s), road(s), park(s) and open space(s).
 - d. Type of water system proposed, also general information pertinent to the history of the water system (such as: water rights, quality of water).
 - e. Type of sewer system proposed.
 - f. A map showing significant natural and man-made features on the site or immediately adjacent to the site.
 - g. The acreage of the total development area.
 - h. The proposed location of all roads to be constructed.
 - i. General information concerning streams, lakes, vegetation, and other natural features. Explain how the proposed development would deal with these natural features.

APPENDIX P
PRELIMINARY PLAT CONTENTS

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 four acres **excluding roads and easements** or larger.
3. Road and lot layout.
4. Total area to be subdivided.
5. Lots and blocks numbered consecutively.
6. A vicinity map at the scale of 1"=1,000' or 1"=2,000' showing the perimeter outline of the plat and manmade or natural features of the surrounding area, as well as adjoining property owners. 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 at least one corner shall be in the coordinate system NAD83 Wyoming State Plane East or DMS;
7. Place a note on the plat indicating the basis of bearing.
8. Place a note on the plat indicating the error of closure
9. Existing contours at two (2) foot intervals for small lot urban developments, and five foot (5) contours for predominant ground slopes over twenty (20) percent grade. Elevations where possible, shall be referenced to USGS control. Where minimum lot size is greater than ten acres, twenty (20) foot intervals adapted from USGS topographical maps may be accepted.
10. Dimensions of all lots to the nearest foot (may be scaled).
11. Name and address of the subdivider and signature block, the designer of the subdivision, and the registered engineer or surveyor licensed by the State of Wyoming and signature block. The date of preparation, map scale and north arrow.
12. 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.
13. The location of **ALL** existing surface or underground improvements such as buildings, fences, other structures, utilities, pipelines, etc.
14. Proposed sites, if applicable, for multiple-family residences, commercial, industrial, quasi-public uses, and single-family residential areas.

15. Existing and proposed road 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. Consult with the County Assessor's Office to name new roads.
16. If the subdivider proposes to make any roads, alleys, or roadways private, the subdivider shall indicate on the plat whether the roads are dedicated to the public or private.
17. The Board of County Commissioners shall be under no obligation to repair, maintain, or accept any dedication of such roads to the public use. The subdivider shall put a note 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 roads, alleys and roadways showing in bold capital letters **"NO PUBLIC MAINTENANCE OF ROADS - CONVERSE COUNTY NOT RESPONSIBLE FOR MAINTANENCE OF SUBDIVISION ROADS"**.
18. Sites to be reserved for parks, playgrounds, schools, or open space.
19. 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.
20. Where open space is reserved for common use, a statement as to the maintenance of this area dedicated or reserved for public use.
21. If the proposed subdivision is located within the boundaries of the LaPrele Irrigation District, include the location of all Irrigation District facilities, including easements (recorded and unrecorded), rights-of-ways, canals, ditches, laterals, diversions, and measuring devices.
22. Place a note on the plate indicating floodplain information in accordance with FEMA and the Converse County Flood Damage Prevention Regulations.
23. If a centralized domestic water source is proposed, a written certification of a licensed Wyoming professional geologist or 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, place a note **"NO PROPOSED CENTRALIZED DOMESTIC WATER SOURCE"** in bold capital letters shall appear on all offers, solicitations, plats, advertisements, contracts, and agreements, relating to the subdivision.
24. If a public sewage disposal system is proposed, a written certification of a licensed Wyoming professional geologist or 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 note, **"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.

25. Place a note on the plat as to water availability for each lot. State whether water is proven or unproven.
26. Place a note on the plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "**THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE**".
27. Place a note on the plat if the proposed subdivision is within the Airport Influence Area (AIA). Subdivisions proposed in the Airport Influence Area shall abide by height and population densities as outlined in Appendix V.
28. Place a note on the plat indicating the findings of the Converse County Conservation District's Soil Report
29. Place a note on the plat indicating the conclusion of the DEQ/WQD's Chapter 23 Water Study, if applicable.
30. Place a note on the plat indicating the intended land use for the lots of the subdivision.
31. Place a note on the plat indicating the responsibility of the subdivider to install a perimeter fence.
32. Place a note on the plat indicating the availability of fire protection. Each proposal shall be reviewed by the appropriate fire protection organization in which any portion of the subdivision lies, from the authority having jurisdiction over fire prevention and protection in the area or from the nearest fire protection district. If the entire subdivision does not lie within a fire protection district and no city, town or fire protection district is obligated to provide fire protection pursuant to an agreement authorized by law the applicant shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "**LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED**".

APPENDIX Q
FINAL PLAT CONTENTS

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, or such other size as approved by the County Special Projects Office. 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 at least one corner shall be in the coordinate system NAD83 Wyoming State Plane East or DMS;
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 shore line 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 shall be consecutively numbered.
5. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the reestablishment 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 5. chord bearing
6. Excepted parcels shall be marked “not included in this subdivision” and the boundary completely indicated by bearings and distances.
7. All roads and sidewalks and alleys shall be designated as such and roads shall be named, bearings and dimensions must be given. All easements shall be designated as such and bearings and dimensions given.
8. All dimensions of 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, 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. Include all notes as required on preliminary plat.

The approval by the Converse County Planning and Zoning Commission shall be as follows:
“Approved by the Converse County Planning and Zoning Commission this ____ day of _____ 20____.”

Chairman of the Converse County
Planning & Zoning Commission

Attest: Clerk /Secretary

Approval by any incorporated City or Town, if pertinent (within one mile of the proposed subdivision), in accordance with Wyoming Statutes, Section 18-5-308 wording shall be as follows:

“Approved by the (City or Town) Council of (name of City or Town) this ____ day of _____ 20 ____.

City or Town Mayor
or Designated Representative

Attest: City or Town Clerk

The approval by the Board of County Commissioners shall be as follows:
“Approved by the Converse County Board of County Commissioners this ____ day of _____ , 20____

Chairman of the Board of County Commissioners

Attest: County Clerk

For Filing of the Plat in the Office of the County Clerk:
STATE OF WYOMING)
) ss.
COUNTY OF CONVERSE)

This instrument was filed for the record on the _____ day of _____, 20 , at _____, and was duly recorded in Instrument No. ____

Register of Deeds

Protective covenants are recorded in Instrument No.: _____

Approved and Adopted by the Converse County Board of Commissioners August 18, 2015
These Subdivision Regulations supersede and replace any previous regulations adopted.
All references to Wyoming State Statutes are current as of the date of adoption.

APPENDIX S
SUBDIVISION IMPROVEMENT AGREEMENT
FOR REFERENCE ONLY

This SUBDIVISION AGREEMENT entered into by and between the Board of County Commissioners, Converse County, Wyoming, hereinafter referred to as "County", and hereinafter referred to as "Subdivider."

I. GENERAL

- 1.1 Purpose. The purpose of this Agreement is to provide for the completion of the Subdivision Improvements as hereinafter defined, for the Subdivision, as hereinafter defined.
- 1.2 Recitals.
- (a) Subdivider is the owner and subdivider of the Subdivision and has presented a final plat of the Subdivision to the County for approval.
 - (b) The Subdivision Resolution of the County requires the execution of a subdivision improvements agreement between the County and Subdivider whereby Subdivider agrees to construct any required public improvements for the Subdivision and to provide security for completion of the Subdivision Improvements.
 - (c) This Agreement will provide for the completion of the Subdivision Improvements within the Subdivision and will protect the County from the cost of completing the Subdivision Improvements.
 - (d) This Agreement is not executed for the benefit of third parties such as, but not limited to, materialmen, laborers or others providing work, services or material for the Subdivision Improvements or for home buyers in the Subdivision.
- 1.3 Subdivision. The "Subdivision" shall mean _____ Filing No. _____, Converse County, Wyoming, the final plat for which has been presented to the County and is expected to be approved by the County at the time of, and in connection with, approval of this Agreement by the County.
- 1.4 Subdivision Improvements. The "Subdivision Improvements" shall mean the street, drainage and other improvements, if any, set forth and described on the Plans, as hereinafter defined. The Subdivision Improvements and phasing are listed, together with the estimated costs thereof, on Exhibit A attached hereto.
- 1.5 Plans. The "Plans" shall mean the construction drawings dated _____, entitled _____ on file with Converse County.

II. CONSTRUCTION OF SUBDIVISION IMPROVEMENTS.

- 2.1 Agreement to Construct. Subject to and in accordance with the terms and provisions of this Agreement, Subdivider agrees to cause the Subdivision Improvements to be constructed and completed at its expense, in accordance with the Plans.
- 2.2 Final Plat Approval as Condition. The obligation of the Subdivider to construct and complete the Subdivision Improvements is conditioned upon and shall arise only upon approval and recordation of the final plat of the Subdivision by the County.
- 2.3 Commencement of Construction. Subdivider shall commence construction and installation of one or more Phases of the Subdivision Improvements within 60 days from the date of receipt by the County of security for the full amount of the construction cost of said Phase(s) as identified on Exhibit A of this Agreement.
- 2.4 Completion Date. Said Phase(s) shall be completed within nine months after the date of receipt of security for said Phase(s) ("Completion Date"). The Completion Date may be extended with the approval of the Board of County Commissioners, which approval shall not be unreasonably withheld.
- 2.5 Construction Standards. The Subdivision Improvements shall be constructed in accordance with the Plans approved by the authorities responsible for reviewing said improvements and, to the extent not otherwise provided in the Plans, in accordance with said authorities' ordinances, Resolutions, and regulations.
- 2.6 Warranties of Subdivider. Subdivider warrants that the Subdivision Improvements will be installed in a good and workmanlike manner and in substantial compliance with the Plans and requirements of this Agreement and shall be substantially free of defects in materials and workmanship. These warranties of Subdivider shall remain in force and effect as to any completed Phase of the Subdivision Improvements until the lapse of two years after Preliminary Acceptance of such Phase of the Subdivision Improvements as hereinafter provided in this Agreement.
- 2.7 Title to Subdivision Improvements. All Subdivision Improvements shall be constructed within streets or easements dedicated to the public in the final plat of the Subdivision or conveyed by other recorded instruments at the time the final plat is recorded. Subdivision Improvements for private roads shall be in accordance with the Converse County Road Standards.

III. SECURITY FOR COMPLETION.

- 3.1 Deposit of Security for Subdivider Obligations. To secure the performance of the obligations of Subdivider under this Agreement to complete the Subdivision Improvements for the Subdivision, Subdivider shall deposit with the County an irrevocable letter of credit with provisions as hereinafter set forth. The letter of credit shall be deposited after approval of the final plat for the Subdivision and shall be 115% of the estimated cost to construct

Approved and Adopted by the Converse County Board of Commissioners August 18, 2015
These Subdivision Regulations supersede and replace any previous regulations adopted.
All references to Wyoming State Statutes are current as of the date of adoption.

each Phase which the Subdivider desires to construct. No conveyance or transfer of title to any lot, lots, tract or tracts of land within a Phase with uncompleted Subdivision Improvements shall be made, nor any building permit issued, unless an approved letter of credit has been deposited with the County or unless all public improvements have been completed and an irrevocable letter of credit in the amount of 115 percent of the estimated cost of said improvements has been deposited with the County as provided in Section 4.2 below. The irrevocable letter of credit shall be retained by the County until satisfaction of Sub-divider's obligations under this Agreement or earlier release by the County.

