

The Cheyenne - Laramie County
Subdivision /
Development
Regulations 2000



City/County Development Office

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Subdivision/Development Regulations 2000
Cheyenne – Laramie County

Table of Contents

| | Page |
|---|------|
| ARTICLE I - Purpose and Title..... | 1 |
| ARTICLE II - Definitions of Terms..... | 2 |
| ARTICLE III - General Provisions..... | 12 |
| Establishment..... | 12 |
| Authority..... | 12 |
| Jurisdiction..... | 12 |
| Responsibility..... | 12 |
| General Platting Standards..... | 13 |
| Amendment to Regulations..... | 14 |
| ARTICLE IV - Community Facility Fees..... | 15 |
| Establishment..... | 15 |
| Classification..... | 15 |
| Exemptions..... | 15a |
| Purpose..... | 16 |
| Exclusions..... | 16 |
| Payment Schedules..... | 16 |
| Public Reporting & Accountability..... | 17 |
| ARTICLE V - Preliminary Plat..... | 18 |
| Procedures for Submission..... | 18 |
| Introduction..... | 18 |
| Sketch Plat..... | 18 |

ARTICLE I - PURPOSE AND TITLE

10.000 TITLE.

These regulations shall be known as "The Cheyenne-Laramie County Subdivision/Development Regulations 2000."

11.000 STATEMENT OF PURPOSE.

The purpose of the Subdivision/Development Regulations is to promote the health, safety and general welfare of the citizens of Cheyenne and Laramie County. As prescribed by the requirements of State Law, these regulations have been designed in accordance with the Laramie County Comprehensive Land Use Plan, and the Cheyenne Area Development Plan, as amended, to implement the goals and objectives of the community, and to create a safe and attractive living and working environment; to preserve and enhance property values; and to promote the economic vitality of the City and County.

The Subdivision/Development Regulations, along with zoning districts, standards and procedures, have been established to guide and facilitate development of land in an orderly manner to preclude congestion on the streets; promote safety from fire, flood, panic, pollution and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate provisions for transportation, water, sewerage, schools, parks and other public improvements and facilities.

These Regulations establish reasonable standards of design and procedure for subdivision/development and resubdivision/redevelopment in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided lands.

ARTICLE II - DEFINITIONS OF TERMS

20.000 INTRODUCTION.

Except as specifically defined herein, all words in these Regulations shall have their customary dictionary definitions. For the purpose of these Regulations, certain words and terms used herein are defined as follows:

Words used in the present tense include the future tense; words used in the singular include the plural; and words used in the plural include the singular; the word "shall" is always mandatory; the word "person" includes a firm, association, organization, partnership, trust, company, corporation, limited liability company or any other legal entity, the word "lot" includes the words plot, tract, parcel or property; the word "Map" means the Incorporated Boundary Map (annexed lands) of the City of Cheyenne or the County Boundary of Laramie County, Wyoming, that are governed by these Regulations.

20.010 Definitions.

- (1) Agricultural Development. The use of land, including necessary buildings and structures, for the production of grain, animals, food and fiber, as well as the usual accessory uses; provided the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Also, the science and art of farming and ranching. Work of cultivating the soil, producing crops and raising livestock. Agricultural development does not include concentrated feeding operations as defined herein.
- (2) Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on a street.
- (3) Appeal. A written request for a review of any final action or decision allowed by the provisions of these Regulations.
- (4) Applicant. The owner of land proposed to be subdivided/developed or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the land.
- (5) Block. An area of land that is entirely bounded by streets or a combination of streets, natural barriers and other property lines.
- (6) Board. The Board of Commissioners of Laramie County, Wyoming.
- (7) Cemetery. Land used for the burial of the deceased, both human and animal, and dedicated for interment purposes, including columbaria, crematoria, mausoleums and

mortuaries.

- (8) Cheyenne Area Development Plan. The land use component of the Comprehensive Plan for Cheyenne and the zoned area of Laramie County.
- (9) City. The City of Cheyenne, Wyoming.
- (10) City Council. The City Council (governing body) of the City of Cheyenne, Wyoming.
- (11) City Engineer. The administrative officer designated or appointed by the Mayor and confirmed by the City Council to review and advise the City Council and Planning Commission regarding the administration and enforcement of the requirements of these Regulations and standards of public improvements.
- (12) Commercial Development. Any land use associated with wholesale or retail buying or selling and exchange of goods or services.
- (13) Comprehensive Plan. The general plan for land use, transportation, utilities, annexation and community facilities prepared and maintained by the Planning Commission, Board and/or City Council.
- (14) Concentrated Feeding Operations. Any housed facility, including all storage and other waste treatment facilities associated therewith, wherein swine are confined, fed and maintained for a total of forty-five (45) consecutive days or more in any twelve (12) months, and the feed lot or facility is designed to confine an equivalent of one thousand (1,000) or more animal units.
- (15) County. Laramie County, Wyoming.
- (16) County Clerk. The Clerk of Laramie County, Wyoming.
- (17) County Engineer. The administrative officer designated or appointed by the Board to review and advise the Board and Planning Commission regarding the administration and enforcement of the requirements of these Regulations and standards of public improvement.
- (18) Development. Any man-made change to real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.
- (19) Development Director. The administrative officer for the Cheyenne and Laramie

County Development Office.

- (20) Easement. A permanent or temporary authorization by a property owner for another to use the owner's property for a specified purpose. Ownership shall remain with the property owner.
- (21) Encumbrance. A mortgage or other lien of record, securing or evidencing indebtedness and affecting land to be subdivided/developed, including liens for labor or materials. Taxes and assessments levied by public authority are not an encumbrance under this act except such taxes and assessments as may be delinquent.
- (22) Hazardous Materials. Any hazardous or toxic materials, pollutants, contaminants or waste and any other chemical, material or substance, the handling, storage, release, transportation, or disposal of which is or becomes prohibited, limited or regulated by any federal, state, county, regional or local authority or which, even if not so regulated, is or becomes known to pose a hazard to the health and safety of the occupants of the subdivision/development, including, without limitation, (1) asbestos, (ii) petroleum and petroleum by-products, (iii) urea formaldehyde foam insulation, (iv) polychlorinated biphenyls, (v) all substances now or hereafter designated as "hazardous substances," "hazardous materials" or "toxic substances" pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, *et seq.*, the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, *et seq.*, or the Resource, Conservation and Recovery act, 42 U.S.C. Section 6901, *et seq.*, or (vi) all substances now or hereafter designated as "hazardous substances," "hazardous materials" or "toxic Substances" under any other federal, state or local laws or in any regulations adopted and publications promulgated pursuant to said laws. *See also*, for CERCLA, 40 C.F.R. Part 302; and for RCRA, 40 C.F.R. §§ 261.21-261.34.
- (23) Hazardous Waste. Any waste or combination of wastes which pose a substantial present or potential hazard to human health and/or the environment.
- (24) Improvement (public). Any drainage channel, roadway, parkway, sidewalk, pedestrian way, tree, lawn, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may cause an improvement for which local government responsibility is established.
- (25) Industrial Development.
- (a) Heavy. Any industrial, manufacturing, fabrication, warehousing or processing (including concentrated feeding operations) which may emit noxious smoke, odor, dust or noise beyond the confines of its property. Agricultural use other than concentrated feeding operations as defined herein is not, by definition, industrial development.
- (b) Light. Any industrial, manufacturing, fabrication, warehousing or processing which does not emit noxious smoke, odor, dust or noise beyond the confines

of its property.

- (26) Industrial Landfill. A disposal facility utilizing an engineered method of disposing of industrial solid waste on land without creating a hazard to the public health, the environment, plants or animals.
- (27) Legal Notice. A notice provided in accordance with Wyoming Statutes.
- (28) Lot (Property). A tract, plot, or portion of a subdivision/development or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.
 - (a) Corner. A lot situated at the intersection of two or more streets.
 - (b) Interior. A lot, other than a through or corner lot.
 - (c) Reverse Frontage. A corner lot where the front of the structure faces the side lot line, rather than the front lot line.
 - (d) Through, Double Frontage. A lot, other than a corner lot, having a frontage on more than one street.
- (29) Lot Area Net. The total area of the property within the property lines.
- (30) Lot Area Gross. The total area of the property to the center line of the public or private streets or roads.
- (31) Lot Line. The property lines bounding a lot (property), as defined herein.
 - (a) Front. For an interior lot, that line separating the lot from the street. For a corner lot, a line normally separating the narrowest street frontage of the lot from the street.
 - (b) Rear. The lot line opposite the front lot line.
 - (c) Side. Any lot line other than the front or rear lot lines.
- (32) Lot Split. (City Only) The initial division of a platted lot or tract into two (2) parcels for the immediate or future purpose of sale or building development.
- (33) Reserved.
- (34) Manufactured Housing. A single or multi-family dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. These fabricated structures are designed to be towed

on their own chassis or are delivered by alternate means to the home site.

- (a) Data Plates. A plate affixed to Manufactured Housing to certify that the house was built to Department of Housing and Urban Development (HUD) Manufactured Housing Construction and Safety Standards. All homes built after June 15, 1976 shall have Data Plates affixed to the homes to certify that the home was built to the Department of Housing and Urban Development (HUD) Standards. The Data Plate shall bear the manufacturers name and address, the serial number of the unit, date of manufacture, reference to the structure and wind zone for which the home is designed, a list of factory installed equipment, and a statement that the home was built to comply with Federal Standards in effect at the time of construction.

- (35) Manufactured Home Park. An area of land, comprising at least five (5) acres, under one ownership where designated spaces for homes are rented, having two or more such homes occupied as residences and which may provide a number of various facilities for common use.

- (36) Manufactured Home Subdivision/Development. A parcel of land divided into two (2) or more lots for the placement of a manufactured home on each lot.

- (37) May. Permitted action.

- (38) Monument, Permanent. Any structure of masonry, wood or steel permanently placed on or in the ground, including those expressly placed for surveying reference.

- (39) Reserved.

- (40) Ordinance. The laws enacted by the City of Cheyenne, Wyoming.

- (41) Owner.The owner of record of a parcel of land, as recorded in the Office of the County Clerk.

