

RESOLUTION NO. 35-09

A RESOLUTION TO AMEND THE TEXT of the *Natrona County Subdivision Regulations* and *Zoning Resolution* to implement Natrona County's resolution to apply the provisions of W. S. 18-5-316 and W. S. 18-5-317 on a uniform basis to the sale or disposition of any land where a subdivision creates parcels of thirty-five (35) acres through one hundred forty (140) acres, inclusive.

WHEREAS, the Board of County Commissioners, Natrona County, Wyoming is desirous of continuing its consideration of the public health, safety and general welfare of the people of Natrona County, Wyoming; and

WHEREAS, the Natrona County Planning and Zoning Commission, pursuant to Section 18-5-202(b) W.S. 1977, held a public hearing on April 14, 2009, due notice of which was provided, to consider the same and forwarded a recommendation of approval to the Board of County Commissioners; and

WHEREAS, The Board of County Commissioners, pursuant to Section 18-5-202(c) W.S. 1977, held a public hearing on May 19, 2009, due notice of which was provided, on this matter in compliance with the Wyoming State Statutes.

NOW, THEREFORE, it is hereby resolved by the Board of County Commissioners of Natrona County, Wyoming, that the *Natrona County Subdivision Regulations* and *Zoning Resolution* be amended to implement Natrona County's resolution to apply the provisions of W. S. 18-5-316 and W. S. 18-5-317 on a uniform basis to the sale or disposition of any land where the subdivision creates parcels of thirty-five (35) acres through one hundred forty (140) acres, inclusive as follows:

1. Delete in its entirety Chapter VIII of the *Zoning Resolution of Natrona County, Wyoming*, beginning at page 94.
2. Renumber Chapters IX, X and XI of the *Zoning Resolution of Natrona County, Wyoming* to Chapters VIII, IX and X respectively.
3. In Chapter 2 of the *Subdivision Regulations of Natrona County, Wyoming*, delete in its entirety Section 1e at page 3
4. Renumber Section 1f at page 3 to Section 1e.
5. Also in Chapter 2 of the *Subdivision Regulations of Natrona County, Wyoming*, delete in its entirety Section 2 at page 4
6. Renumber Sections 3, 4, 5 and 6 of Chapter 2 to 2, 3, 4 and 5 respectively.
7. Renumber existing Chapters 7, 8, 9 and 10 of the *Subdivision Regulations of Natrona County, Wyoming* to Chapters 8, 9, 10 and 11 respectively.
8. Create a new Chapter 7 of the *Subdivision Regulations of Natrona County, Wyoming* by adding the following:

CHAPTER 7

MAJOR LAND DIVISION—a division of land which creates parcels thirty-five (35) acres to one hundred forty (140) acres, inclusive.

1. Original parcels of land lawfully recorded on or before July 1, 2008 shall be divided into not more than ten (10) sub-parcels of one hundred forty (140) acres or less in size, provided that each new or remaining sub-parcel shall be no less than thirty-five (35) acres in size.
2. Sub-parcels created from original parcels of land lawfully recorded on or before July 1, 2008 may be created at any time and may be created over a period of years through separate transactions.



NATRONA COUNTY CLERK, WY
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3. Sub-parcels created after July 1, 2008 shall be subject to the provisions of W. S. 18-5-317 regarding applicable contracts for deed which must be filed within ten (10) days after the date of execution.
4. Boundary adjustments between or among sub-parcels hereunder shall not be considered as a distinct division of property.
5. The subdivider of an original parcel of land lawfully recorded on or before July 1, 2008 shall furnish the following information to the Natrona County Development Department prior to commencing any development activity:
 - a. A legal description or recordable survey of the original parcel of land and any defined sub-parcels. Such description or survey shall include the following:
 - i. Date of preparation, scale and north arrow;
 - ii. Location of all known subdivision units, including section, township and range; and,
 - iii. Location and dimensions of binding and recordable access and utilities 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.
 - b. With respect to any water rights appurtenant to lands to be subdivided:
 - i. Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the Board of this action; or
 - ii. Evidence that the subdivider has submitted to the state engineer 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 subdivision; or
 - iii. A plan, a copy of which was submitted to and approved by the state engineer prior to commencement of any development activity, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W. S. 41-3-103, W. S. 41-3-104 or W. S. 41-3-114;
 - iv. If the subdivision is located within an irrigation district or within lands served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and
 - v. Evidence that the subdivider will specifically state on all offers relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.
 - c. The provisions of this paragraph c shall become effective July 1, 2009. If a centralized water supply system is proposed for the subdivision, a study evaluating the water supply system proposed and the adequacy and safety of the system. The study shall include 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 subdivision indicating soil types, depth, quantity and quality of water produced in the test well.