3.2 Provisions for Letter of Credit. A letter of credit for a Phase shall be in an amount equal to 115% of the estimated cost to construct that Phase. The letter of credit shall be issued by _____, or such other bank as shall be approved by the County; shall have an expiry date no earlier than two years after its date of issue; and shall provide that it may be drawn upon from time to time by the County in such amount or amounts as the County may designate as justified, such amounts not to exceed, in the aggregate, the amount of the letter of credit. Draws under any such letter of credit shall be by a certificate signed by the Chairman or Acting Chairman of the Board of County Commissioners of Converse County stating that the County is entitled to draw the specified amount under the terms of this Agreement. The right of the County to draw on any letter of credit shall be as provided in, and subject to, the provisions of Sections 5.1 through 5.6 of this Agreement.

3.3 Recording of Agreement. After approval of the final plat of the Subdivision by the County, this Agreement shall be recorded in the office of the Clerk and Recorder of Converse County. Upon Final Acceptance of all of the Subdivision Improvements by the County, the County shall deliver to Subdivider a recordable executed document which shall release all property within the Subdivision from any further effect of this Agreement.

IV. ACCEPTANCE OF IMPROVEMENTS.

4.1 Preliminary Acceptance. Upon the satisfactory completion of the Subdivision Improvements in a Phase of the Subdivision, Subdivider shall be entitled to obtain preliminary acceptance thereof by the County ("Preliminary Acceptance") in accordance with the following provisions.

Upon such completion, the Subdivider's engineer shall provide a written statement that the improvements have been completed and meet all County or other standards. The Subdivider shall give written notice to the County requesting an inspection of the completed Subdivision Improvements ("Preliminary Inspection Notice"). The County, acting through officials designated by the Board of County Commissioners, shall inspect the completed Subdivision Improvements within fourteen days after receipt of the engineer's written statement, and, if it is found that the specified improvements have been completed substantially in accordance with the Plans and the other requirements of this Agreement, the County shall issue a letter evidencing Preliminary Acceptance within fourteen days after the inspection.

If, upon inspection of the completed Subdivision Improvements, the County finds that the specified improvements have not been completed substantially in accordance with the Plans and the other requirements of this Agreement, the County shall issue a written notice of noncompliance within fourteen days after the inspection specifying the respects in which the completed Subdivision Improvements have not been completed substantially in accordance with the Plans and the other requirements of this Agreement. Subdivider shall thereupon take such action as is necessary to cure any noncompliance and, upon curing the same, shall give a new Preliminary Inspection Notice to the County. Upon the giving of such a new Preliminary Inspection Notice, the foregoing provisions of this Section 4.1 shall be applicable as if the new Preliminary Inspection Notice were a Preliminary Inspection Notice under the foregoing provisions of this Section 4.1.

- 4.2 Partial Release of Security. At the time of Preliminary Acceptance of completed Subdivision Improvements, the County shall issue a written release of the letter of credit and the plat restriction provided in Section 3.1. The amount to be released for the completed Subdivision Improvements shall be the total amount of the letter of credit for each completed Phase. Prior to release of the letter of credit, an irrevocable letter of credit in the amount of 15% ("Warranty Security") of the total costs of the Subdivision Improvements for the Phase shall be delivered to the County by the Subdivider. The Warranty Security shall remain in effect during the two-year warranty period following Preliminary Acceptance of the completed Subdivision Improvements for the completed Phase.
- 4.3 Maintenance Prior to Final Acceptance. Until Final Acceptance by the County of the Subdivision Improvements, Subdivider shall, at Subdivider's expense, make all needed repairs or replacements to the Subdivision Improvements required on account of defects in materials or workmanship and shall be responsible for ordinary repairs and maintenance thereof including street sanding, snow removal, and cleaning.
- 4.4 Final Acceptance. At the end of the two-year warranty period for any Phase of the Subdivision Improvements, Subdivider shall be entitled to obtain final acceptance thereof by the County ("Final Acceptance") in accordance with the following provisions.

No later than 60 days prior to the expiration of the warranty period for any Phase of the Subdivision Improvements, Subdivider shall give written notice to the County requesting a final inspection of such Phase of the Subdivision Improvements ("Final Inspection Notice"). The County shall inspect such Phase of the Subdivision Improvements within fourteen days after receipt of the Final Inspection Notice and, if the County finds that the Phase of the Subdivision Improvements is substantially free of defects in materials and workmanship and has been repaired and maintained as and to the extent required in this Agreement, the County shall issue a letter evidencing Final Acceptance of the Phase of the Subdivision Improvements.

If, upon final inspection of a Phase of the Subdivision Improvements, the County finds that the Phase of the Subdivision Improvements is not substantially free of defects in materials and workmanship or has not been repaired and maintained as required under this Agreement, the County shall issue a written notice of noncompliance within fourteen days after the final inspection specifying the respects in which the Subdivision Improvements are not substantially free of defects in materials and workmanship or have not been repaired and maintained as

required under this Agreement. Subdivider shall thereupon take such action as is necessary to cure any noncompliance and, upon curing the same, shall give a new Final Inspection Notice to the County. Upon the giving of such new Final Inspection Notice, the foregoing provisions of this Section 4.4 shall be applicable as if the new Final Inspection Notice were a Final Inspection Notice under the foregoing provisions of this Section 4.4.

At the time of Final Acceptance of the Subdivision Improvements for a Phase in the Subdivision, Subdivider shall be entitled to a release of the Warranty Security for that Phase. The release shall be in writing, signed by the Chairman of the Board of County Commissioners, or an authorized designee. Prior to Final Acceptance of all of the Subdivision Improvements, "as constructed" engineering drawings shall be submitted to the County.

V. DEFAULTS AND REMEDIES

5.1 Default by Subdivider. A default by Subdivider shall exist after notice and hearing and an opportunity to cure as hereinafter provided if:

Subdivider fails to construct the Subdivision Improvements in substantial compliance with the Plans and the other requirements of this Agreement;

Subdivider fails to complete construction of the Subdivision Improvements by the Completion Date provided herein as the same may be extended;

Subdivider fails to cure any noncompliance specified in any written notice of noncompliance within a reasonable time after receipt of the notice of noncompliance;

Subdivider otherwise breaches or fails to comply with any obligation of Subdivider under this Agreement;

Subdivider becomes insolvent, files a voluntary petition in bankruptcy, is adjudicated as bankrupt pursuant to an involuntary petition in bankruptcy, or a receiver is appointed for Subdivider;

Subdivider fails to maintain in full force and affect a letter of credit in the amounts specified in this Agreement. Notice of default as to any Phase of the Subdivision Improvements must be given prior to expiration of the warranty period for such Phase of the Subdivision Improvements as hereinafter provided.

5.2 Notice and Hearing. In the event a default by Subdivider is believed to exist, the County shall give written notice thereof to Subdivider, specifying the default and set a date for hearing before the Board of County Commissioners to determine the existence of the default. The hearing shall be no less than fourteen days after the receipt by Subdivider of the notice of default from County. Within 30 days after such hearing, the Board of County Commissioners shall determine whether or not a default exists and, if so, shall specify a reasonable time within which Subdivider shall be required to cure the default.

- 5.3 Remedies of County. If the Board of County Commissioners, after notice and hearing as aforesaid, determines that a default by Subdivider exists, and if Subdivider fails to cure such default within the time specified by the Board of County Commissioners, the County shall be entitled to make a draw on the letter of credit for the amount reasonably determined by the County to be necessary to cure the default in a manner consistent with the approved Plans up to the face amount of the letter of credit; and sue the Subdivider for recovery of any amount necessary to cure the default over and above the amount available under the letter of credit.
- 5.4 County Right to Complete Subdivision Improvements. The right of the County to complete or cause completion of the Subdivision Improvements as hereinabove provided shall include the following rights. The County shall have the right to complete the Subdivision Improvements, in substantial accordance with the Plans, the estimated construction costs, and other requirements of this Agreement, either itself or by contract with a third party or by assignment of its rights to a successor subdivider who has acquired the Subdivision by purchase, foreclosure, or otherwise. The County, any contractor under the County, or any such successor subdivider, their agents, subcontractors and employees shall have the non-exclusive right to enter upon the streets and easements shown on the final plat of the Subdivision and upon any part of the Subdivision owned by Subdivider for the purpose of completing the Subdivision Improvements.
- 5.5 Use of Funds by County. Any funds obtained by County under a letter of credit, or recovered by the County from Subdivider by suit or otherwise, shall be used by the County to pay the costs of completion of the Subdivision Improvements substantially in accordance with the Plans and the other requirements of this Agreement and to pay the reasonable costs and expenses of the County in connection with the default by Subdivider, including reasonable attorneys' fees, with the surplus, if any, to be returned to Subdivider.
- 5.6 Protection of Innocent Purchasers. The letter of credit furnished to the County under this Agreement is designed to assure completion of the Subdivision Improvements and to protect the County from bearing the cost of completing the Subdivision Improvements. Accordingly, the County shall have recourse only under the letter of credit and against the Subdivider and the successors and assigns of Subdivider in its capacity as subdivider of the Subdivision and shall not have recourse against third parties who purchase lots or acquire interests in the Subdivision other than those who acquire lots or interests as a successor or assignee of Subdivider in its capacity as subdivider of the Subdivision.

VI. MISCELLANEOUS.

- 6.1 Indemnification. Subdivider shall indemnify and save harmless the County from any and all suits, actions, claims, judgments, obligations, or liabilities of every nature and description which arise from an event or occurrence prior to the date of Final Acceptance and which are caused by, arise from, or on account of the construction and installation of the Subdivision Improvements; and any and all suits, actions, claims, or judgments which arise from an event or occurrence prior to the date of the Final Acceptance and which are asserted by or on behalf of contractors or subcontractors working in the Subdivision, lot owners in the Subdivision, or third parties claiming injuries resulting from defective improvements constructed by Subdivider. This indemnification shall not apply to claims arising from the negligent acts or omissions of County. Subdivider shall pay any and all

judgments rendered against the County on account of any such suit, action, or claim, together with all reasonable expenses and attorneys' fees incurred by the County in defending such suit, action, or claim. The County shall, within fifteen days after being served with any such claim, suit, or action, notify the Subdivider of its reliance upon this indemnification and provide Subdivider with a copy of all documents pertaining to the claim or cause of action. The Subdivider may provide proper legal representation for the County in said action, in which case the Subdivider shall not be responsible for any additional legal fees incurred by the County. The County agrees that the Subdivider may also, on its own behalf, become a party to any such action and the County agrees to execute any documents as may be necessary to allow the Subdivider to be a party. The Subdivider is not an agent or employee of the County.