- (42) Parcel Split. (City Only) The first division of an unplatted parcel of land, into two (2) parcels, both of which are less than thirty-five (35) acres in size, for the immediate or future purpose of sale or building development.

- (43) Person.Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity, government or governmental. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, limited liability company or any other legal entity.

- (44) Planning Commission. Cheyenne-Laramie County Regional Planning Commission.

- (45) Planning Director. The Director of Planning for any governmental jurisdiction as designated by that Governing Body. Responsible for long range planning within the designated jurisdiction.
- (46) Plat Types.
- (a) Sketch Plat. A sketch prepared for the purpose of an informal review prior to the filing of a Preliminary Plat (or Final Plat in the case of minor subdivisions/developments) to enable the subdivider/developer to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these Regulations.
 - (b) Preliminary Plat. The map or maps of a proposed subdivision/development and specified supporting documents drawn and submitted in accordance with Regulation requirements, to permit the evaluation of the proposal prior to detailed surveying, engineering and design.
 - (c) Final Plat. A map prepared, in accordance with the provisions of these Regulations and applicable County and State law, for recording with the County Clerk.
 - (d) Replat. The changing of existing lots, blocks, or tracts of any subdivision/development plat previously recorded with the County Clerk.
- (47) Property Line. The legal boundary of any particularly described land. (A curb line or the back of the sidewalk are not necessarily the property line.)
- (48) Reservation. The designation of a portion of land for a specified use.
- (49) Resolution.
- (a) County: The laws enacted by the Board or,
 - (b) City: The intent of the City Council.
- (50) Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, landscaping including trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm sewer mains, landscaping including trees, or any other use involving maintenance by a public agency shall be

dedicated to the public by the maker of the plat on which such right-of-way is established.

- (51) Sanitary Landfill. A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals as may be necessary.
- (52) Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, auction, award by lottery, devise, intestate succession, or any offer or solicitation of any offer to do any of the foregoing concerning an interest in a subdivision/development or part thereof, whether by metes and bounds, lot and block or tract description.
- (53) Service, Non-Public. Any system, improvement or service district established for the provision of services not incorporated as a public entity or district.
- (54) Service, Public. Any utility or governmental system provided directly by the County, State or an incorporated City or Town. The term "public service" shall also include any entity, service, improvement district or joint powers board organized pursuant to laws and existing as a "body corporate" and supported in whole or in part by public funds or publicly levied fees or taxes.
- (55) Shall. Mandatory.
- (56) Solid Waste. Garbage and other discarded solid materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water affluent, dissolved materials in irrigation return flows or other common water pollutants.
- (57) Solid Waste Disposal Site. Any facility where solid waste is processed or disposed of.
- (58) Street. Any street, avenue, boulevard, road, parkway, viaduct or other ways for the movement of vehicular traffic, which is an existing Federal, State, County, or Municipal roadway; or a right-of-way shown upon an approved plat, pursuant to law or approved by official action and includes the land between right-of-way lines, whether improved or unimproved, and which may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, landscaping and other areas within the right-of-way.

Functional classification of the Cheyenne area street system is designated on the

approved ChATPP Urban Roadway Functional Classification Map.

- (a) Arterial Street. A street or road designed to carry high volumes of vehicular traffic over a long distance in a direct manner. This category includes both major and minor arterials.
 - (b) Collector Street. A street or road designed to collect or distribute vehicular traffic from one or more residential or nonresidential areas to or from an arterial street.
 - (c) Local Street. A low volume street or road designed to carry vehicular traffic from residential or nonresidential areas to or from a collector or arterial street.
 - (d) Cul-De-Sac. A dead-end street terminating with a vehicular turn-around area.
 - (e) Service Road. A street or road paralleling and abutting arterial streets to provide access to adjacent property so that each adjacent lot will not have direct access to the arterial street.
- (59) Structure. That which is build or constructed, an edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (a) Principal. A building in which is conducted the main or principal use of the property on which the building is situated.
 - (b) Accessory. Use of any structure in a manner other than principal use.
- (60) Subdivider/Developer. Any person who (a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (c) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (d) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing. Previously titled as:
- Developer.
- (a) The owner of the land proposed for development or the owner's representative who is responsible for any undertaking that requires review and/or approval under these Regulations.

- (b) Any person and/or agent of said person who causes the following to take place either directly or indirectly:
 - (1) property to be divided for the purpose of development
 - (2) sells, leases or develops; offers to sell, lease or develop; or advertises to sell, lease or develop any property.
 - (3) engages in the business of selling, leasing, developing or offering for sale, lease or development of any property.
 - (4) has control or is controlled in such a way to have influence in any of the foregoing.

- (61) Subdivision. (County Only) 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.
 - (a) Subdivision, Major. (County Only) Any subdivision that is not classified herein as a simple subdivision.
 - (b) Subdivision, Simple. (County Only) Is a subdivision of one unit of land into one or two lots, each smaller than 35 acres.

- (62) Subdivision/Development. (City Only) The division of a lot, tract, parcel or other unit of land into three (3) or more lots, plots, units, sites, or other subdivisions/developments of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. Mobile home parks and cemeteries shall be considered subdivisions/developments. The following items are exempt from Subdivision/Development Regulations:
 - (a) The sale of land where the parcels involved in the sale are thirty-five (35) acres or larger.
 - (b) The sale of land for agricultural purposes.
 - (c) Railroad rights-of-way.
 - (d) State and County Highway rights-of-way.

- (63) Tract. A portion of a subdivision/development or parcel of land as recorded with the County Clerk not divided into blocks and lots.
- (64) Unincorporated Area. That portion of the County not within the incorporated limits of any Municipality.
- (65) Vacation. A written instrument intended to destroy the force and effect of the recorded plat or portion of a recorded plat, and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such plat or portion of a plat.
- (66) Variance. A variation, relief or adjustment of the specific standard or regulation (not use) which (if not granted) would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land involved.
- (67) Zoning Ordinance. The Cheyenne and Laramie County Zoning Ordinance 1988, as amended, establishing zoning regulations and providing for the administration, enforcement, and amendments of the ordinance. (Referred to as a Resolution by the County.)

ARTICLE III - GENERAL PROVISIONS

30.000 ESTABLISHMENT.

A Resolution (County) or an Ordinance (City) establishing platting rules, regulations and standards that govern the subdivision/development of land within the City of Cheyenne and Laramie County, Wyoming and setting forth the penalties for the violation thereof as established by the laws of the State of Wyoming.

30.010 Authority:

The Cheyenne and Laramie County Subdivision/Development Regulations, 2000, are adopted under the authority granted by Wyoming Statutes; Sections 34-12-101 to 34-12-115 (Platting and Dedication); 18-5-101 to 18-5-107 (County Planning Commission); 18-5-201 to 18-5-207 (Planning and Zoning Commission [County]); 18-5-301 to 18-5-315 (Real Estate Subdivisions [County]); 15-1-401 to 15-1-422 (Annexation; Determination of Boundaries; Addition and Exclusion of Land); 15-1-501 to 15-1-512 (Planning); and 9-8-101 to 9-8-302 (Land Use Planning [State & Local Level]), as amended.

30.020 Jurisdiction:

The City Council shall review and take action on all subdivision/development plats within the incorporated limits of the City of Cheyenne and plats which are additions to the City.

Subdivision/development plats in Laramie County, within one (1) mile of the incorporated limits of the City of Cheyenne, shall be jointly reviewed and approved or disapproved by the City Council and the Board.

The Board will review and take action on all subdivision/development plats within Laramie County, with the exclusion of the incorporated limits of the City of Cheyenne and the towns of Pine Bluffs, Burns and Albin, Wyoming.

30.030 Responsibility:

- (a) The owner or agent of the owner of any parcel of land located in a proposed subdivision/development plat shall not transfer or sell any parcel within the

subdivision/development plat prior to the approval of the

subdivision/development plat by the Board and/or City Council and recording of the subdivision/development plat with the Laramie County Clerk.

- (b) The applicant/owner shall be responsible for obtaining and/or providing the necessary professional services to fulfill the following requirements:
 - (1) Preparation and design of the plat map and the design/construction plans and specifications for all public improvements to serve the subdivision/development; and
 - (2) Preparation of all reports necessary to support the plat; and
 - (3) Submission of the plat map with supporting documents, fees and the design/construction plans and specifications to the appropriate governmental agency, to include submittal to the Department of Environmental Quality (DEQ); and
 - (4) Coordination of the plat map, supporting documents, design/construction plans and specifications in accordance with any requirements set forth in these Regulations; and
 - (5) Compliance with conditions imposed by the Planning Commission, the City Council or the Board; and
 - (6) Installation of all necessary public and private improvements; and
 - (7) Recording of the original plat map and the required copies and payment of the fee to the Ex-Officio Recorder for Laramie County.

30.040 General Platting Standards:

- (a) Platting, in accordance with the provisions of these regulations, is required whenever a subdivision permit, whether a simple subdivision or a major subdivision, is required pursuant to Sections 70.020 and 70.025 of these regulations.
- (b) Reserved
- (c) All multiple-family, mobile home parks, commercial and industrial

developments, to include all sites for the purpose of sanitary, solid waste or material (landfills), salvaging and/or recycling, hazardous or potentially hazardous waste disposal or of any similar operation, shall only be permitted on land which has been platted and the subdivision/development plat has been duly approved by the City Council or/or Board and recorded with the Laramie County Clerk.

- (d) Notification to adjacent landowners, published legal notice and a public hearing before the Planning Commission, the Board and/or City Council are required on the initial platting request or application.
- (e) All platting requests shall require legal notice in accordance with Wyoming Statutes. If no Preliminary Plat request is necessary, legal notice shall occur at the time of the Final Plat request.

30.050

Amendment to Regulations:

The Subdivision/Development Regulations may be amended, added to, changed, modified or repealed. The Public, the Planning Commission, the City Council and the Board, or a governmental agency may originate a proposal for a text amendment to these Regulations. All proposals shall be referred to the Planning Commission for public hearing.