- d. The provisions of this paragraph d shall become effective July 1, 2009. Where individual on-lot wells are proposed:
- i. The study provided for in paragraph c above 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 subdivision; and
 - ii. The Board of County Commissioners may require a study 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.
6. The subdivider of an original parcel of land lawfully recorded after July 1, 2008 shall obtain a subdivision permit in accordance with Natrona County Development Department standards prior to commencing any development activity. The following information shall be submitted with the subdivision permit application:
- a. Evidence that the proposed subdivision complies with any and all applicable zoning regulations.
 - b. A survey plat containing the following:
 - i. Date of preparation, scale and north arrow;
 - ii. Location of the subdivision including section, township and range;
 - iii. Locations and dimensions of existing and proposed lots, units, tracts, parcels, streets, alleys, roads, highways, public ways, utility rights-of-way, easements, parks, proposed permanent buildings and structures.
 - c. Evidence that:
 - i. The subdivider or his duly authorized agent who offers any part of the subdivision 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
 - ii. Binding arrangements have been made by the person or his duly authorized agent who offers any part of the subdivision for sale to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and 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. A study evaluating the sewage system proposed for the subdivision 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 subdivision.
 - e. If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of binding easements of not less than ten (10) feet in width on all property borders for the proposed facilities from each property owner over whose land such services shall extend and shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways. Where no or limited on-lot utility connections are proposed, the words, "**NO PROPOSED UTILITY CONNECTIONS**" or "**LIMITED UTILITY CONNECTIONS**", as appropriate, shall appear in bold

capital letters on all offers, contracts, agreements and plats relating to the subdivision. The subdivider shall nevertheless provide copies of binding easements of not less than ten (10) feet in width on all property borders from each property owner. A subdivision permit shall not be denied for failure to provide on-lot utility connections.

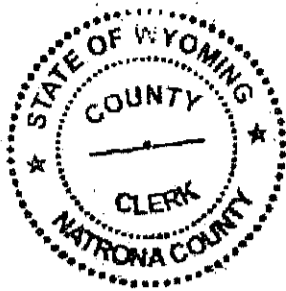
- f. The provisions of this paragraph f shall become effective July 1, 2009. A study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study shall include information relative to the potential availability and quality of groundwater wells proposed 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.
- g. The provisions of this paragraph g shall become effective July 1, 2009. Where individual on-lot wells are proposed:
- i. The words, "**NO PROPOSED CENTRAL WATER SUPPLY SYSTEM**", shall appear in bold capital letters on all offers, contracts, agreements and plats relating to the subdivision; and
 - ii. The Board of County Commissioners may require a study 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.
- h. 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 subdivision conform to the minimum standards adopted by the Natrona County Board of County Commissioners and applied uniformly throughout the County, which conformity shall not in itself constitute commitment or agreement by said Board to locate, repair or maintain roadways and facilities. Provided however, if the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the Board properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the Board shall be under no obligation to repair, maintain or accept any dedication of said private roads to the public use. If no such public maintenance is contemplated on any of the roads, the subdivider shall place a legend on the subdivision plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in bold capital letters the words, "**NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR ROADS**".
- i. Documentation 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 supply systems, sewage systems, streets and roadways. The subdivider 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 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, other financial commitment or escrow required hereunder shall be equal to one hundred fifteen percent (115%) of the estimated cost of completing said facilities. Sufficient financial commitment shall be required at the time the subdivision permit is granted.
- j. With respect to any water rights appurtenant to lands to be subdivided:
- ii. Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the Board of this action; or
 - iii. Evidence that the subdivider has submitted to the state engineer 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 subdivision; or

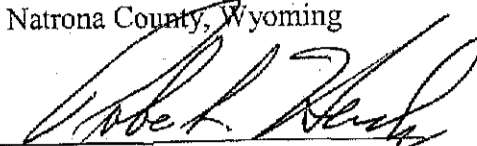
- iv. A plan, a copy of which was submitted to and approved by the state engineer prior to commencement of any development activity, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W. S. 41-3-103, W. S. 41-3-104 or W. S. 41-3-114;
 - v. If the subdivision is located within an irrigation district or within lands served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and
 - vi. Evidence that the subdivider will specifically state on all offers relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.
7. The provisions of W. S. 18-5-306 dealing with minimum requirements for subdivision permits and W. S. 18-5-315 dealing with authority to enact more restrictive local regulations shall not be applicable to any subdivision of land into parcels between thirty-five (35) acres and one hundred forty (140) acres, provided however, such parcels shall be subject to any and all lawfully adopted applicable zoning provisions.
 8. Applicants for subdivision permits shall obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The review and recommendations shall be completed within sixty (60) days of receipt of a completed subdivision application.
 9. Applicants for subdivision permits shall obtain review and recommendations from a fire protection district in which any portion of the proposed subdivision 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 proposed subdivision lies within a fire protection district, regarding adequacy of fire protection measures. If the entire proposed 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 subdivider shall place a legend on the subdivision plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision, showing in bold capital letters the words, **"LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED"**.
 10. If the subdivision permit is approved, Applicant shall place a legend on the subdivision plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision, showing in bold capital letters the words, **"THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE"**.
 11. 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 were developed and promoted as part of a large acreage subdivision as evidenced by dated plats, sales brochures or other evidence acceptable to the Natrona County Board of County Commissioners.
 12. If the lots, units, tracts, or parcels created pursuant to a subdivision permit hereunder 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).

PASSED, APPROVED AND ADOPTED this 19th day of May, 2009.


My term of office expires
January 6, 2011



BOARD OF COUNTY COMMISSIONERS
Natrona County, Wyoming


Robert L. Hendry, Chairman

ATTEST:


Renea Vitto, County Clerk

APPROVED AS TO FORM:


Heather D. Malone Interim County Attorney