6.2 Insurance. Subdivider shall require that all contractors engaged in the construction of the Subdivision Improvements maintain worker's compensation insurance. Before proceeding with the construction of improvements, Subdivider shall provide the County with written evidence of property damage insurance and bodily injury insurance in an amount of not less than Four Hundred Thousand Dollars each, or such other maximum amount of liability as may be specified in the Wyoming Governmental Claims Act, Wyo. Stat. 1-39-101 through 1-39-120, protecting the County against any and all claims for damages to persons or property resulting from construction and/or installation of any Subdivision Improvements pursuant to this Agreement. The policy shall provide that the County shall be notified at least thirty days in advance of any reduction in coverage, termination, or cancellation of the policy. Such notice shall be sent by certified mail to the County, return-receipt requested. Subdivider agrees that any contractors engaged by or for Subdivider to construct the Improvements shall maintain public liability coverage in limits not less than those described above.

6.3 No Third Party Beneficiaries. Except as herein provided, no person or entity, other than a party to this Agreement, shall have any right of action under this Agreement including, but not limited to, lenders, lot or home buyers and materialmen, laborers or others providing work, services, or materials for the Subdivision Improvements.

6.4 Assignability. Subject to the provisions of Section 3.1 above, Subdivider may convey or transfer title or interests in the Subdivision without the consent of the County and a grantee or transferee of Subdivider shall not be obligated to fulfill any of the obligations of Subdivider under this Agreement unless such grantee or transferee is the successor or assignee of Subdivider in its capacity as subdivider of the Subdivision. Subdivider may assign its rights and obligations under this Agreement to a party who is the successor or assignee of Subdivider in its capacity as subdivider of the Subdivision without the consent of the County; provided, however, that (a) Subdivider notifies the County of the assignment and of the name and address of the successor subdivider; and (b) the successor Subdivider assumes the obligations of Subdivider under this Agreement. Unless otherwise agreed by County, Subdivider shall remain liable for performance of the obligations of Subdivider under this Agreement. The County shall release a letter of credit furnished by Subdivider if the County accepts new security from any successor Subdivider of the Subdivision.

6.5 No Automatic Further Approvals. Execution of this Agreement by the County shall not be construed as a representation or warranty that Subdivider is entitled to any other approvals required from the County, if any, before Subdivider is entitled to commence development of the Subdivision or to transfer ownership of property in the Subdivision.

6.6 Notices. All notices, consents or other instruments or communications provided for under this Agreement shall be in writing, signed by the party giving the same, and shall be deemed properly given and received when actually delivered and received personally, by messenger service, or by fax or telecopy delivery; on the next business day after deposit for delivery in an overnight courier service such as Federal Express; or three business days after deposit in the United States mail, by registered or certified mail with return-receipt requested. All such notices or other instruments shall be transmitted with delivery or postage charges prepaid, addressed to the party at the address below for that party or to such other address as such party may designate by written notice to the other party:

If to Subdivider:

_____ (Name)
_____ (Address)

If to County: Converse County
Attn: Board of County Commissioners
107 N. 5th St., Suite 114
Douglas, WY 82633

6.7 Further Assurances. At any time, and from time to time, upon request of either party, the other party agrees to make, execute and deliver or cause to be made, executed and delivered to the requesting party any and all further instruments, certificates and documents consistent with the provisions of this Agreement as may, in the reasonable opinion of the requesting party, be necessary or desirable in order to effectuate, complete or perfect the right of the parties under this Agreement.

6.8 Binding Effect. Subject to Section 6.4 above, this Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

6.9 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this Agreement.

6.10 No Implied Waivers. The failure by a party to enforce any provision of this Agreement or the waiver of any specific requirement of this Agreement shall not be construed as a general waiver of this Agreement or any provision herein nor shall such action act to estop the party from subsequently enforcing this Agreement according to its terms.

6.11 Severability. If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this Agreement as a whole or any

Approved and Adopted by the Converse County Board of Commissioners August 18, 2015
These Subdivision Regulations supersede and replace any previous regulations adopted.
All references to Wyoming State Statutes are current as of the date of adoption.

part thereof other than the part declared to be invalid and there shall be substituted for the affected provision, a valid and enforceable provision as similar as possible to the affected provision.

- 6.12 No Waiver of Sovereign Immunity. Nothing contained in this Agreement shall constitute a waiver of the sovereign immunity of the County under applicable state law.
- 6.13 Consent to Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement with respect to this Agreement or a letter of credit shall be proper only if such action is commenced in the District Court for Converse County, Wyoming. Subdivider expressly waives the right to bring such action in or to remove such action to any other court, whether state or federal.
- 6.14 Force Majeure. Neither party shall be liable for failure to perform hereunder if such failure is the result of Force Majeure and any time limit expressed in this Agreement shall be extended for the period of any delay resulting from any Force Majeure. "Force Majeure" shall mean causes beyond the reasonable control of a party such as, but not limited to, weather conditions, acts of God, strikes, work stoppages, unavailability of or delay in receiving labor or materials, faults by contractors, subcontractors, utility companies or third parties, fire or other casualty, or action of government authorities.
- 6.15 Entire Agreement. This Agreement, and any agreement or document referred to herein, constitutes the entire understanding between the parties with respect to the subject matter hereof and all other prior understandings or agreements shall be deemed merged in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

_____ (Name of Subdivider)

By: _____

Title: _____

Date: _____

ATTEST:

_____ Title: _____

BOARD OF COUNTY COMMISSIONERS COUNTY OF CONVERSE

BY: _____ Chair

DATE: _____

APPROVED AS TO CONTENT AND FORM:

_____ County Attorney

DATE: _____

STATE OF WYOMING)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____,

By: _____

(Name of Officer)

as _____ (Office) of

_____ (Name of Subdivider)

Witness my hand and official seal.

My commission expires: _____

_____ Notary Public

EXHIBIT A

Engineer Cost Estimate For *(Filing Name and No.)*
PHASE NO. (#) *(If It Applies)*

EXHIBIT 1

SUBDIVISION IMPROVEMENTS AGREEMENT *(Filing Name and No.)* IRREVOCABLE LETTER OF CREDIT

TO: The Board of County Commissioners of the County of Converse, 107 N. 5th St., Suite 114, Douglas, WY 82633

No. _____
Date _____

Gentlemen:

We hereby authorize you to draw on

_____ (Name of Bank).
_____ (Street)
_____ (City), _____ (State), _____ (Zip) for the
account of _____, (Name of Customer)
_____ (Street), _____
_____ (City), _____ (State) _____ (Zip), up to an aggregate
amount of _____ (Dollars).
(\$ _____) available by your drafts at sight accompanied by a certificate purportedly signed
by the Chairman or the Acting Chairman of the Board of County Commissioners of Converse County

(1) stating that Converse County is entitled to draw under this letter of credit pursuant to that certain Agreement dated _____, 20____, between the Board of County Commissioners of the County of Converse and _____;
and _____ (Name of Customer);

(2) stating the amount of money to be drawn on this letter of credit. This letter of Credit shall expire on _____, 20____. This Letter shall expire prior to said date
if _____ (Name of Bank) receives a release purportedly signed by the Chairman or the Acting Chairman of the Board of County Commissioners stating that all or a portion of this Letter of Credit is to be released.

All drafts drawn under this Letter of Credit are to be endorsed hereon and shall bear the clause DRAWN UNDER _____ (Name of Bank).

LETTER OF CREDIT NO. _____ DATED _____

We hereby agree with the drawers, endorsers, and bona fide holders of drafts drawn under and in accordance with the terms of this Letter of Credit that said drafts shall be duly honored on presentation to us at our office specified above on or before the expiration date.

By: _____ (Authorized Signature)

APPENDIX T RECOMMENDATIONS FOR FIRE SAFETY

Marking of Roads: All roads shall be marked with noncombustible materials. Signs shall have a minimum 4-inch-high reflective letters with ½ inch stroke. Road I.D. signs shall be mounted at a height of 7 feet from the road surface to bottom of the sign.

Address Markers: All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

VEGETATIVE MANAGEMENT & DEFENSIBLE SPACE:

*Should be implemented in subdivision covenants.

1. Vegetative Management:

- Thinning: All conifer species (pine, spruce, fir & juniper) need to be thinned to a spacing of 6 to 8 feet between crowns of trees.
- Fuel breaks: Should be implemented along all access roads, driveways and subdivision boundaries. The fuel break should be a minimum of 10 feet wide and all dead material needs to be removed, as well as all live brush and trees under 20 feet tall. A few larger trees (20 feet tall and larger) can be left, but all branches need to be pruned off to a height of 10 feet.

2. Defensible Space:

*Defensible Space Zones

Zone 1 - This area is the first 30 feet from the structure.

- Remove all dead material from this area, as well as firewood piles and other combustible materials.
- Maintain an area of non-combustible material 3 to 5 feet away from structure.
- Remove all shrubs and trees except for a few individuals. (Minimum spacing between crowns of trees is 10 feet.)
- Prune all remaining trees to a minimum height of 10 feet.
- Plant species in this zone should be a of fire resistant variety, which is mostly leafy species. (These plants need to be watered well to maintain adequate moisture content.)
- Keep all vegetation mowed to a height not to exceed 4 inches.
- Prune away any branches that are within 10 feet of structure and 15 feet away from any chimney outlet.

Zone 2 - This zone extends from the edge of zone 1 out an additional 40 to 70 feet, depending on slope. (The Steeper the slope, the farther the distance.)

- Thin all trees to a spacing of 8 feet between tree crowns.
- Prune all remaining trees to a minimum height of 8 feet.

- Remove dead trees and down combustible materials. (Firewood and other combustible material can be stored here, but keep at least 15 away from residual trees.)
- Control ground vegetation.

Zone 3 - This zone extends from edge of zone 2 out to the property or lot boundary.

- Thin trees to a spacing of 6 - 8 feet between tree crowns.
- Remove all pockets of standing and down dead material. (Removal of small areas of dead material or individual dead trees is not as critical here.)
- Mark all fire protection equipment and water sources, so it is clearly identified.
- Inspect power lines which are located on the property. Ask the utility company remove any trees located within 15 feet of the lines. Locate propane tanks at least 30 feet from structures and maintain a clear 10 foot area around the tank. Also locate tank at same or lower level as structure.
- Clear pine needles, leaves, limbs and other debris from roofs and gutters.

***Siting:** Avoid building structures at the crest of a steep slope, or at the top of a draw or canyon. The topographical features channel a fire and increase its intensity. Building structures should be set back at least thirty feet from the crest of a slope for each story of height.