All proposals for text amendment of the Subdivision/Development Regulations shall require a minimum forty-five (45) day legal notice prior to the scheduled public hearing and shall be processed in accordance with the Administrative Procedures Act (Reference W.S. §16-3-103).

ARTICLE IV - COMMUNITY FACILITY FEES

40.000 ESTABLISHMENT.

Platting in the City of Cheyenne and Laramie County requires the assessment of Community Facility Fees. The fees are considered an impact fee for development and designed for use as outlined below. The assessment of fees is made at the time of processing the Final Plat.

40.005 Applicable Fees:

Fees listed in the following section apply to either first time plats or replats, but fees shall not be duplicated for the same parcel.

40.010 Classification:

All lands platted for the first time within Laramie County shall be assessed a Community Facility Fee according to the following schedule:

- (a) All land to be platted and annexed to the City of Cheyenne or land within the City Limits shall be assessed Community Facility Fees at a rate of five hundred dollars (\$500.00) per acre. Community Facility Fee requirements shall be applied on a pro-rata basis to the nearest one-tenth (0.10) of an acre, but the minimum fee due shall not be less than two hundred fifty dollars (\$250.00)

An additional Community Facility Fee will be paid into the Neighborhood Park Property Acquisition and Infrastructure Installation Account (NPPAIIA), established in Resolution No. 4509, as follows:

- 1. For non-residential property, a fee of seven hundred fifty dollars (\$750.00) per acre shall be paid into the NPPAIIA account before signatures may be affixed on a final plat or replat. NPPAIIA fee requirements shall be applied on a pro-rata basis to the nearest one-tenth (0.10) of an acre, but the minimum fee shall not be less than two hundred fifty dollars (\$250.00).
- 2. All residential units shall be assessed one hundred fifty dollars (\$150.00) for each living unit, whether assigned by the owner or the City Engineer, except for hospitals and nursing homes.

Community Facility Fees and Neighborhood Park Property Acquisition and Infrastructure Installation Account fees shall not be assessed on property zoned agricultural. Planned Unit Developments will not be exempt from Community Facility Fees. Living unit is synonymous with

dwelling unit in the International Building Code and the 2000 International Residential Code; specifically, a living unit is defined as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation.

- (b) Land within any water and/or sewer district or serviced by a public water and/or sewer utility in Laramie County shall be assessed Community Facility Fees at a rate of five hundred dollars (\$500.00) per acre. This fee shall be prorated to the nearest one-tenth (0.1) of an acre, but the minimum fee shall not be less than two hundred and fifty dollars (\$250.00).
- (c) Land outside of the City of Cheyenne, land outside of a water and/or sewer district and land not served by any public water and/or sewer utility in Laramie County shall be assessed Community Facility Fees at a rate of fifty dollars (\$50.00) per acre. The fee shall be prorated to the nearest one-tenth (0.1) of an acre, but the minimum fee shall not be less than twenty-five dollars (\$25.00).

CITY ONLY

40.015 Lands Being Replatted:

All non-residential lands being replatted after annexation to the City or lands being replatted within the City limits shall require a Community Facility Fee and Neighborhood Park Property Acquisition and Infrastructure Installation Account fee at the rate in effect at the time of the replat, less per acre credit for Community Facility Fees and NPPAIIA fees previously paid. The fee shall be prop-rated to the nearest one-tenth (0.10) of an acre, but the minimum fee due each account shall not be less than two hundred fifty dollars (\$250.00).

40.020 Exemptions:

Lands exempt from Community Facility Fees:

- (a) Lands platted for governmental use (including schools, parks, offices, greenways etc.): and

- (b) Lands platted for public streets, roads and alleys; and
- (c) Lands platted for public drainage facilities, such as channels, detention or retention pond sites.

40.030 Purpose:

- (a) The use of this fee within the City of Cheyenne shall be the actual construction to develop new public parks. The fees shall not be used for studies, engineering, or staff support.
- (b) The use of this fee in Laramie County and outside of the City of Cheyenne shall be for fire facilities and equipment for County fire districts and for the actual construction of County public parks.

40.035 Exclusions:

Within the City of Cheyenne, Community Facility Fees shall not be used for the following:

- (a) Routine maintenance of public parks
- (b) Reconstruction in developed public parks
- (c) Redevelopment of existing park or public lands
- (d) Overhead or general fund purposes

40.040 Payment Schedule:

Payment of Community Facility Fees shall be as follows:

- (a) Fees for land within the City of Cheyenne shall be payable in full at the time of the signing of the plat if the total fee is less than five thousand dollars (\$5,000.00). If the total fee is greater than five thousand dollars (\$5,000.00), ten percent (10%) of the total fee shall be paid at the time of the signing of the plat along with a contractual agreement between the City and the Subdivider/Developer outlining a payment schedule for the remaining balance. The payment schedule shall not exceed a one (1) year period. The contractual agreement shall be executed with the plat signing.

- (b) Fees for County land shall be payable in full at the time of the signing of the plat if the total fee is less than five thousand dollars (\$5,000.00). If the total due is greater than five thousand (\$5,000.00), ten percent (10%) of the total fee shall be paid at the time of the signing of the plat along with a contractual agreement between the County and the Subdivider/Developer outlining a payment schedule of the remaining balance. The payment schedule shall not exceed a one (1) year period. The contractual agreement shall be executed with the plat signing.

40.050 Reserved

40.060 Public Reporting and Accountability:

The City of Cheyenne and Laramie County shall each year report the source and disbursement of the Community Facility Fees as follows:

- (a) At the third (3rd) regularly scheduled City Council or Board meeting, after the end of each fiscal year, a written report shall be presented to the City Council and to the Board on the Community Facility Fees with the following information:
 - 1. Source of all fees by person, subdivision/development name and amount collected; and
 - 2. Disbursement of any fees to whom and by project or item(s) and the amount of purchase; and
 - 3. Balance in the Community Facility Fee account as of June 30th of each year.
- (b) The Treasurer of the City of Cheyenne and of Laramie County shall maintain a specific account for all Community Facility Fees independent from all other general fund accounts of the City or the County. This account shall be represented and budgeted in the annual budget reporting of the City and the County.

ARTICLE V - PRELIMINARY PLAT

50.000 PROCEDURES FOR SUBMISSION.

50.010 Introduction:

The Subdivider/Developer or agent may discuss with the Development Office, prior to the submittal of the application, the proposed development plans and the requirements and procedures for submitting a Preliminary Plat.

Preparation of the Preliminary Plat shall be done in a professional manner. Documents which are illegible or incorrect will not be accepted. Use of the services of a Wyoming-licensed professional land surveyor or engineer is recommended.

Sketch Plat (Optional):

Prior to the filing of a Preliminary Plat, the Subdivider/Developer may submit to the Development Office a Sketch Plat of the proposed development. This procedure does not require a formal application or an application fee, nor does it require Planning Commission review, but the Planning Commission may review and recommend to City Council and Board their comments if requested by the Subdivider/Developer.

50.020 Submission Scheduling:

The Preliminary Plat application, with all supplemental information required on the checklist and the required number of plat maps, shall be placed on the first regularly scheduled Planning Commission meeting at least thirty-five (35) days after the application has been filed with the Development Office.

50.030 Submission Requirements:

The Subdivider/Developer shall submit the necessary documents as outlined on the application form. The standard submittal shall include one (1) completed application, three (3) copies of an Environmental Impact Assessment (EIA), three (3) copies of the preliminary drainage reports, a letter of recommendation from DEQ (where required), and thirty-eight (38) copies of the Plat map to the Development Office. The City or County Engineer may require a Traffic Study should it be deemed necessary for adequate review and to evaluate the traffic in the vicinity of the plat. The Development Office may require additional information as necessary. At submittal, the Subdivider/Developer or agent shall remit to the Development Office a

non-refundable application fee for services in connection with the investigation of the Preliminary Plat.

50.040 Distribution:

As part of the thirty-five (35) day review process, the Development Office will forward a Preliminary Plat map and Request for Comment Form to pertinent reviewing agencies, dependent upon location, for their comments: City Engineer, County Engineer, City Fire Department or the appropriate County Fire District, Board of Public Utilities or South Cheyenne Water and Sewer District, City/County Health Unit, County Clerk, County Assessor, appropriate School District, Cheyenne Area Transportation Planning Process/Regional Planning Office, County Planner, City Planner, Conservation District, State Engineer's Office, City Police or County Sheriff's Department, City Parks and Recreation Department, City Traffic Department, U.S. Postal Service, Cheyenne Light, Fuel & Power or REA, U. S. West or RT Communication, TCI Cable and other Utility/Communication and pertinent offices/agencies as determined by the Development Director.

50.045 Reviews/Comments:

The reviewing agencies shall comment in writing to the Development Office no later than twelve (12) calendar days prior to the public hearing date. If a reviewing agency fails to respond with written comments by the response date noted on the Request for Comment form, it shall be deemed that the agency approves the Preliminary Plat. The reviewing agency shall transmit a copy of any comments directly to the Subdivider/Developer at the same time as comments are provided to the Development Office.

50.050 Notification Requirements:

The Development Office shall notify all surrounding property owners of the proposed development as required by State law by regular mail. The notice shall include the following information: general description of subdivision/development, applicant, legal description, general location, vicinity map, location and time and date of the meeting. The fee to the Subdivider/Developer for this service is \$100.00. The notification Fee is due at the time of submission of the Preliminary Plat in addition to the plat application fee.

The Development Office shall prepare and place a legal notice in the local, designated newspaper at least thirty (30) days prior to the Planning Commission meeting. The notice shall include the Subdivider's/Developer's name, intent to plat, a brief description of the intended land use, legal and general location, Planning Commission meeting information and the Agent's/Developer's point of contact information for inquiries and address.

At the time of submission, the Subdivider/Developer or agent shall obtain from the Development Office, one (1) sign for each street or road abutting the property to be platted. The sign shall state that the property is under consideration for development and that further information may be obtained from the Development Office or the Subdivider/Developer. The Signs shall be posted at least thirty (30) days prior to the Planning Commission date, in such a way that the sign(s) are clearly visible from each street or road abutting the property.