***Roofing:** Roof should have a Class A or Class B fire rated roof covering. For those houses situated in a more hazardous area or exposed to a heavier fuel load, gypsum underlayment can be applied to increase the fire rating.

- Metal roofing is non-combustible and usually carries a Class B fire rating. Gypsum underlayment can be applied to achieve a Class A rating. Metal roofing is available in panels or as individual shingles.
- Wood shingles can be treated with fire resistive chemicals to improve the fire resistive performance. However, their use is discouraged.
- Where the profile allows a space between the roof covering and the roof decking, the space should be fire stopped at the eave end to preclude entry of flames or embers.

***Eaves:** Open eaves are discouraged because they are a significant heat trap. Fascia is required. The exposed underside of eaves and soffits, and fascia should be constructed of one-hour-rated fire resistive materials.

***Vents:** All ventilation openings for attics, soffits, foundation and exterior walls should not exceed 144 square inches and should be covered with noncombustible, corrosion resistant mesh with openings that do not exceed ¼ mesh.

- If possible, avoid installing vents in the soffit. If vents must be used in the soffit, place them as near as possible to the outside edge of the soffit.
- Gable end and dormer vents should not be located within 10 feet of the property lines. Under floor ventilation openings should be located as close to grade as possible.

***Siding:** Exterior walls of a building are most affected by radiant heat and by direct impingement of fire if combustibles are not kept away from the building.

- Wood panel or board siding commonly will burn through allowing the fire to vent into the structure in about ten minutes. A one-hour rating can be achieved by installing gypsum sheathing behind the siding.
- Fiber cement siding products, metal siding products, and real or synthetic stucco are non-combustible and offer greater protection. The fiber cement and metal products are generally available in board, panel or shingle styles. The use of gypsum sheathing will further improve the performance of these products.
- Heavy timber or log construction is combustible. However, the low surface to volume ratio makes these products burn very slowly. This fire resistance makes these products acceptable in the moderate and less severe situations.
- Masonry, stone and synthetic concrete stone are non-combustible and offer one-hour fire resistance.

***Windows:** Exterior windows, window walls and glazed doors, and windows within exterior doors should be tempered glass, multilayered glazed panels or glass block that has a fire protective rating of at least 20 minutes.

- Heat from a fire can radiate through the windows igniting combustible materials inside. Double-glazed windows, thermo pane windows and windows with Low E coatings will reflect substantially more radiant heat than conventional, single pane glazed windows.
- Glass will fracture under the heat of the fire. Once the glass fractures the weight of the glass may cause the glazing to collapse. Small windows, less than two feet on a side are less likely to collapse after they fracture.
- Tempered glass is resistant to both heat and impact. Tempered glass windows will remain intact through most Wildland fires. The combination of tempered glass and Low E coating offers the best overall performance in a Wildland fire.
- Windows with frames made exclusively from vinyl are not desirable. These materials will fail under the heat of an encroaching fire allowing the window to fall out of the structure and opening the structure to the fire. Wood sash windows with vinyl cladding are a better alternative.
- Wood sash windows are susceptible to fire and are not a preferred choice. Aluminum clad wood sash offer an improvement in performance; but the metal will transfer the heat through to the wood, eventually leading to combustion. Normally, these windows should survive a Wildland fire.
- All metal frames offer better performance. The frames and sash will not fail or ignite. Many of these windows are manufactured with a thermal break prohibiting the transfer of heat.

***Doors:** Exterior doors should be approved non-combustible construction, solid core wood construction not less than 1 ¾ inches thick or have a fire resistive rating of not less than 20 minutes thick.

- Wood doors with a twenty-minute fire rating are available with a twenty-minute fire resistive rating. However, in a Wildland fire this may not be adequate.
- Metal doors are non-combustible and available in twenty minute, forty-five minute and one and one half hour ratings.

***Chimneys:** Used UL approve spark arrestors on all chimney and vent caps. Prune away all limbs that are within 15 feet of a chimney.

***Decks:** Decks should be constructed to a minimum one-hour-rated fire resistive standards, heavy timber construction, or constructed of non-combustive materials.

- Decks create a special problem because they trap heat, and trash and combustible materials accumulate under them.
- If you choose to build a deck, use thicker materials with a lower surface to volume ratio. Consider enclosing decks to deflect heat and burning debris. The area under decks can also be screened of to prevent trash, or burning embers and debris from blowing under them. The underside and supports of a deck can also be sheathed with non-combustible materials to increase the resistance to a fire.
- A stonewall and fire resistive landscaping can be used to shelter a deck from the heat of an approaching fire.
- A patio paved with stone or concrete paves is an attractive alternative to a deck.

For more additional information or any questions on these “Recommended Zone Improvements” contact the following agency:

Converse County Fire Wise
P.O. Drawer 10
Douglas, WY 82633

**APPENDIX U
REQUIRED ROADWAY SECTIONS**

CONVERSE COUNTY REQUIRED ROADWAY SECTIONS

Converse County requires roadway sections to be constructed to the following standards:

- A. Right-of-way width: Streets shall have the following minimum right-of-way:

Arterial:	One-hundred fifty (150) feet
Collector:	Eighty (80) feet
Local/Service Road:	Sixty (60) feet

All roads shall meet or exceed the following minimum standards:

Minimum right-of-way:	Sixty (60) feet
Minimum travel way:	Twenty-four (24) feet
Minimum shoulder width:	Two (2) feet
Minimum gravel base:	Four (4) inches

Half-streets shall not be permitted

Dead-end streets (NOT including cul-de-sacs) shall not be permitted.

- B. Where a subdivision abuts a major route, service roads shall be required.
- C. Where a subdivision borders a railroad right-of-way, freeway, arterial, or collector street, a buffer area of not less than twenty (20) feet may be required.
- D. All roads, bridges, and auto gates (cattle guards) shall be designed to sustain a minimum gross vehicle weight as defined by AASHTO Standards HS-25.
- E. All street and roadway rights-of-ways shall consist of an easement granted by the subdivider to the owners of the lots in the subdivision, to their guests and invites, and to authorized public vehicles, equipment and personnel for roadway, utility and emergency services. The easement and right-of-way shall be of the above required total widths, extending where practical one-half (1/2) the required width on each side of the abutting platted lot boundaries.
- F. The owners of the lots within the subdivision shall be responsible for the construction and maintenance of all such streets and roadways within the subdivision

**CONVERSE COUNTY DOES NOT AND WILL NOT ASSUME ANY RESPONSIBILITY FOR
THE CONSTRUCTION OR MAINTENANCE OF ROADS OR STREETS WITHIN
SUBDIVISIONS OR OF THOSE CONNECTING SUBDIVISIONS TO ANY PUBLIC ROAD.**

REPORT ON THE PROGRESS OF THE WORK

CHAPTER I. THE PROGRESS OF THE WORK

The first part of the report deals with the progress of the work during the year.

The second part of the report deals with the progress of the work during the year.

Item	1910-11	1911-12
Total	100	100
...

The third part of the report deals with the progress of the work during the year.

Item	1910-11	1911-12
Total	100	100
...

The fourth part of the report deals with the progress of the work during the year.

The fifth part of the report deals with the progress of the work during the year.

The sixth part of the report deals with the progress of the work during the year.

The seventh part of the report deals with the progress of the work during the year.

The eighth part of the report deals with the progress of the work during the year.

The ninth part of the report deals with the progress of the work during the year.

The tenth part of the report deals with the progress of the work during the year.

...



OFFICE OF THE COMMISSIONERS
COUNTY OF CONVERSE

107 No. 5th • Drawer 990 • Douglas, Wy 82633 • 307-538-2061 • FAX 307-358-5998

COMMISSIONERS: Al Stoick, Chairman • Frank G. Eathorne, Jr., Vice-Chairman • Sharon K. Lovitt, Member

NOTICE

Implementation of Airport Influence Area (AIA) Resolution 16-01

Dear Property Owner,

Your property may fall within the AIA established by the Converse County Board of Commissioners on December 5, 2001. This Resolution (16-01) approves those restrictions required by the Federal Aviation Administration (FAA) in order to continue federal funding for the Converse County Airport.

We have attached a copy of the Resolution for your records and ask that you review it prior to putting it away. After all the hearings, and after further review by the FAA, the final restrictions are considerably less onerous than the original proposal.

We have also adopted a procedural mechanism to minimize the impact of any restrictions and to simplify the obtaining of needed variances. If you are unsure of the applicability of the Resolution or you need a variance, contact the Director of Special Services, in the County Courthouse. As much as possible, bring with you the height of your structure and the location where you wish to build.

Helpful information would be your Township, Range and Section, on a 7.5 minute Quad (sheet) map. The appropriate Quad will be either "Antelope Creek" or "Douglas". If you do not have the proper Quad, the Director of Special Services will help you locate your proposed structure location. If you can have locations surveyed, that would be better. Locate as close as possible, using either the Global Position Satellite (GPS) or the distance from North and East section lines or from the South and West section lines of the Section in which you propose to build.

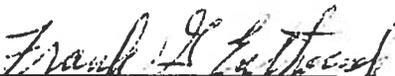
If the Director of Special Services cannot approve your request, the FAA Form 7460-1 will be provided to apply for a variance. The FAA has promised a quick response, and in most cases, will require only telephonic approval.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

CONVERSE COUNTY, WYOMING


 Al Stoick
 Chairman


 Frank G. Eathorne, Jr.
 Vice-Chairman


 Sharon K. Lovitt
 Member

RESOLUTION No: 16-01

**BOARD OF COMMISSIONERS
CONVERSE COUNTY, WYOMING**

WHEREAS Converse County Airport (Airport) is owned by Converse County; and
WHEREAS the Wyoming State Statute 10-5-301 authorizes the governing body of each Wyoming municipality and county to regulate and restrict by ordinance the height of buildings and other structures within one-half (1/2) mile of the boundaries of the Airport, as well as areas beneath the airspace associated with the current applicable approach zones established by the Federal Aviation Administration; and

WHEREAS the Airport is subject to certain Grant Assurances that were made a part of grants received from the Federal Aviation Administration under the Airport Improvement Program; and

WHEREAS Assurance No. Twenty-One (21) of said assurances states that the airport sponsor will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft; and

WHEREAS the FAA has indicated through correspondence that continued funding of the Capital Improvement Program for Converse County Airport is contingent upon the County taking appropriate action to become compliant with Grant Assurance No. 21; and

WHEREAS Converse County desires to act expeditiously in order to protect its investment in the Airport, enhance the safety of aircraft operations, protect the safety of persons and property in the vicinity of the Airport, and ensure continued federal investment in the Airport;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: An Airport Influence Area overlay district is hereby established in the vicinity of the Airport, whose boundaries are described and as more explicitly spelled out in Exhibit "A" of this resolution. The boundaries will also be graphically depicted on the official Airport Influence Area map and kept on file at the Converse County Courthouse. This overlay district affords the Converse County Commissioners the ability to consider, and if warranted in the interest of safety and/or the viability of the Airport, disapprove development proposals in the vicinity of the Airport that would be deemed incompatible with the Airport.