50.060 Evaluation:

The Development Office shall review the Preliminary Plat in terms of the standards set forth in these Regulations, all applicable City and County Policies, Comprehensive and Land Use Plans, Regulations and Ordinances and Standards or additions and amendments thereto, the reviewing agency comments, and any other adopted plans and resolutions. The resulting review shall be forwarded to the Planning Commission, in staff report format along with all reviewing agency comments, for consideration during the Planning Commission's meeting. The Subdivider/Developer or agent shall be provided the same staff report and reviewing agency comments. The Development Office shall mail these reports and comments to the Planning Commission and the Subdivider/Developer at least five (5) days in advance of the scheduled meeting date.

50.070 Responsibility of Presentation:

It is a requirement of the Planning Commission, the City Council and the Board that the Subdivider/Developer or agent be present at all scheduled meetings to present the Preliminary Plat. Absence of a representative shall result in the continuing of the action. The Subdivider/Developer or its agent shall be responsible for all presentations of the plat.

50.080 Acceptance Process:

A. Planning Commission:

The Planning Commission shall take any one of the following actions within seven (7) days of their initial review at a scheduled meeting:

- (1) Recommend Approval: The Planning Commission may attach

conditions to the approval of the Preliminary Plat, and it shall be the Subdivider's/Developer's responsibility to fulfill those conditions prior to or with the submission of the Final Plat.

Conditions shall be backed by existing standards, regulations or plats. The Planning Commission shall provide Findings of Fact and Conclusions of Law for the determination of recommending approval with conditions.

- (2) Recommend Disapproval: When a Preliminary Plat is disapproved, the Planning Commission minutes shall reflect the reason(s) for disapproval. The Planning Commission shall provide Findings of Fact and Conclusions of Law for the determination of recommending disapproval.
- (3) Continued: When the Planning Commission continues action on the Preliminary Plat, the Plat shall be reconsidered by the Planning Commission at its next regularly scheduled meeting, provided all provisions specifically outlined by the Planning Commission have been complied with by the Subdivider/Developer or agent.

The Subdivider/Developer may request an opportunity to discuss the Preliminary Plat conditions at any regularly scheduled meeting.

If a continued Preliminary Plat is not acted upon at the next regularly scheduled meeting, it shall be reconsidered at any regular meeting within one hundred (100) days of the original continued action, provided all conditions outlined by the Planning Commission have been met by the Subdivider/Developer or agent.

- (4) Notification: The Subdivider/Developer and agent shall be notified by letter from the Development Office of the action taken by the Planning Commission within ten (10) calendar days from the date of the meeting. The letter shall include any changes, conditions or recommendations as indicated in the motion for approval. Should the Plat be disapproved or continued, the reason(s) for the action shall be stated.
- (5) All Development Office files are open for inspection.

B. Board and City Council:

- (1) Acknowledge Receipt (County): After action by the Planning Commission all Preliminary Plats outside the city limits (and not within one [1] mile of the city limits), shall be reviewed and

acknowledged by the Board. The Board will make a motion to approve, approve with conditions, disapprove or continue.

- (2) Acknowledge Receipt (City and County): After action by the Planning Commission all Preliminary Plats in the city limits or within one (1) mile of the city limits, shall be reviewed and acknowledged by the City Council. Those plats within one mile of the City limits will then be reviewed and acknowledged by the Board. The Board will make a motion to approve, approve with conditions, disapprove or continue.

The Subdivider/Developer may appeal any condition placed on the Preliminary Plat by the Planning Commission to the City Council and/or Board. If the City Council or Board place any additional requirements on the Plat the conditions shall be adopted by the City Council or Board by Resolution.

The City Council or Board acknowledgment(s) shall be completed prior to a Final Plat hearing before the Planning Commission. The Subdivider/Developer shall incorporate the changes, conditions or recommendations, if any, of the Planning Commission, the Board and/or the City Council.

50.085

Conditions:

Regulations regarding the subdivision/development of land and the attachment of reasonable conditions to land subdivisions/developments are an exercise of valid police power delegated by the State of Wyoming to the City and the County. The Subdivider/Developer has the duty to comply with reasonable conditions stipulated by the Planning Commission, the City Council or the Board for design, dedication, improvement and restrictive use of the land so as to conform to the physical, environmental, social and economic development of the City and County and/or the safety and general welfare of the future landowners within the subdivision/development and the community at large.

50.090

Stipulation of Approval:

- (a) Approval of the Preliminary Plat shall not constitute approval of the subdivision/development or Final Plat by the Planning Commission, the City Council or the Board.
- (b) Approval shall be considered permission to prepare and present the Final Plat.
- (c) The Planning Commission, the City Council or the Board may require additional items or conditions at the final platting stage which were not

required as conditions of approval of the Preliminary Plat, if such items are found to be in the public interest. Findings of fact based on Law and regulations shall be provided.

50.095 Approval Time Limits:

Preliminary Plat approval expires eighteen (18) months from the date of acknowledgment of receipt by the City Council and/or action by the Board. If the Final Plat, or a portion thereof, has not been submitted within the eighteen (18) month period, the Preliminary Plat shall be resubmitted to the Development Office for scheduling of a new public hearing and action by the Planning Commission, the City Council and/or the Board if the applicant wishes to proceed.

After a portion of the Preliminary Plat has been approved as a Final Plat, the time limit for the remaining portions of the Preliminary Plat will be extended for an additional eighteen (18) months from the date of approval of the first filing of the Final Plat by City Council or Board. Remaining portions of the Preliminary Plat shall have time limits as specified above until all portions of the original Preliminary Plat have been approved as Final Plats.

55.000 PLATTING REQUIREMENTS.

55.010 Preliminary Plat Map Information:

- (a) The proposed name of the Subdivision/Development shall be placed in the lower right hand corner of the Preliminary Plat. The name shall not duplicate or resemble the name of an existing subdivision/development, either in spelling or pronunciation. Additional filings of an existing Final Plat shall have the same name.
- (b) The title shall indicate the tract or parcel of land of which the subdivision/development is a part including the section, township and range from the sixth principal meridian, county(or counties) and state (or states).
- (c) Location of the subdivision/development as a portion of some larger subdivision/development or an aliquot portion of a section with a tie to a section or quarter section corner.
- (d) Name and address of the subdivider/developer and the designer of the subdivision/development and the engineer and/or surveyor.
- (e) Location and principal dimensions for all existing or recorded section lines, names of streets, alleys, easements, water courses and other important features within and adjacent to the tract to be subdivided/developed.

- (f) Location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for parks, schools or other public uses.
- (g) Direction of surface drainage by the use of arrows shall be shown for surface drainage on all lots, streets, alleys and easements. All proposed drainage easements shall be shown.
- (h) Date of map preparation, written and graphic scales, and north arrow designating true north.
- (i) Land dedication for public facilities, to include amount and location when mutually agreed upon by the Subdivider/Developer and the City or the County.
- (j) Topography at two foot intervals or at a greater interval, if appropriate, that will clearly show the drainage and road grade conditions. Contour elevations shall be referred to the USGS level datum where contours have been taken from USGS Maps or referred to the 1984 Aerial Mapping of the City and County. The Plat map shall state the source.
- (k) General site information, including the number of residential lots or tracts, estimates of typical lot or tract sizes and lengths of lot or tract lines, block numbers and total acres of the entire subdivision/development.
- (l) Proposed zoning and uses for all lots. (Any necessary changes in the zoning will be submitted with the Final Plat.)
- (m) Present zoning in and adjacent to the subdivision/development.
- (n) Reserved
- (o) A vicinity map, so labeled, showing the relationship of the proposed subdivision/development to the surrounding area. The area to be shown will be at least 500 feet from the proposed boundaries of the proposed subdivision/development.
- (p) Such additional preliminary information as may be required to adequately describe proposed utility systems, street improvements and construction

projects contemplated within the area to be subdivided/developed. This information may be furnished on an attachment.

- (q) A statement specifying the type of sewage disposal, the type of water supply and the type of fire protection proposed to serve the subdivision/development for plats in the County not intended for annexation to the City.
- (r) Any recorded easements or restrictions applicable to the subdivision/development shall be noted by reference to Register's book and page number. The City and the County will not be involved in the enforcement of deed restriction or covenants.
- (s) The Subdivider/Developer may attach a letter to all Preliminary Plats describing any unusual or unique design elements relating to the Preliminary Plat. The Subdivider/Developer may also include any other information that may be beneficial for all Agencies that will be reviewing and commenting on the Preliminary Plat.

55.020 Supplemental Information Required:

The Preliminary Plat shall be accompanied by the following information:

- (a) An Environmental Impact Report is to be prepared in accordance with the Environmental Assessment format available at the Development Office.
- (b) A Preliminary Drainage Plan, prepared by a Wyoming-Licensed Professional Engineer, developed in accordance with the City of Cheyenne/Laramie County Storm Water Management Manual and the Road, Street & Site, Planning and Design Standards Manual, as amended. A complete set of the preliminary plans and specifications for the public improvements, including drainage/grading, on the subdivision and vicinity may be submitted to the City/County Engineer for review and coordination as may be required by the Engineer involved in the subdivision/development.

Subdivider/Developer and Engineer shall propose how and to what degree erosion and run-off will be controlled for the subdivision/development and each shall be addressed within the Preliminary Drainage Plan.

ARTICLE VI - FINAL PLAT

60.000 PROCEDURES FOR SUBMISSION.

60.010 Introduction:

The Subdivider/Developer or agent may discuss with the Development Office, prior to the submittal of the application, the proposed development plans and the requirements and procedures for submitting a Final Plat when a Preliminary Plat is not required. A meeting is not necessary when a Preliminary Plat precedes the Final Plat on the same lands and no significant revisions are intended from that of the Preliminary Plat. The Development Office shall classify all applications as either a simple subdivision, or as a major subdivision. If classified as a simple subdivision, the application shall follow the procedures set forth in Section 66 of this Article. The final determination on accepting a plat as a final without a preliminary plat will be made by the Development Director. The following general guidelines will be utilized to make the determination:

- a. The development is considered to be a subdivision that would create relatively small impacts on the pattern of land development.
- b. The land involved conforms to applicable zoning regulations and other applicable portions of these subdivision / development regulations.