APPROVED AND ADOPTED THIS 5th day of December, 2001.

Board of Commissioners
of Converse County, Wyoming:
/s/ Al Stoick, Chairman
/s/ Frank G. Eathorne, Jr., Vice-Chairman
/s/ Sharon Kay Lovitt, Commissioner

Attest: /s/ Lucile K. Taylor, County Clerk

(Original document on file in the Converse County Clerk's Office.)

EXHIBIT' "A" AIRPORT INFLUENCE AREA

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident Potential Area (APA) means an area 1,250 feet either side of the centerline and extending 5,000 feet off each end of Runway 5/23; and an area 2,000 feet either side of the centerline and extending 10,000 feet off each end of Runway 10/28 as depicted on the Airport Influence Area map.

Airport Influence Area District means a designated area of land surrounding an airport which is affected by noise, clear zones, accident potential, flight tracks and any additional locations of potential aircraft noise, vibrations, fumes, smoke, dust and fuel particles from aircraft operations.

FAR Part 77 Surfaces means imaginary surfaces in the airport vicinity as established by the Federal Aviation Administration Regulation, part 77, "Objects Affecting Navigable Airspace," U.S. Department of Transportation, FAA, January 1975, as amended, for commercial and military airports for the purpose of controlling heights of objects in the airport vicinity, as codified at 14 CFR 77.28, incorporated in this article by this reference.

Habitable Building means a building designed or used as a dwelling for human habitation.

DNL means a day-night average sound level measured in decibels (dBA) during a 24-hour period of the A-weighted sound pressure level, with the levels during the period 10:00 p.m. to 7:00 a.m. the following day increased by ten dBA before averaging. Points of equal DNL level may be linked by a contour line.

Purpose and intent

The Board of County Commissioners finds and determines that the operation of Converse County Airport creates short-period noise impacts over a wide area, and that there are certain areas and uses within the corporate jurisdiction of the county, which are noise sensitive and would be adversely affected by such noise. To minimize these impacts, it is the intent of the Board of County Commissioners to adopt this article to provide compatible land uses within airport environs. In adopting this article, the Board of County Commissioners recognizes the unique characteristics of aircraft and the airports that serve their needs, and finds and declares that there is a need to minimize exposure of residential and other sensitive land uses within the county to aircraft noise, to protect property values, to promote sound land use planning practices, and to restrict incompatible land uses within the Airport Influence Area. This resolution is adopted to promote and protect public health, safety and welfare.

Application of Regulations

- (a) Nothing contained in this article shall require any change or alteration in a lawfully constructed building or structure in existence at the time of adoption of the ordinance from which this article derives.
- (b) This article is intended to regulate the following:
 - (1) The erection or establishment of any structure or use which is fifty (50) feet or higher above the ground level at its highest point.
 - (2) The change from one use to another of any building, structure, or land or the reestablishment of a nonconforming use after its discontinuance for a period of one year or more from the effective date of the ordinance from which this article derives.
- (c) This article shall be applied as an overlay district. The application of this article is in addition to the provisions of any underlying zones. Where the provisions of this article conflict with those of the underlying zones, this article shall control.

Districts

- (a) To carry out the purpose of this article, overlay districts are created and established as set forth in this section.
- (b) The Airport Influence Area is created and established as bounded and defined on the map entitled, "Airport Influence Area Map" (Exhibit B) on file at the Converse County Courthouse, together with all references, notations, and other information shown thereon, and such map is adopted by reference and declared to be part of this article as if such map and information thereon were fully described and set forth in this article. The Airport Influence Area consists of the following districts:
 - (1) Accident Potential Area District
 - (2) DNL 65 District
 - (3) Airport Influence Area District

Airport Influence Area District

- (a) Description. The Airport Influence Area District is composed of lands located within an area affected by noise or safety hazards associated with aircraft operations at Converse County Airport. This district encompasses the remainder of land not covered by the APA and DNL 65 districts.
- (b) Height restrictions. Height restrictions shall be set forth in the underlying zone district, provided the permitted height does not exceed that established by FAR part 77 surfaces for civil airports. Approval for proposed development within any area bounded by a part 77 surface will require the submittal of evidence that the proposed development will not affect the safe and efficient use of the navigable airspace, as determined through the submittal of FAA form 7460-1, Notice of Alteration or Construction, as set forth in FAR part 77.
- (c) Notice. Owners of real property located within the Airport Influence Area District shall provide the following notice to prospective purchasers and, unless such notice was previously recorded, cause such notice to be recorded with the clerk and recorder of the appropriate county:

NOTICE

The property known as: (legal description and address) is located within an area that has been officially designated as an Airport Influence Area District by Converse County.

- (1) Aircraft noise, vibrations, fumes, smoke, dust, or fuel particulates from aircraft operation may affect the use and the enjoyment of the property.

Accident Potential Area (APA)

- (a) *Description.* The Accident Potential Area (APA) district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a potential for accidents resulting from aircraft operations.
- (b) *Development standards.* The following development standards shall be used as criteria for evaluating site plans in any APA. Applications and uses that do not meet these standards may apply for a variance as a part of the site plan application. Such variances shall be considered by the county in its review of the site plan application.
 - (1) *Emissions.* The development shall not:
 - a. Release into the air any substance which would impair visibility or otherwise interfere with the operation of the aircraft;
 - b. Produce substantial light emissions, either direct or indirect (reflective) which would interfere with pilot vision; or
 - c. Produce emissions, which would interfere with aircraft communication systems or navigational equipment.
 - (2) *Hazardous materials.* The development shall not involve the use or storage of significant amounts of materials which are explosive, flammable, toxic, corrosive or otherwise exhibit hazardous characteristics, except as permitted by this article.
 - (3) *Other prohibitors.* The development shall not:
 - a. Have high people density characteristics or promote population concentration;
 - b. Concentrate people who are limited in their ability to respond to emergency situations such as children, elderly, the handicapped; or
 - c. Pose hazards to aircraft operations.
- (c) *Prohibited uses.* The following uses shall be prohibited in any APA district:
 - (1) Public and fraternal meeting facilities.
 - (2) Museums, theaters, and similar establishments.
 - (3) Child care facilities
 - (4) Hotels and motels.
 - (5) Nursing and rest homes.
 - (6) Hospitals and health care facilities.
 - (7) Handicapped care facilities.
 - (8) Churches.
 - (9) Spectator sport stadiums.
 - (10) Residential housing, except residential housing shall be permitted at one unit

per acre outside the DNL 65 contour.

(11) Schools

(12) Retail and wholesale operations and facilities, which may concentrate people.

DNL 65 district

- (a) *Description.* The DNL 65 district is composed of lands located within a DNL 65 noise contour generated by aircraft operating into and out of the involved Converse County Airport. Current DNL Contours are prepared by the airport in the course of periodic Airport Master Plan Updates and/or Airport Layout Plan Updates. The current DNL 65 contour will also be depicted on the Airport Influence Area map.
- (b) *Uses prohibited.* No new residences, hospitals, churches, libraries cultural centers, childcare centers, preschools, non-airport-related educational facilities, or similar facilities shall be permitted within the DNL 65 district.
- (c) *Noise level reduction.* Office, commercial, or other nonresidential uses or structures where the public is received, which are permitted by any underlying zone, shall provide and include noise level reduction measures in the design and construction of all areas where the public is received to achieve an interior noise level reduction of 25 decibels in A-weighted levels.

Interpretation of district boundaries

The boundaries of the districts created under this article shall be determined by scaling distances on the Airport Influence Area map. Where interpretation is needed as to make exact location of the boundaries of the district, the Planning and Zoning Commission shall make the necessary determination of the boundary. A property owner requesting a determination as to the location of a district boundary or height exceedence affecting his or her property shall be given a reasonable opportunity to present his or her application to the Planning and Zoning Commission, and to submit his or her own evidence if he or she so desires.

The decision of the Planning and Zoning Commission may be appealed to the Board of County Commissioners, provided such appeal shall be filed with the County Commissioners within ten days of the Planning and Zoning Commission's decision. The Board of County Commissioners shall have the power to overrule the Planning and Zoning Commission's decision by a vote of a majority of the Board of Commissioners present and voting.

is not sufficient to establish liability, which may be a more subtle

Bill of Attainder

Bill of Attainder: The bill of attainder is a legislative act that declares an individual guilty of a crime and imposes punishment without a trial. It is a violation of the Bill of Attainder Clause, which prohibits Congress from passing such laws. The bill of attainder is a legislative act that declares an individual guilty of a crime and imposes punishment without a trial.

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Interpretation of Federal Constitution

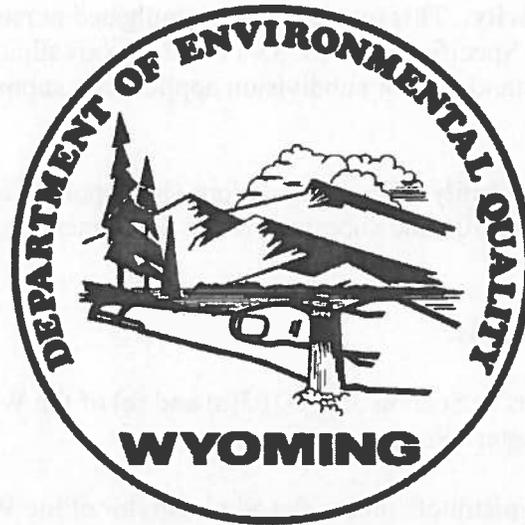
The interpretation of the federal constitution is a complex task that requires a deep understanding of the text and the intent of the framers. The Supreme Court has played a central role in this process, and its decisions have shaped the course of American history. The interpretation of the federal constitution is a complex task that requires a deep understanding of the text and the intent of the framers.