The Final Plat shall be prepared by a Wyoming Professional Land Surveyor in accordance with these Regulations.

60.020 Submission Scheduling:

The Final Plat application, with all supplemental information required on the checklist and the required number of plat maps, shall be placed on the first regularly scheduled Planning Commission meeting within thirty-five (35) days after the application has been filed with the Development Office.

60.030 Submission Requirements:

The Subdivider/Developer shall submit the necessary documents to the Development Office. The standard submittal shall include one (1) completed application, three (3) copies of a final drainage report, a letter of recommendation from DEQ (where required) and thirty-eight (38) copies of the Final Plat, fully executed by the owner and the surveyor of record. The Development Office may request further information

as necessary. The City or County Public Works Director may require a Traffic Study, unless one was previously required.

Subdivisions/developments in the County may require the submittal of a Subdivision Permit in conjunction with the Final Plat. This requirement shall be initiated with the submittal of the Final Plat in accordance with these regulations and applicable state statute.

At the time the Final Plat is submitted, the Subdivider/Developer or agent shall remit to the Development Office a non-refundable application fee.

60.040 Distribution:

As part of the thirty-five (35) day review process, the Development Office will forward a Final Plat map and Request for Comment form to pertinent reviewing agencies, dependent upon proposed development location, for their comments: City Engineer, County Engineer, City Fire Department or the appropriate County Fire District, Board of Public Utilities or South Cheyenne Water and Sewer District, City/County Health Unit, County Clerk, County Assessor, appropriate School District, Cheyenne Area Transportation Planning Process/ Regional Planning Office, County Planner, City Planner, Conservation District, State Engineer's Office, City Police or County Sheriff's Department, City Parks and Recreation Department, City Traffic Department, U.S. Postal Service, Cheyenne Light, Fuel & Power or REA, U. S. West or RT Communications, TCI Cable and other Utility/Communication and pertinent offices/agencies as determined by the Development Director.

60.045 Reviews/Comments:

The reviewing agencies shall comment in writing to the Development Office no later than twelve (12) calendar days prior to the public hearing date. If a reviewing agency fails to respond with written comments by the suspense date noted on the Request for Comment form, it shall be deemed that the agency approves the Final Plat. The reviewing agency shall transmit a copy of any comments directly to the Subdivider/Developer at the same time as comments are provided to the Development Office.

60.050 Notification Requirements:

The Development Office shall notify all surrounding property owners of the proposed development as required by State law by regular mail. The notice shall include the following information: General description of subdivision/development, applicant,

legal description, general location, vicinity map, location and time and place of meeting. The fee to the Subdivider/Developer for this service shall be \$100.00. This notification fee is due at the time of submission of the Final Plat in addition to the plat application fee.

Additionally, the Development Office shall prepare and place a legal notice in the local, designated newspaper at least thirty (30) days prior to the Planning Commission meeting. The notice shall include the Subdivider's/Developer's name intent to plat, a brief description of intended land use, legal and general location, Planning Commission meeting information at which the plat will be discussed and a point of contact for inquiries and the Subdivider's/Developer's address.

At the time of submission, the Subdivider/Developer shall obtain from the Development Office, one (1) sign for each street or road abutting the property to be platted. The sign shall state that the property is under consideration for development and that further information may be obtained from the Development Office. The signs shall be posted at least thirty (30) days prior to the Planning Commission date, in such a way that the sign(s) are clearly visible from each street or road abutting the property.

60.060 Evaluation:

The Development Office shall review the Final Plat in terms of the standards set forth in these Regulations; all applicable City and County Policies, Comprehensive and Land Use Plans; Regulations, Ordinances and Standards or additions and amendments thereto, the reviewing agency comments; and any other adopted plans and resolutions. The resulting review shall be forwarded to the Planning Commission, in staff report format along with all reviewing agency comments, for consideration during the Planning Commission's meeting. The Subdivider/Developer or agent shall be provided with the same staff report and reviewing agency comments. The Development Office shall mail these reports and comments to the Planning Commission and the Subdivider/Developer at least five (5) days in advance of the scheduled meeting date.

If a preliminary plat was reviewed and acknowledged and/or approved the Final Plat can be submitted for review and clearance as a Final Plat under the following process: The Final Plat must comply with all conditions of the City Council or the Board regarding the preliminary plat. If the Final Plat meets the conditions it may be scheduled directly to the City Council or Board for review without a Planning Commission recommendation.

60.070 Responsibility of Presentation:

It is a requirement of the Planning Commission, the City Council and the Board, that the Subdivider/Developer or agent be present at all scheduled meetings to present the Final Plat. Absence of a representative shall result in the continuing of the action. The Subdivider/Developer or its agent shall be responsible for all presentations of the plat.

Acceptance Process:**A. Planning Commission:**

The Planning Commission shall take any one of the following actions at the meeting that the development is originally presented to the Planning Commission:

- (1) Recommend Approval: The Planning Commission may attach conditions to the approval of the Final Plat. It shall be the Subdivider's /Developer's responsibility to fulfill the conditions prior to submission of the Final Plat to the City Council and/or Board. If the Subdivider/Developer does not comply with these conditions, the Final Plat shall only go forward under the requirements of Section 60.080A(2).

Conditions shall be backed by existing standards, regulations or plats. The Planning Commission shall provide Findings of Fact and Conclusions of Law for the determination of recommending approval. The Subdivider/Developer shall have an opportunity to discuss the conditions with the Planning Commission prior to the vote but after the motion has been made.

- (2) Recommend Disapproval: The Planning Commission minutes shall reflect the reason(s) for recommending disapproval. The Planning Commission shall provide Findings of Fact and Conclusions of Law for the determination of recommending disapproval. The Subdivider/Developer may request, in writing, for the Final Plat to be scheduled to the City Council and/or Board.
- (3) Continued: When the Planning Commission continues action on the Final Plat, the plat shall be reconsidered by the Planning Commission at its next regularly scheduled meeting, provided all provisions specifically outlined by the Planning Commission have been complied with by the Subdivider/Developer or agent.

If a Final Plat is not acted upon at the next regularly scheduled meeting, it shall be considered at any regular meeting within a one hundred (100) day period following the original continuing date. At the end of this term, with or without compliance with the provisions outlined by the Planning Commission, an affirmative action shall be rendered.

- (4) Notification: The Subdivider/Developer shall be notified by the Development Office by letter of the action taken by the Planning

Commission within five (5) calendar days from the date of the meeting. The letter shall include the recommended action, any stipulations and future meeting schedule. Should the plat be disapproved or continued, the reason(s) for the action shall be stated.

B. Board/City Council:

- (1a) County Jurisdiction: All Final Plats outside the city limits (and not within one [1] mile of the city limits), after action by the Planning Commission shall be heard by the Board at its next regular meeting.
- (1b) City Jurisdiction: All Final Plats in the city limits or within one (1) mile of the city limits, after action by the Planning Commission, shall be heard by the City Council. Those plats within one mile of the city limits and in the County will be heard by the Board after action by the City.
- (1c) Joint City/County Jurisdiction: All Final Plats within one (1) mile of the City limits shall be heard by the Board after the City Council has approved the Final Plat.
- (2) The City Council and/or Board shall render one of the following:
 - (a) Approval: The City Council and/or Board may place conditions on the Final Plat for fulfillment by the Subdivider/Developer. It shall be the Subdivider's or agent's responsibility to fulfill any and all conditions prior to submission of the Final Plat to the Development Office for execution by the City Council and/or Board. The City Council and/or Board shall provide Findings of Fact and Conclusions of Law for the determination of recommending approval.
 - (b) Disapproval: When a Final Plat is disapproved, the City Council's and/or Board's minutes shall reflect the reason(s) for disapproval. The City Council and/or Board shall provide Findings of Fact and Conclusions of Law for the determination of recommending approval.
 - (c) Continued: When the City Council and/or Board continues or postpones action on the Final Plat, the plat shall be reconsidered at the next regularly scheduled meeting. Final

action on the Final Plat shall be made by the City Council and/or Board within seventy-five (75) days of the date of the first meeting that the Final Plat was heard by the City Council and/or Board. The Subdivider/Developer may request an extension of the seventy-five (75) day deadline.

- (3) Notification: The Subdivider/Developer shall be notified by the Development Office by letter of the action taken by the City Council and/or Board within five (5) calendar days from the date of the meeting however such letter shall be received by the Subdivider/Developer at least six (6) days before the Final Plat will be placed on a City Council or Board agenda.

60.085 Conditions:

Regulations regarding the subdivision and/or development of land and the attachment of reasonable conditions as required by Rules, Ordinances, and Resolutions to fulfill the regulations on land subdivisions and/or developments is an exercise of valid police power delegated by the State of Wyoming to the City and the County. The Subdivider/Developer has the duty to comply with reasonable conditions made by the Planning Commission, the City Council or the Board for design, dedication, improvement and restrictive use of the land so as to conform to the physical, environmental, social and economic development of the City and County and/or the safety and general welfare of the future landowners within the subdivision and/or development and of the community at large.

60.090 Stipulation of Approval:

The Planning Commission, the City Council and/or the Board may place conditions on the Final Plat for the purpose of compliance with relative regulations and requirements.

A. In the County:

Prior to execution of signatures on the Final Plat:

- (1) The Subdivider/Developer shall be responsible for construction (and written acceptance by the County Engineer, South Cheyenne Water and Sewer District or the Board of Public Utilities), if necessary, for all public improvements (roadways, traffic control devices, water/sewer service, grading, drainage facilities) required by the plat approval; and

- (2) The Subdivider/Developer shall pay the Development Office the Community Facility Fees, as specified in the approval process; and
- (3) The Subdivider/Developer shall present the original(s) of the Final Plat map, along with Items 1 and 2 above, for the Development Office to schedule execution of signatures.

B. In the City:

Prior to execution of signatures on the Final Plat:

- (1) If the property contained within the Final Plat has previously been annexed, the Subdivider/Developer shall be responsible for construction (and written acceptance by the City Engineer and Board of Public Utilities), for all public improvements (streets, alleys, water/sewer service, grading, drainage facilities) required by the plat approval; or
- (2) If the Final Plat includes annexation, the Subdivider/Developer shall be responsible for compliance with Chapter 33/Annexation of the City Code, and related requirements of approval (including, but not limited to an Annexation Agreement). Use of this provision allows for execution of signatures on the Final Plat.

60.095

Approval Time Limits:

The approval of the Final Plat shall be effective for a period of eighteen (18) months from the date of last approval action by the Board/City Council. If the Final Plat has not been submitted for recording with the Laramie County Clerk's Office within this time period, the Development Office shall notify the Subdivider/Developer and the Laramie County Clerk's Office of the failure to record. The Development Director shall declare the plat void and the Subdivider/Developer shall be required to resubmit the plat for reconsideration and approvals.

The Subdivider/Developer shall be responsible for the recording of the Final Plat with the Laramie County Clerk's Office. The Subdivider/Developer shall submit the reproducible original of the Final Plat, two (2) reproducible film copies and one (1) blueline copy of the Final Plat, along with the required filing fee. The reproducible film copies will be distributed to the City and County Engineer's Office.

60.100 Altering of Final Plat Map:

No changes, erasures, modifications or revisions shall be made on the Final Plat after the approval and execution of signatures by the Planning Commission and appropriate City Council and/or Board.

60.110 Vacation:

All such vacation instruments shall be approved by the Board for areas outside of the incorporated limits of the City or Town and by the City Council of all land within a City or Town. Vacations shall be done in accordance with W.S. ●34-12-106 through 34-12-111.

65.000 PLATTING REQUIREMENTS.

65.010 Final Plat Map Information:

- (a) The proposed name of the Subdivision/Development shall be placed in the lower right hand corner of the Final Plat. The name shall not duplicate or resemble the name of an existing subdivision/development, either in spelling or pronunciation. Additional filings of the same Preliminary Plat shall have the same name and a filing number.
- (b) The title shall indicate the tract or parcel of land of which the subdivision/development is a part, including the section, township and range from the sixth principal meridian, county (or counties) and state (or states). If the Final Plat is to constitute annexation, the title shall reflect the wording "AN ADDITION TO THE CITY OF CHEYENNE".
- (c) Space shall be provided and designated for a filing record by the Laramie County Clerk's Office.
- (d) Dedication and acknowledgment statements executed by all owners of legal and equitable interests in the property being subdivided/developed. These signatures shall be attached to the Final Plat in agreement with the owners and exceptions report that is required to be presented at the time that the Final Plat is presented for signatures by the Board and/or City Council.
- (e) Date of map preparation, written and graphic scales, and north arrow

designating true north.

- (f) Designation of land by lot and block, other than rights-of-way, intended to be conveyed or reserved for public use or facilities, or reserved in the deeds for the use of all property owners in the proposed subdivision/development.
- (g) Certification by a Wyoming Professional Land Surveyor stating that the Final Plat represents a survey made by him/her or under his/her direct supervision and that all information shown is correct to the best of his/her knowledge.
- (h) Signature blocks for use by the Development Director and the Chairman of the Board and County Clerk for Laramie County, Wyoming, or the Mayor and City Clerk of the City of Cheyenne, Wyoming, or both, should the subdivision/development be located within one (1) mile of the City Limits.
- (i) For subdivision/development in the County, a survey tie(s) by bearing/azimuth and distance to the nearest acceptable section monument, shall be accurately described on the Final Plat.
- (j) For subdivision/development in the City or within one (1) mile of City Limits a survey tie(s) by bearing/azimuth and the distance to two (2) of the City of Cheyenne's Horizontal Control Network monuments shall be accurately described on the Final Plat.
- (k) Any differences between bearings/azimuths and/or distances of adjoining record surveys or subdivisions/developments shall be shown on the Final Plat.
- (l) The Basis of Bearing/Azimuth on which the survey is based shall be noted on the Final Plat.
- (m) If any lot, block, boundary or right-of-way from a previously recorded Plat is being vacated by this Final Plat a notation shall be provided, describing the area or boundaries to be vacated under a section titled Statement to Vacate. An executed "Petition to Vacate" signed by all affected owners is required as part of the application packet.
- (n) Layout shall include the following:
 - 1. Boundary lines with bearings/azimuths and distances and the location of all recorded rights-of-way intersecting the boundary of the subdivision/development.

2. Where applicable, curve data showing the radius, central angle, arc length, chord bearing/azimuth and distance and any notation of non-tangent curves. The location of points of curvatures and intersections shall be shown.
 3. The location and dimensions, with boundary ties, for all existing and proposed utility, drainage, access, or other easements.
 4. The right-of-way lines, widths and names of all streets or roads within and adjacent to the proposed subdivision/development.
 5. The area of each lot or tract in square feet and/or acres.
- (o) A vicinity map, indicating the location of the proposed subdivision/development with respect to the surrounding area.
 - (p) Such additional preliminary information as may be required to adequately describe proposed utility systems, street improvements and construction projects contemplated within the area to be subdivided.
 - (q) A statement describing the type of sewage disposal, the type of water supply and the type of fire protection proposed to serve the subdivision/development for plats in the County not intended for annexation to the City.
 - (r) Any recorded easements or restrictions applicable to the subdivision shall be noted by reference to Register's book and page number. The City and the County will not be involved in the enforcement of deed restriction or covenant instruments.
 - (s) For developments not intended for annexation to the City of Cheyenne or to be served by the South Cheyenne Water and Sewer District a statement shall be included on the Final Plat describing the type of water supply and sewer system.
 - (t) A subdivision permit, in compliance with these regulations, shall be submitted with a letter of recommendation from DEQ referencing compliance or non-compliance with WS 18-5-303.

65.020 Supplemental Information Required.

Such additional information as may be required to adequately describe proposed utility systems, street improvements and construction projects contemplated within the area to be developed. This information may be provided in letter form attached

to the application and accompanying each copy of the Final Plat.

66.000

Simple Subdivisions.

- (a) Wyoming Statute •18-5-306(a) (2001) allows for a simpler permitting process with certain small subdivisions.
- (b) Application Procedure and Requirements:
 - 1. Applicants seeking approval of a one- or two-lot subdivision shall present an application for a subdivision to the Development Office. The Development Office shall classify the proposal as either simple, or as major prior to scheduling it before the Planning Commission. A subdivision shall not be classified as a simple subdivision by the Development Office if any of the following conditions exist:
 - a. The subdivision will be served by a central sewage disposal system or central water supply system which is not owned and operated by a public entity;
 - b. The land to be divided is a parcel created by exempt division, pursuant to Section 70.025 after July 1, 2001;
 - c. The land to be subdivided is within a platted subdivision;
 - d. The land to be subdivided is contiguous to other land on which the applicant has platted a subdivision.
 - e. The land to be subdivided is intended for business purposes.
 - 2. Following the Development Office's classification, the application shall be processed, reviewed and approved pursuant to this Article, except as noted herein.
 - 3. No letter of recommendation from the department of environmental quality shall be required as set forth in Section 65.010 (t). In lieu of the department of environmental quality letter, a simple subdivision application shall include a letter from the Cheyenne-Laramie County

Health Department indicating that on-site small wastewater systems are feasible on the lots, and noting any special conditions that may apply. When requesting this letter, the applicant shall submit any site information deemed necessary by the health department including, but not limited to percolation tests, soil profile data and depth to groundwater. Such information shall be developed in accordance with adopted health department procedures, standards and requirements. In the event the health department is not able to prepare this feasibility letter because of inadequate information from the applicant, or because of problematic site conditions, the Development Office shall thereupon reclassify the application as a major subdivision.

(c) Subdivision Permit:

All simple subdivisions shall secure a subdivision permit pursuant to Article VII with the exceptions noted at Section 70.040 (a) 4.; Section 70.040 (a) 7.; and Section 70.040 (c).

ARTICLE VII - SUBDIVISION PERMITS

70.000 Establishment.

The regulations and control of the subdivision of land in the unincorporated areas of the County is vested in the Board.

70.010 Authority

The Laramie County Subdivision Regulations are authorized by Wyo. Stat. ● 18-5-301 through 315, and are hereby declared to be in accordance with all provisions of these Statutes.

70.020 Subdivision permit required.

No person shall subdivide land or commence the physical layout or construction of a subdivision without first obtaining a subdivision permit in accordance with these regulations.

70.025 Exemptions from provisions.

- (a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these regulations, these regulations shall not apply to any subdivision of land that:
 - 1. Is a division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the 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. 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;

- d. No parcel smaller than five (5) acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304.
2. A division that may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state;
 3. A division that is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
 4. A division that concerns lands located within incorporated cities or towns;
 5. A division that is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
 6. A division that affects railroad rights-of-way;
 7. A division that is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;
 8. A division that 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;
 9. A division that creates cemetery lots;
 10. A division that 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.
- (b) These regulations shall not apply to the sale or other disposition of land where the parcels involved are thirty-five (35) acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than forty (40) nor more than sixty (60) feet in width to a public road unless specifically

waived by the grantee or transferee in a binding and recordable document.

70.026 Affidavits of Family Exemption.

The owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments that divide land pursuant to the family exemption, shall present to the County Clerk an affidavit of family exemption to be recorded with the instrument. Failure of the owners or agents to present said affidavit shall in no way prevent or hinder the County Clerk from recordation of the instrument, nor shall the County Clerk be legally compelled to require any such affidavit. In the event, however, any such instrument is recorded without said affidavit, the Board, in its discretion, may record with the County Clerk a Notice of Non-Filing (See Appendix C) referencing the divided land. No official county land use action, such as, but not limited to, the issuance of an address, zoning certificate, small wastewater permit, right-of-way permit, utility permit, site plan certificate of review, floodplain development permit, shall be processed for land divided pursuant to the family exemption unless said affidavits have been duly recorded with the County Clerk and presented to the appropriate agency. Affidavits shall conform to one of the Affidavits of Family Exemption (See Appendix C).