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APPENDIX W

CONVERSE COUNTY SUBDIVISION PROCESS

REQUIRED ITEMS														
SUBDIVISION TYPE	DEFINITION	Proof of Ownership	Notice of Intent to Subdivide	Subdivision Application	Subdivision Application Fees	Notification to Agencies/ Adjacent Landowners	Survey Record	Sketch Plat	Preliminary Plat	P&Z Review	Improvements Agreement	Approval Level	Disclosure Statement	Final Plat/Survey Record
FAMILY EXEMPTION	Division of land outside a platted subdivision transferred to close relative with many restrictions, requires approval by Special Projects with a four (4) acre minimum	Yes (Dates must be checked, Appendix B)	No	Yes (Appendices C & D)	No	No	Yes (Appendices E & F)	No	No	No	No	Special Projects	Yes - Recorded with Deed(s)	Yes - Recorded with Deed(s)
MINOR	Division of land into five (5) lots or less with a four (4) acre minimum	Yes (Appendix B)	Yes (Appendix G)	Yes (Appendix H)	Yes	Yes	No	No	Yes (Appendix P)	Yes	Possible	Board of Commissioners	Yes - Recorded with Final Plat	Yes (Appendix O)
MINOR (within 800 feet of existing subdivision or dwelling)	Division of land into five (5) lots or less with a four (4) acre minimum proposed within 800 feet of existing subdivision or dwelling	Yes (Appendix B)	Yes (Appendix G)	Yes (Appendix H)	Yes	Yes	No	No	Yes (Appendix P)	Yes	Probable	Board of Commissioners	Yes - Recorded with Final Plat	Yes (Appendix O)
MINOR - TRANSITIONAL RESIDENTIAL	Division of land into five (5) lots or less with any one lot less than four (4) acre minimum requires MOA for municipal utilities	Yes (Appendix B)	Yes (Appendix G)	Yes (Appendix H)	Yes	Yes	No	No	Yes (Appendix P)	Yes	Probable	Board of Commissioners	Yes - Recorded with Final Plat	Yes (Appendix O)
MAJOR	Division of land into more than five (5) lots	Yes (Appendix B)	Yes (Appendix G)	Yes (Appendices I & J)	Yes	Yes	No	Yes (Appendix O)	Yes (Appendix P)	Yes	Yes	Board of Commissioners	Yes - Recorded with Final Plat	Yes (Appendix O)
MAJOR LAND DIVISION	Division of land into parcels of 35 acres to 80 acres inclusive	Yes (Appendix B) dates checked	Yes (Appendix K)	Yes (Appendix L)	Yes	No	Maybe (Appendices E & F for 'simple' legal description)	No	Maybe	Maybe	No	Board of Commissioners	Yes - Recorded with Final Plat	Yes (Attached to Deed)



Water Quality

Rules and Regulations

Chapter 23

Minimum Standards for Subdivision Applications

CHAPTER 23

Section 1. **Authority.** This regulation is promulgated pursuant to the Wyoming Environmental Quality Act. Specifically, W.S. 35-11-302 (a) (xi) stipulates that the administrator shall develop standards for subdivision applications submitted to the department under W.S. 18-5-306.

Section 2. **Applicability.** These regulations shall apply to all subdivision permits as required by W.S. 18-5-305 and 306 and submitted to the department upon or after the effective date this rule.

Section 3. **Definitions.**

(a) The definitions in Section 35-11-103(a) and (c) of the Wyoming Environmental Quality Act apply to this chapter. For example:

(i) "Administrator" means the administrator of the Water Quality Division of the department.

(ii) "Department" means the Department of Environmental Quality established by the Wyoming Environmental Quality Act;

(iii) "Director" means the director of the Department of Environmental Quality;

(iv) "Public water supply" means any water supply as defined in W.S. 35-11-103(c) (viii).

(b) The following definitions, contained in Section 18-5-302(a) of Article 3, Real Estate Subdivisions as of July 1, 2001, apply to this chapter:

(i) "Sewage System" means all pipelines, conduits, pumping stations, force mains and other constructions used for collecting or conducting wastes to a treatment plant or disposal system; any plant or other works used for the purpose of treating, stabilizing or holding wastes; and any system used for disposing of wastes, either by surface or underground methods, including any treatment plant, disposal wells and absorption fields;

(ii) "Subdivider" means any person who lays out any subdivision or parts thereof either for the account of the subdivider or others;

(iii) "Subdivision" means the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment,

for residential, recreational, industrial, commercial or public uses. The word “subdivide” or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.

(iii) “Water supply system” includes development of the source and all structures for conveyance of raw water to the treatment plant or delivery systems; all water treatment plants including disinfection facilities; and all finished water delivery systems including pipelines, pumping stations and finished water storage facilities. Separate water supply systems used solely for irrigation or stock water are not included.

(c) The following definition supplements those definitions contained in Section 35-11-103 of the Environmental Quality Act.

“Enhanced treatment system” means a facility or system reviewed and approved by the administrator in accordance with Section 5, Chapter 11, Wyoming Water Quality Rules and Regulations, that will meet or exceed the applicable standards contained within this chapter.

Section 4. Submittal and Processing of Subdivision Applications

(a) Submittal of subdivision applications. Prior to subdivision permit approval by the board of county commissioners, and pursuant to W.S. 18-5-306 (c) and 307, the county, subdivider, or county planning and zoning commission shall send three (3) copies of the portions of the application containing evaluations of the proposed sewage system and water supply system to the department for review of the safety and adequacy of the proposed sewage system and proposed water supply system.

(b) Processing of applications

(i) Pursuant to W.S. 18-5-306(c):

(A) The department may request assistance from the state engineer, the Wyoming water development office and any other state agency or county governmental entity in preparing its review. Any agency or entity requested to assist in the review shall fully cooperate to the extent possible with the department and shall furnish the information or recommendations requested within the time period specified by the department;

(B) The department shall file its written comments and recommendations on the application with the commission or board within 30 days after receipt of the application. The department may extend its review period for an additional 30 days if an extension is necessary to complete the review.

(ii) Incomplete applications will be processed in the following manner:

(A) Additional information shall be requested from the applicant within 30 days of the department’s receipt of the application. If the applicant fails to remedy an

incomplete application within 60 days of the department's receipt of the application, the department will file an adverse recommendation with the commission or board.

(B) Applications containing plans, specifications, reports, maps, and other documentation submitted under this chapter that are not signed, sealed, and dated, when required, by a licensed professional engineer under W.S. Title 33, Chapter 29, a licensed professional geologist under W.S. Title 33, Chapter 41 or a licensed land surveyor under W.S. Title 33, Chapter 29 will be deemed incomplete by the department and returned to the applicant without further review.

Section 5. Requirements Applicable to All Applications

(a) All plans, specifications, reports, maps, and other documentation submitted under this chapter must meet or exceed the standards contained within these regulations to be deemed complete;

(b) All plans, specifications, reports, maps, and other documentation submitted under this chapter shall be signed, sealed, and dated, when required, by a licensed professional engineer under W.S. Title 33, Chapter 29, a licensed professional geologist under W.S. Title 33, Chapter 41, and by a licensed land surveyor under W.S. Title 33, Chapter 29, as applicable.

(c) The administrator may, upon review of submitted documentation, modify any, or all, requirements of this chapter when:

(i) The subdivision includes one or more lots with existing sewage systems, water supply systems, or on-lot wells; or

(ii) Holding tanks are used to fully contain on-lot sewage.

Section 6. Exemptions from Provisions. Exemptions to the provisions of this chapter are defined in W.S. 18-5-303 and W.S. 18-5-306.

Section 7. Standards for Sewage Systems

(a) All applications shall contain the following information:

(i) Identification of the type of sewage system to serve the subdivision and identification of the entity or entities responsible for the design, construction, operation and maintenance of the proposed facility;

(ii) An assessment of the adequacy of the proposed sewage system in relation to the proposed population density of the subdivision and any other existing or proposed land and water uses in the vicinity of the subdivision that may affect the adequacy of the system; and

(iii) Demonstration that the proposed sewage system will meet all county, state and federal standards.

The demonstration shall include, but not be limited to addressing the relationship of the development to any local or state approved water quality management plans established pursuant to Section 201 of the federal Clean Water Act, 33 U.S.C. Section 1281 and demonstrate no conflict exists with any state approved local wellhead protection plan or local source water protection plan.

(b) In addition to the information required in part (a) of this section, applications proposing the use of a new central sewage system shall contain the following:

(i) An estimate of the average and maximum number of gallons per day of sewage generated by the proposed subdivision;

(ii) A demonstration that technical requirements and design standards of the department of environmental quality applicable to central sewage systems can and will be met. The demonstration shall include, but not be limited to the information contained within Chapter 11, Section 6 of Wyoming Water Quality Rules and Regulations;

(iii) An estimated schedule for the development and occupancy of the proposed subdivision; and

(iv) A detailed demonstration that the proposed sewage system for the subdivision is compatible with the proposed water supply system for the subdivision. The demonstration must determine that the operation of the sewage system will not affect the suitability or safety of the proposed water supply system and include a determination of the potential impacts of downgradient use of groundwater. The demonstration shall include:

(A) Documentation that the facility poses no threat of discharge to groundwater; or

(B) A subsurface study and a contaminant fate and transport analysis demonstrating that groundwater standards contained within Chapter 8, Wyoming Water Quality Rules and Regulations will not be exceeded.

(v) Confirmation that the owner of the subdivision collection system will provide for certified operators pursuant to Chapter 5, Wyoming Water Quality Rules and Regulations.

(c) In addition to the information required in part (a) of this section, applications proposing to connect to an existing central sewage system shall contain:

(i) Certification by the owner of the wastewater collection and treatment

facilities that the system can and will provide adequate service to the proposed subdivision. This certification should address the willingness and a commitment of the owner to provide service as well as the ability of all downstream sewers, lift stations and treatment facilities to handle the hydraulic and organic loading from the proposed subdivision.

(A) The certification shall clearly identify the point of connection if the connection is not within the boundaries of the proposed subdivision.

(B) It is the responsibility of the owner to consider the capacity and ability of the system to provide sewer service to the proposed subdivision in accordance with existing laws, regulations and permit requirements.

(ii) The information required by Section 6, Chapter 11, Wyoming Water Quality Rules and Regulations shall be provided by a registered professional engineer. If the necessary information is not already available, the owner of the sewage system has the discretion to require the subdivider to provide the required information.

(iii) The party responsible for operation and maintenance of the subdivision collection system will provide for certified operators pursuant to Chapter 5, Wyoming Water Quality Rules and Regulations.

(d) In addition to the information required in part (a) (i) of this section, applications proposing the use of on-lot sewage systems shall contain information to document the following:

(i) Separation of the drainfield relative to groundwater and impervious soils will meet or exceed the minimum standards established in Chapter 25 of Wyoming Water Quality Rules and Regulations.

(ii) Soil percolation rates will meet or exceed the minimum standard established in Chapter 25 of Wyoming Water Quality Rules and Regulations.

(A) Percolation tests must be performed according to the procedure described in Chapter 25, Appendix A, of Wyoming Water Quality Rules and Regulations or other procedures approved by the department.

(B) Percolation tests are required for every third lot, or for each soil type as mapped by the Natural Resource Conservation Service (NRCS), whichever requires the least number of percolation tests.

(I) A copy of the NRCS county soil map must be submitted if soil types and distributions were used to establish the number of percolation tests required.

(II) Percolation test data and results from existing permitted on-lot sewage systems on properties adjoining the proposed subdivision may be substituted for new

tests when the existing test results were obtained from the same type of soils as those that exist within the proposed subdivision.

(C) Percolation test data, results, and map illustrating test locations shall be submitted in the application.