70.027 Requirements for Agricultural Purposes Exemption.

The owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments that divide land pursuant to the agricultural purposes exemption, shall present to the County Clerk a covenant to be recorded with the instrument. Failure of the owners or agents to present said covenant shall in no way prevent or hinder the County Clerk from recordation of the instrument, nor shall the County Clerk be legally compelled to require any such covenant. In the event, however, any such instrument is recorded without said covenant, the Board, in its discretion, may record with the County Clerk a Notice of Non-Filing (See Appendix C) referencing the divided land. The covenant shall conform to the Covenant for Agricultural Purposes Exemption (See Appendix C).

70.030 Delegation of Subdivision Review Responsibility.

The Board hereby constitutes the duly created Planning Commission to act pursuant to the provisions of Wyo. Stat. § 18-5-307 as the proper agency to receive and evaluate applications for subdivision permits. Applications for subdivision permits shall be submitted to the Development Office.

Application for Subdivision Permit.

(a) Applications for all subdivision permits-simple or major-shall include:

1. Evidence satisfactory to the Board that the proposed subdivision complies with all applicable zoning or land use regulations;
2. A Final Plat submitted by the subdivider, prepared and signed by a Wyoming Licensed Land Surveyor in accordance with these regulations;
3. Evidence satisfactory to the Board, and supported by documentation that:
 - a. The subdivider or his 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
 - b. Binding arrangements have been made by the person or his 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.
4. Except for a simple subdivision as provided for in Section 60.010, 66.000 of these regulations, a study evaluating the sewage system proposed for the subdivision and the adequacy and safety of the system. The study shall, at a minimum, include the following:
 - a. 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;
 - b. For all types of sewage systems except individual on-lot sewage systems, a report submitted by the subdivider as to the adequacy and safety of the proposed sewage system. The

report shall address, at a minimum, the following issues:

- (i) 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;
 - (ii) An estimate of the total number of gallons per day of sewage generated by the proposed subdivision where a central sewage system is proposed;
 - (iii) A demonstration that technical requirements and design standards of the department of environmental quality applicable to central sewage systems can and will be met;
 - (iv) Where utilization of or connection to an existing private or public sewage system is proposed, documentation that application to such entity has been made and that the entity can and will provide service;
 - (v) A detailed demonstration that the proposed sewage system for the subdivision is compatible with the proposed water supply system for the subdivision. The study shall demonstrate that the operation of the sewage system will not affect the suitability or safety of the proposed water supply system and a determination of the potential impacts of downgradient use of groundwater;
 - (vi) Demonstration that the proposed sewage system will meet all county, state and federal standards. The demonstration shall address 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 established pursuant to the federal Safe Drinking Water Act.
- c. Where individual on-lot sewage systems are proposed by the subdivider, a report submitted by the subdivider shall

document the safety and adequacy of the proposed on-lot sewage systems including the following:

- (i) Adequacy of separation distances;
 - (ii) Separation of drainfield relative to groundwater and impervious soils;
 - (iii) Suitability of the subdivision soil conditions;
 - (iv) Suitable topography;
 - (v) Proposed population density;
 - (vi) Protection of groundwater uses; and
 - (vii) Watersheds located on or draining into, under or over the proposed subdivision.
5. For all subdivisions, where individual on-lot sewage systems are proposed, whether classified by the Development Office as major or simple, the words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM," in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.
6. 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 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 subdivision for all public ways;
7. Except for a simple subdivision as provided for in Section 60.010, 66.000 of these regulations, a study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study shall, at a minimum, include the following:
- a. 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;

- b. For all water supply systems except individual on-lot wells, a report submitted by the subdivider demonstrating the adequacy and safety of the proposed water supply system. The report shall address, at a minimum, the following issues:
- (i) The estimated total number of gallons per day for the subdivision water supply system;
 - (ii) 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;
 - (iii) 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;
 - (iv) Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision;
 - (v) When connecting to an existing water supply system, the report shall also contain:
 - (1) Documentation that public or private water suppliers can and will supply water to the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
 - (2) Documentation concerning the potability of the proposed water supply for the subdivision.
 - (vi) Where a centralized water supply system is proposed containing a new source of water supply to be developed, the report shall also demonstrate 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:

- (1) 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;
- (2) The quantity, quality and source of the water to be used including proposed and existing surface and groundwater facilities and their locations. Where the proposed water supply system for the subdivision is from a groundwater source, a written report submitted by the subdivider demonstrating that the proposed source is sufficient in terms of quality, quantity and dependability for the type of subdivision proposed;
- (3) The proposed disposal of water not consumed, including water obtained under permits, storm drainage, dewatering, sewage and other wastewater sources;
- (4) A delineation of primary sources of water, secondary sources and occasional or seasonal sources;
- (5) Graphic location of all water supply sources including wells, raw water intakes, treatment facilities, treated water storage facilities and ponds;
- (6) Documentation of all data sources on the occurrence and availability of surface and groundwater;

- (7) Historic stream flows and well levels;
- (8) Senior water rights;
- (9) Flood damage and flood protection;
- (10) Impact of and protection from supply shortages.

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

- (i) The estimated total number of gallons per day for the subdivision;
- (ii) 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;
- (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; and
- (v) Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision.

8. For all subdivisions, where individual on-lot wells are proposed, whether classified by the Development Office as major or simple, the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall appear on all offers, solicitations,

advertisements, contracts, agreements and plats relating to the subdivision.

9. Documentation satisfactory to the Board that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the Board and applied uniformly throughout the county which shall not in itself constitute consent of the Board to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the Board properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the board shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF STREETS OR ROADS";
10. Documentation 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 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 subdivision 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;
11. Proof 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 shall include the name of the subdivider and the general location of the land to be subdivided;
12. With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter and prior to final approval of the subdivision the subdivider shall provide:

- a. 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
 - b. 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
 - c. A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, 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, 41-3-104 or 41-3-114; and
 - d. If the subdivision is located within an irrigation district or within lands, served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and
 - e. Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.
13. Each application for a subdivision permit shall be accompanied by a fee which shall be paid to the Count Clerk and credited to the county general fund. The fee shall be the greater of one hundred dollars (\$100) or ten dollars (\$10) per lot up to a maximum fee of one thousand dollars (\$1000).
- (b) The Board requires that the applicant obtain review and recommendations from the Laramie County Conservation District regarding soil suitability, erosion control, sedimentation and flooding problems. The review and

recommendations shall be completed within sixty (60) days.

- (c) Except for a simple subdivision as provided for in Section 60.010, 66.000 of these regulations, upon receipt of a subdivision permit application filed with the Development Office and prior to subdivision permit approval, the subdivider shall send three (3) copies of the portions of the application prepared under this section to the department of environmental quality for review of the safety and adequacy of the proposed sewage system and proposed water supply system. The review shall be conducted in accordance with the following guidelines:
1. The department of environmental quality may request assistance from the state engineer, the Wyoming water development office and any other state agency or local 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;
 2. The department of environmental quality shall file its written comments and recommendations on the application with the Development Office within thirty (30) days after receipt of the application. The department may extend its review period for an additional thirty (30) days if an extension is necessary to complete the review.

70.050 Agency review.

The Development Office shall forward the permit application and plat for review to the City Engineer or other designated agent if the subdivision/development limits are within one (1) mile of City limits, to the County Engineer and other interested and appropriate agencies for review and comment. Review by the conservation district regarding soil suitability, erosion control, sedimentation and flooding problems shall be obtained, if not previously obtained by the Subdivider/Developer. After review of the permit application and plat for adequacy and completeness, the Development Office shall submit the application and plat to the Planning Commission, and shall make findings and recommendations to the Planning Commission with respect to approval or disapproval.

70.060 Planning Commission.

The Planning Commission shall, within forty five (45) days from date of filing with the Development Office, make findings and recommendations to the Board with

respect to approval or disapproval of the Subdivision Permit Application. If any part of the subdivision/development lies outside the limits of the City but within one (1) mile of the boundaries, the findings and recommendations with respect to approval or disapproval shall also be submitted to City Council. If no action is taken by the Planning Commission within forty-five (45) days from date of filing, the Subdivision Permit shall be deemed approved by the Planning Commission.

70.070 Approval.

Upon receiving the evaluation, findings, and recommendations from the Planning Commission, the Board, and in those cases where the findings and recommendations must be submitted to the City Council, City Council and/or Board shall approve or disapprove the Subdivision Permit Application and Plat. The Subdivision Permit Application shall be approved or disapproved within forty-five (45) days from receipt of the report of the Planning Commission.

70.071 Construction of Improvements in Phases - Subdivision Agreement: COUNTY ONLY:

Notwithstanding anything in these rules and regulations to the contrary, a subdivider/developer may seek approval from the Board to have a final plat executed and recorded with the understanding that the construction of the public improvements shall be completed in phases. Board approval for any subdivision/development in which the construction of the public improvements shall be completed in phases shall be subject to the execution of a Subdivision Agreement between the subdivider/developer and the County which agreement shall provide for, but not be limited to, the following:

- (a) The identification and description of all public improvements to be constructed;
- (b) The completion dates for all public improvements so identified and described;
- (c) The deposit of collateral, if required, in the form of bond, cash, letter of credit, or other collateral acceptable to the Board, to guarantee that sufficient funds are available for the completion of the improvements described. (Contemplates the deposit of said collateral at least 20 days prior to the commencement of construction);
- (d) The inspection of the improvements during construction;
- (e) Materials certifications and testing requirements;

- (f) ■As-constructed• drawings as may be required;
- (g) The return of the collateral upon the successful completion of the improvements;
- (h) The remedies upon a default by the subdivider/developer; and
- (i) For the termination of the agreement upon the successful completion of the improvements;

70.072 County Participation in Construction of Improvements: COUNTY ONLY:

Nothing herein shall prohibit the County and Subdivider/Developer from entering into an agreement for the joint participation in the construction of public improvements in regards to a particular subdivision. Any agreement for joint participation shall provide for, but not be limited to, the following:

- (a) The identification and description of public improvements to be constructed by each party;
- (b) The completion dates for all public improvements so identified and described;
- (c) Other provisions as may be agreed upon by the parties relating to the deposit of collateral to guarantee performance, inspection of the improvements during construction, ■as-constructed• drawings, the return of collateral, remedies upon default, and termination of the agreement.