(iii) Topographic slope, or grade, for sufficient area within each lot within the proposed subdivision will meet or exceed the applicable minimum standards established in Chapter 25 of Water Quality Rules and Regulations, and will not result in a direct or indirect discharge of pollution at the surface, into a surface water body, or into a wetland.

(iv) A 1:24,000 scale U.S.G.S. topographic map illustrating and identifying watersheds located on, or draining into, under, or over the proposed subdivision, including all ephemeral, intermittent, and perennial streams, surface waters, wetlands, and watershed boundaries within one-quarter ($\frac{1}{4}$) mile of the proposed subdivision shall be included in the application.

(v) Each lot contains sufficient area for a replacement leach field.

(vi) The proposed population density of the subdivision, determined from the proposed type of use (e.g., residential, commercial, industrial, multiple use) of the subdivision.

(A) Applications for subdivisions proposing non-domestic use, or domestic use that exceeds 2000 gallons of wastewater per day on one or more lots of the subdivision must identify:

(I) The type(s), strength, and chemical composition of non-domestic wastes most likely to be disposed of, including the average and maximum daily flows;

(II) Specific lots within the subdivision where the disposal of non-domestic wastewater could occur; and

(III) Design(s) and treatment capabilities of the type(s) of on-lot sewage systems proposed to treat such wastes.

(vii) Groundwater and surface water use is protected, as documented by:

(A) Characterization of the geologic setting from well logs, soil borings, and/or published geologic maps and reports, including documentation of:

(I) Thickness, lithology, and extent of surficial materials;

(II) Stratigraphy, lithology, thickness, and extent of underlying geologic formations; and

(III) Faults, fractures, and karst features.

(B) Characterization of the hydrogeologic setting from well logs, soil borings, test pits, and/or published geologic maps and reports, including documentation of:

(I) Depth to groundwater, including seasonal fluctuations;

(II) Degree of groundwater hydraulic confinement;

(III) Vadose zone thickness, stratigraphy, and lithology; and

(IV) Degree of hydraulic connection and interaction between groundwater and surface water, where applicable.

(C) Classification of groundwater that is unconfined or semi-confined, according to the standards established within Chapter 8 of Wyoming Water Quality Rules and Regulations must be established according to the following:

(I) A survey of the existing wells permitted by the State Engineers Office and completed within the unconfined or semi-confined aquifer within one (1) mile of the proposed subdivision must be included and contain:

(1.) A map illustrating well names and locations relative to the proposed subdivision;

and (2.) State Engineers Office permitted use for each well;

(3.) State Engineers Office appropriated production volume for each well.

(II) If there are no permitted wells within one (1) mile of the proposed subdivision a field survey shall be performed to identify and record all potential locations where unpermitted water users may be located and potential water use.

(III) If the well surveys in subsections (I) and (II) of this part do not reveal any existing wells used for domestic purposes, ambient groundwater quality of the unconfined or semi-confined aquifer must be established, either from existing representative sample results or by collection of new representative samples. At a minimum, analytical laboratory results must be provided for:

(1.) Total Dissolved Solids (TDS)

- (2.) Nitrate + Nitrite as N
- (3.) Total Coliform
- (4.) Sulfates
- (5.) Chloride
- (6.) Zinc
- (7.) Lead
- (8.) Copper
- (9.) Arsenic
- (10.) pH
- (11.) Selenium
- (12.) Additional constituents as may be deemed necessary by the department to classify the groundwater.

(D) When groundwater is unconfined or semi-confined and is Class I groundwater as defined in Chapter 8 of Wyoming Water Quality Rules and Regulations, the following additional documentation must be provided:

- (I) Horizontal and vertical extent of the aquifer;
- (II) Type of flow (i.e., diffuse, porous, or conduit) within the aquifer;
- (III) Direction and degree of hydraulic gradient;
- (IV) Hydraulic conductivity of the saturated zone; and
- (V) Porosity of the saturated zone.

(viii) Separation distances to wells and property boundaries are adequate, according to the following:

(A) Except as provided for in sub-part (B) of this part, where unconfined groundwater is Class I as defined in Chapter 8 of Wyoming Water Quality Rules and Regulations, small wastewater systems designed in accordance with Chapter 25, requirements

and these regulations may be used provided that:

(I) The analysis described in Appendix A is provided in the application and determines that nitrates from on-lot sewage systems will not exceed 10 mg/L at the downgradient property boundary;

(II) The minimum isolation distances between drainfields and wells (completed or proposed within the unconfined aquifer), property boundaries, or surface waters as determined by the analysis described in Appendix B and provided in the application will be achieved or exceeded on each lot; and

(III) The analysis described in Appendix C is provided in the application and determines that nitrates from on-lot sewage systems will not exceed 10 mg/L in existing or proposed on-site public water supply wells, or off-site public water supply wells (completed or proposed within the unconfined aquifer).

(B) Unless the application materials demonstrate through fate and transport analysis that leachate will not impair ground water and/or surface water quality or use, enhanced treatment systems capable of achieving, at a minimum, the enhanced treatment standard must be used where:

(I) Small wastewater systems overlying unconfined Class I groundwater as defined in Chapter 8 of Wyoming Water Quality Rules and Regulations and designed in accordance Chapter 25, Wyoming Water Quality Rules and Regulations fail to comply with one or more of the standards established in Section 7 (viii) (A) (I) through (III) of this section; or

(II) The geologic setting of the proposed subdivision indicates that sewage leachate may come into contact with faults, fractures, or karst features.

(C) Enhanced treatment systems must be capable of achieving, at a minimum, the following treatment standards prior to additional treatment or subsurface discharge:

(I) Fecal Coliform: < 800 colonies/100 mL (Maximum 30 day geometric mean);

(II) Total Kjeldahl Nitrogen: < 25 mg/L (Maximum 30 day average).

(D) Where an enhanced treatment system is used it must be constructed and operated in conjunction with a subsurface disposal system that meets or exceeds the requirements of Chapter 25, Wyoming Water Quality Rules and Regulations.

(E) Where enhanced treatment systems are proposed or required,

applications must contain a system design, developed and certified by a Wyoming licensed engineer, documenting the system's ability to achieve the required treatment standards, and include:

(I) Plan view and cross-section view of a proto-type enhanced wastewater treatment system;

(II) Enhanced treatment system performance standards for the proposed system(s);

(III) Number of bedrooms or average daily volume of wastewater flow; and

(IV) Operation and maintenance (O&M) requirements necessary to ensure optimum system performance, which include:

(1.) Sampling points for effluent quality monitoring prior to discharge to the leach field shall be identified.

(2.) A conceptual schematic of how the system is constructed and how it is designed to work, including the flow paths of the waste, re-circulation pathways, detention or contact times, etc.

(3.) A complete set of the manufacturer's O&M recommendations and specifications for the system, including part names and identification numbers for each of the system components for replacement purposes.

(4.) A summary or overview of the O&M requirements for all aspects of the system, identifying by component the frequency of inspection or servicing required and type of service needed to be performed to maintain the proper performance of the system.

(ix) Identification of the nearest facility that can and will accept septage wastes, and any limits, or conditions, of acceptance.

Section 8. Standards for Water Supply Systems

(a) All applications shall contain the following information:

(i) Identification of the type of water supply system proposed to serve the subdivision and identification of the entity or entities responsible for the design, construction, operation and maintenance of the proposed facility;

(ii) The estimated average and maximum number of gallons per day for the

subdivision water supply system;

(iii) Documentation that the proposed water supply system will be compatible with and not adversely affected by the sewage system proposed for the subdivision or any other sources of pollution within a reasonable distance;

(iv) List of all surface and groundwater rights which will be used or which may be affected, including state engineer application and permit numbers and description of expected effects;

(v) Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision; and

(v) The information required by W.S. 18-5-306 (a) (xi).

(b) In addition to the information required in part (a) of this section, applications proposing to connect to an existing water supply system shall contain the following:

(i) Documentation concerning the potability of the proposed water supply for the subdivision as evidenced by historic water quality analytical data and current compliance status;

(ii) Certification by the owner of the water distribution and treatment facilities that the system can and will provide adequate service to the proposed subdivision. This certification should address the willingness and a commitment of the owner to provide service, as well as the hydraulic capacity of the distribution system and the ability of the treatment facilities to provide potable water to the proposed subdivision;

(A) The certification shall clearly identify the point of connection if the connection is not within the boundaries of the proposed subdivision.

(B) It is the responsibility of the owner to consider the capacity and ability of the system to provide water service to the proposed subdivision in accordance with existing laws, regulations and permit requirements.

(iii) The information required by Section 6, Chapter 12, Wyoming Water Quality Rules and Regulations shall be provided by a registered professional engineer. If the necessary information is not already available, the owner of the water system has the discretion to require the subdivider to provide the required information.

(vi) The party responsible for operation and maintenance of the subdivision distribution system will provide for certified operators pursuant to Chapter 5, Wyoming Water Quality Rules and Regulations.

(c) In addition to the information required in part (a) of this section, applications proposing to develop a new centralized water supply system shall contain the following:

(i) A demonstration that the water supply system is sufficient in terms of quality, quantity and dependability and will be available to ensure an adequate water supply system for the type of subdivision proposed. The report shall include a narrative summary of:

(A) Where the water supply system source is derived from groundwater, the geologic setting of the water supply system source and the area of influence such as nearby communities, sources of pollution, surface water bodies and aquifers described by a Wyoming registered professional geologist;

(B) A written report demonstrating that the proposed source is sufficient in terms of quality, quantity and dependability for the type of subdivision proposed;

(C) Source of the water to be used including proposed and existing surface and groundwater facilities and their locations;

(D) The proposed disposal of water not consumed, including water obtained under permits, storm drainage, dewatering, sewage and other wastewater sources;

(E) A delineation of primary sources of water, secondary sources and occasional or seasonal sources;

(F) Graphic location of all water supply sources including wells, raw water intakes, treatment facilities, treated water storage facilities and ponds;

(G) Documentation of all data sources on the occurrence and availability of surface and groundwater;

(H) Historic stream flows and well levels;

(I) Senior water rights;

(J) Flood damage and flood protection; and

(K) Impact of and protection from supply shortages.

(ii) The information required by Chapter 12, Section 6 of Wyoming Water Quality Rules and Regulations.

(iii) Confirmation that the owner of the subdivision distribution system will provide for certified operators pursuant to Chapter 5, Wyoming Water Quality Rules and Regulations.

(iv) Water quality data that is representative of the proposed drinking water source must be provided for the metals, inorganic constituents, and microbial constituents with Maximum Contaminant Levels (MCLs) established pursuant to the federal Safe Drinking Water Act.

(d) In addition to the information required in part (a) of this section, applications proposing to use on-lot wells or surface water that will serve fewer than 25 people shall contain information describing the potential availability and quality of groundwater or surface water proposed within the subdivision. This information may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well.

(i) For subdivisions proposing to use on-lot wells or surface water that will serve individual residences or fewer than 25 people, water quality data that is representative of the proposed drinking water source must be provided for the following analytes:

- (A) Total Dissolved Solids (TDS)
- (B) Nitrate + Nitrite as N
- (C) Total Coliform
- (D) Sulfates
- (E) Calcium
- (F) Magnesium
- (G) Sodium
- (H) Chloride
- (I) Iron
- (J) Zinc
- (K) Lead
- (L) Fluoride
- (M) Manganese

- (N) Copper
- (O) Arsenic
- (P) pH
- (Q) Additional constituents as may be deemed necessary by the department.

(ii) Documentation of activities, within a distance of one quarter (¼) mile of the subdivision's external boundaries, that may have potential to adversely effect the quality of the drinking water supply.

Section 9. Delegation of Review Authority to Counties

(a) Pursuant to W.S. 18-5-306 (c), to the extent requested by a county government, the administrator of the Water Quality Division, with the approval of the director of the Department of Environmental Quality, shall delegate authority to the county to:

(i) Review and approve any reports or studies required by this chapter and directed at determining the safety and adequacy of the proposed sewage or water supply system contained as part of a subdivision application;

(ii) Review and approve enhanced treatment systems, in accordance with Section 5, Chapter 11 of Wyoming Water Quality Rules and Regulations, that will meet or exceed the applicable standards within this chapter;

(iii) Issue construction permits as required by W.S. 35-11-301(a) (iii), and;

(iv) Issue operating permits as authorized by W.S. 35-11-301 (a) (iii).

(b) Any authority delegated under this section shall be subject to the following conditions:

(i) The county entity shall demonstrate to the administrator of the Water Quality Division that all sewage or water supply systems will be reviewed by a qualified professional with expertise in surface and groundwater protection from pollution and safe and adequate water supply systems;

(ii) The county entity shall demonstrate that the review of water supply and sewage systems will be in a manner as stringent as the Department of Environmental Quality would require under this section;

(iii) The review of subdivisions with a proposed sewage system consisting of wastes requiring an underground injection control permit under Department of Environmental

Quality regulations or sewage systems with a proposed surface water discharge shall not be delegated to the county; and

(iv) The administrator shall periodically review the administrative programs of each county governmental entity receiving a delegation of authority under this section and may, with the consent of the director, revoke or temporarily suspend the delegation agreement entered into with any entity which has failed to perform its delegated duties or has otherwise violated the terms of its agreement of delegation.

(c) To ensure consistent application of this rule, delegation agreements shall include an identification of methods and reporting for oversight of the county's delegated authority.

Appendix A

Cumulative Nitrate Loading Analysis

In order to calculate the nitrate concentration from multiple septic systems at the downgradient property boundary of the proposed subdivision the following nitrogen mass balance equation (Wehrmann Model) is used. If C_o exceeds 10 mg/L NO_3^- as N, WDEQ recommend to the County Commission that the subdivision not be approved unless modified to achieve the standards within this chapter.

$$C_o = \frac{V_b C_b + V_i C_i + V_s C_s - V_p C_p}{V_b + V_i + V_s - V_p}$$

Where:

- C_o = diluted concentration of NO_3^- as N leaving the subdivision
- V_b = volume of ground water entering the subdivision from upgradient area
- C_b = ambient concentration of NO_3^- as N contained in the ground water entering the subdivision
- V_i = volume of precipitation infiltrating beneath the subdivision
- C_i = concentration of NO_3^- as N contained in the infiltrating precipitation
- V_s = volume of septic effluent introduced beneath the subdivision
- C_s = concentration of NO_3^- as N contained in the septic effluent (assume 40 mg/L for conventional septic systems, and manufacturer specifications (mg/L) for enhanced treatment systems)
- V_p = volume of ground water pumped by wells beneath the subdivision (use only if same aquifer as V_s)
- C_p = concentration of nitrate-nitrogen contained in the pumped ground water

Source: Wehrmann, H.A. 1984. Managing Ground Water Nitrate Quality by Mass Balance Modeling in the Rockton-Roscoe Area, Illinois. In *Proceedings of the NWWA Eastern Regional Conference on Ground Water Management*, National Water Well Association, Dublin, Ohio, pp. 558-587.

Appendix B

Minimum Isolation Distance Analysis

VERTICAL TRAVEL TIME CALCULATION:

The following equation is used to determine the vertical travel time (t_1) from the leach field to the water table:

$$\text{Given: } t_1 = d * \theta \div 0.5(\alpha)$$

Where:

t_1 = vertical travel time (years)

α is total recharge (effluent + precipitation in cm/yr)

θ is volumetric soil moisture in a sandy clay (mL/cm³)

d is the depth to groundwater (cm)

0.5 is the infiltration factor (assumes 50% of precipitation will infiltrate the soil)

(Note: α , θ , and d will change from site to site.)

Example calculation of α :

Assuming that 100 gallons per day of wastewater will be generated per bedroom, a typical 3 bedroom house is expected to discharge an average of 300 gallons per day.

$$\begin{aligned} \text{Total yearly effluent discharge} &= 300 \text{ gallons/day} * 365 \text{ days/year} * 1 \text{ ft}^3/7.48 \text{ gallons} \\ &= 14,639 \text{ ft}^3 \end{aligned}$$

Next, calculate the required soil absorption surface area (square feet) by referencing Figure 7 of Chapter 25 of Water Quality Rules and Regulations. The sizing of a leach field is dependant upon the soil percolation rate and the average daily effluent discharge. For this example use the median soil percolation rate of 15 minutes per inch. Also, use the previously calculated 300 gallons per day effluent discharge per house.

$$\text{Required soil absorption infiltrative area} = 300 \text{ gallons/day} * 1 \text{ ft}^2 \text{ day}/0.52 \text{ gallons} = 577 \text{ ft}^2$$

Next, calculate the pro-rated inches per year of effluent recharge to the aquifer:

$$14,639 \text{ ft}^3 * (577 \text{ ft}^2)^{-1} = 25.4 \text{ ft} * 12 \text{ inches/ft} = 304 \text{ inches/year}$$

To obtain TOTAL average annual recharge to the aquifer (effluent + precipitation) add the average annual precipitation for the area (15 inches/year) to the pro-rated effluent recharge, which equates to 319 inches/year or 810 cm/year (α). Note the average annual precipitation for

an area can be obtained from Chapter 17, Wyoming Water Quality Rules and Regulations (Figure 2) or from the USDA. National Resources Conservation Service.

Volumetric Soil Moisture Content at Field Capacity

Soil Type	Volumetric Soil Moisture Content @ Field Capacity, θ, mL/cm³
Cobble sand	0.045
Sand	0.062
Sandy loam	0.190
Loam	0.232
Silty loam	0.284
Sandy clay loam	0.244
Clay loam	0.310
Silty clay loam	0.342
Sandy clay	0.321 (default)
Silty clay	0.371
Clay	0.378

* Source: WDEQ Water Quality Rules and Regulations, Chapter 17

HORIZONTAL TRAVEL TIME CALCULATION:

The following equation is used to determine, based upon the advective flow equation, the distance at which leachate in groundwater will reach a downgradient well or surface water body, or migrate beyond the property boundary over a travel-time period of two years*.

The distance (x) which leachate will migrate vertically (t_1) and horizontally (t_2) over a travel-time period of two years (t) is calculated as follows:

Calculate horizontal travel time (t_2):

$$(t_2) = 2 \text{ years} - (t_1)$$

Where:

(t_1) = vertical travel time

Calculate the horizontal linear velocity:

$$\text{Given: } v = ki/n$$

Where:

v = average groundwater linear velocity

k = hydraulic conductivity of the saturated aquifer (feet/day)

i = hydraulic gradient (feet/feet)

n = effective porosity (dimensionless)

Next, calculate the horizontal travel distance, x :

$$x = t_2 * v$$

t_2 = horizontal time of travel

x = the minimum allowable isolation distance

* If the calculated vertical travel time is 2 years or greater the horizontal travel time analysis does not need to be completed.

Source: Fetter, C.W. 1994. Applied Hydrogeology, 3rd Edition, Prentice-Hall, New Jersey, 691 pp.

Appendix C

Public Water Supply Analysis

The following equations are used to calculate the nitrate concentration at a public drinking water supply well from drainfields that fall within the capture zone of the well, as defined below. If C_p exceeds 10 mg/L NO_3^- as N, WDEQ will recommend to the County Commission that the subdivision not be approved unless modified to achieve the standards within this chapter.

First, calculate the capture zone for the water supply well using the following formula:

$$\text{CFR} = \sqrt{Qt / 7.48nHpi}$$

Where:

CFR = Calculated fixed radius of pumping well

Q = average annual pumping rate (gallons/year)

t = time of travel (years); assume 2 years unless a steady-state capture zone is calculated.

7.48 = conversion factor (ft^3 to gallons)

n = effective porosity

H = length of well screen (feet)

pi = 3.14

Next, the volume of aquifer water flowing beneath a drainfield located within the capture zone is calculated using the following formula:

$$Q_{leach} = (KiA)7.48 * z$$

Where:

Q_{leach} = volume of water flowing beneath the drainfield (gallons/day)

K = hydraulic conductivity (feet/day)

i = hydraulic gradient

A = cross-sectional dimensions of drainfield (length x depth); assumed to be 75 feet long by 30 feet deep.

z = number of wastewater treatment systems within the CFR

Next, the nitrate concentration beneath the drainfield is calculated by mixing the septic leachate with the aquifer water flowing beneath the drainfield (Q_{leach}) using the following formula:

$$C_r = ((Q_{septic} * C_{septic}) + (Q_{leach} * C_{leach})) / (Q_{septic} + Q_{leach})$$

Where:

- C_r = diluted nitrate concentration beneath the septic drainfield (mg/L)
 Q_{septic} = discharge of septic (gallons/day) = $(300 * z)$
 C_{septic} = average nitrate concentration of septic leachate (assume 40 mg/L for conventional septic systems; manufacturer specifications (mg/L) for enhanced treatment systems)
 Q_{leach} = volume of water flowing beneath the drainfield (gallons/day)
 C_{leach} = ambient nitrate concentration in ground water (mg/L)
300 = average daily leachate discharge for a 3 bedroom home
 z = number of wastewater treatment systems within the CFR

Next, the volume of water contained within the well cylinder (from pumping) is calculated using the following equation:

$$Q_{well} = n((\pi)(HCFR^2)) * 7.48 / 730$$

Where:

$$Q_{well} = \text{well discharge (gallons/day)}$$

Finally, the concentration of nitrates within the well cylinder is calculated using the following equation:

$$C_p = ((Q_{leach} + Q_{septic} * C_r) + (Q_{well} * C_{well})) / (Q_{leach} + Q_{septic} + Q_{well})$$

Where:

- C_p = Concentration of nitrates within the pumping well (mg/L)
 C_{well} = ambient nitrate concentration in ground water (mg/L) = C_{leach}