70.080 Issuing Permit.

If the Board, and in those cases where the findings or recommendations must be submitted to City Council, City Council and/or Board shall approve the Subdivision Permit Application and Plat, the County Clerk will issue the permit. If the permit is not procured from the Clerk within thirty (30) days from approval, the permit will expire, necessitating re-submittal of a new application.

70.090 Reserved.

70.095 City-County Approval--Final Plat.

If any part of the subdivision/development lies outside the limits of the City, but within one (1) mile of the boundaries of the City, the approval of the Final Plat by City Council in addition to the approval of the Board must also be obtained in accordance with the established City procedures for platting and dedication, Wyoming Statutes Section 34-12-101 to 34-12-115, as amended. If the subdivision/development is not within the one (1) mile limitation, only the approval of the Board is required.

71.000 Enforcement.

The provisions of this resolution are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus. All requests for enforcement of the provisions of this Resolution and Wyoming Statutes 18-5-301 through 18-5-315 shall be submitted to the office of the County Attorney for necessary and appropriate action. Upon failure or refusal of the County and Prosecuting Attorney to act upon a violation of the provisions of the Resolution and the acts cited herein, the Board may request the State Attorney General to initiate civil or criminal proceedings to enforce the provisions of the act and this Resolution.

71.010 Investigatory Powers.

- (a) If the Board has reason to believe that a person has engaged in activity which violates the provisions of this Resolution or Wyoming Statutes 18-5-301 through 18-5-315, it shall make an investigation and, to the extent necessary, may administer oath or affirmation and, upon its own motion, or upon request of any party, may subpoena witnesses, compel own motion, or upon request of any party, may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other relevant facts or any other matter reasonably calculated to lead to discovery of admissible evidence.

- (b) If any person subject to the provisions of the subdivision act has records, as described in Wyoming Statutes 18-5-311(b), located outside the State of Wyoming, the person shall either make them available directly to the Board or its representative, including the County Attorney, to examine them in the place where they are maintained. The Board may designate representatives, including comparable officials of the State in which the records are located, to inspect them on the behalf of the Board.
- (c) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Board may apply to any district court for an Order compelling compliance.

Any person who knowingly authorizes, directs, or aids in the publication, advertisement, distribution or circulation of any false statement or misrepresentation concerning any subdivision for sale, in this or any other State, and every person with knowledge that any such advertisement, prospectus, pamphlet or letter concerning land of any subdivision thereto contains any written statement that is false or fraudulent in any material part or who issues, circulates, publishes or distributes, the same or who causes the same to be circulated, published or distributed, shall upon conviction be imprisoned for a period not to exceed thirty (30) days or be fined not to exceed five hundred dollars (\$500.00) or both. Each day of violation constitutes a new offense.

ARTICLE VIII - SUBDIVISION/DEVELOPMENT DESIGN STANDARDS

80.000 GENERAL.

The purpose of the Subdivision/Development Design Standards is to insure that the subdivision/development provides basic design principles necessary for a safe, serviceable, attractive and healthy living environment. These standards are general guidelines and minimum standards for evaluating all plans of proposed subdivisions/developments and plats.

80.010 Subdivision/Development Site Considerations:

- (a) Steep or unstable land and areas having inadequate drainage shall not be subdivided/developed into building lots unless the Subdivider/Developer makes adequate provisions (satisfactory to the City and/or County Engineer) to prevent the same from endangering life, health, or other property.
- (b) Land subject to flooding, and/or within drainage areas shall be developed in accordance with the provisions of the Cheyenne Storm Water Management Planning Manual, Design Standards and Regulations, an Amendment to the Subdivision/Development Regulations, as well as the Floodplain Management Regulations.
- (c) Subdivision/development design shall include adequate provisions (satisfactory to the City and/or County Engineer) for reduction of noise in the case where a subdivision/development borders a railroad right-of-way, freeways or arterials, or an airport. This can be accomplished by landscaped and bermed buffer areas, or siting buildings further from the noise source.

80.020 Lots and Blocks:

- (a) Lot size shall be determined by the orientation and location of the subdivision/development. The width, depth, and shape of the lot shall be determined by the proposed use of the site and also The Cheyenne and Laramie County Zoning Ordinance 1988, as amended. The lot size is governed by square footage requirements per district though no minimum width or depth is addressed, with the exception of a minimum frontage in a cul-de-sac being thirty (30) feet.

- (b) Owners of lots not having access to public water and sewer shall be required to submit percolation tests and sewage drain field designs as specified by the City-County Health Unit, and all construction shall be in compliance with existing health regulations.
- (c) All subdivisions/developments that are not on a community water and sewer system shall be developed in accordance with the density standards listed in (d) below and shall contain an area of land of at least one (1) acre having a slope of less than ten (10) percent and having soils suitable to establish a house, a well and a septic system.
- (d) In the County, residential lots or tracts shall meet the following requirements:
 - 1. Urban density area. The area adjacent, or previously adjacent, to the City of Cheyenne or adjacent, or previously adjacent, to the South Cheyenne Water and Sewer District which meets the following criteria shall be reserved for urban level development. Unless otherwise approved by the governing body due to special circumstances or exceptions relating to a specific property, developments in this area must either be annexed to the City of Cheyenne or be included in an organized sewer and water district such as the South Cheyenne Water and Sewer District.

CRITERIA:

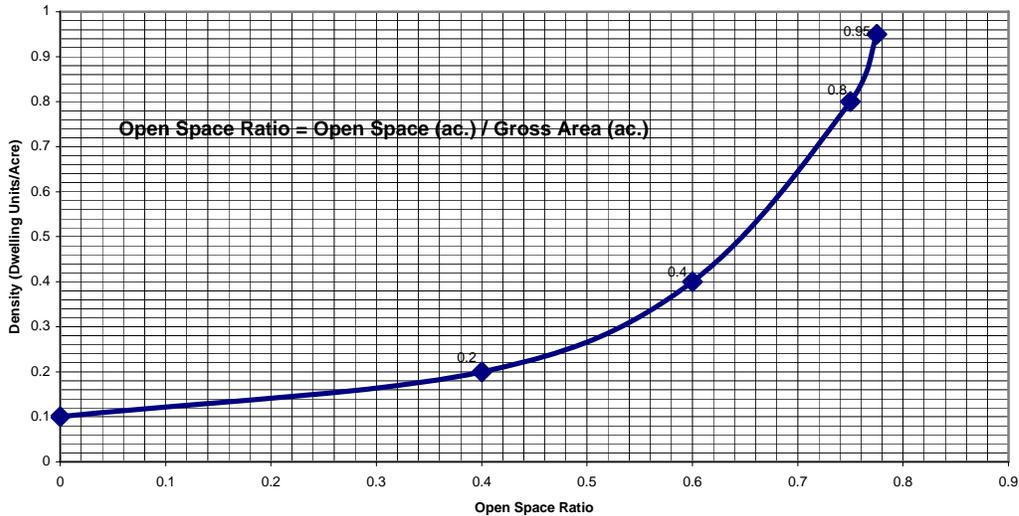
The area which could be provided with sewage treatment services via gravity flow by existing facilities operated by the City of Cheyenne or the South Cheyenne Water and Sewer District and can be incorporated into the current water distribution system operated by the City of Cheyenne or the South Cheyenne Water and Sewer District and is east of Roundtop Road (north of Happy Jack Road) and east of the Union Pacific Railroad line (south of Happy Jack Road). (Refer to map in Appendix)

- 2. Rural Density Area. This “Rural Density Area” is the area outside the “Urban Density Area,” but, within the zoned area (Cheyenne and Laramie County Zoning Ordinance 1988, as amended) and the areas encompassed by the Cheyenne Area Development Plan, as updated. Recognizing the close proximity of the “Rural Density Area” to the Cheyenne city limits and the urban density area, it is intended that the “Rural Density Area” be developed consistent with the Cheyenne Area Development Plan (as updated) and the Cheyenne and Laramie County Zoning Ordinance, 1988 (as amended) with the understanding that existing density and/or zone designations within said “Rural Density Area” may, subject to approval from the governing body, be

modified during the subdivision process due to the foreseeable development potential within the “Rural Density Area.” Where development occurs within the “Rural Density Area” in areas that are not otherwise zoned, guidelines for development found in the Cheyenne Area Development Plan 1992, as updated, shall serve as requirements.

3. Low Density Area. Residential developments outside the urban and rural density areas shall be developed only as follows:
 - a. Conventional Design Option - To a density no greater than one (1) dwelling unit per ten (10) acres average, provided that no lot or tract is less than six (6) acres.
 - b. Open Space Design Option - To a dwelling unit/acre density based on the amount of land within the proposed subdivision that is committed as perpetual open space. The allowable development area density shall be calculated in accordance with the following chart:

Allowable Development Area Density Based on Open Space



- i. Open space areas within subdivisions designed under this option shall include, if present, 100-year floodplains, irrigated lands, riparian habitat, woodlands, steeper slopes, ridgelines, and areas possessing other unique visual or natural qualities.

- ii. Designated open space shall be limited to non-motorized recreational, agricultural, resource protection, amenity or buffer purposes, and shall be freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted. Open space does not include land occupied by non-recreational buildings or road easements/rights-of-way, nor does it include the yards or lots/tracts of dwelling units. Open space shall be left in a natural state except in the case of recreational facilities, or in the case of agricultural activities, such as grazing or the raising of crops.
- iii. Any applicant proposing a subdivision under this option shall submit a plan that establishes a legally enforceable method by which open space shall be perpetuated, maintained and administered. Along with the plat and other supplemental information, such plans shall be considered by the Board, and if found to be adequate, shall be included as a subdivision permit-condition of approval.
- iv. Any of the following methods may be considered for preserving, owning or maintaining open space: single-owner fee simple, condominium, homeowners association, or dedication (only at the Board's discretion).
- v. In addition to required subdivision improvements that may be set forth within these regulations, the following minimum thresholds for domestic water and sewer provision are hereby established for subdivisions developed under this option:

| Density (D.U.s/Ac.) | Water | Sewer |
|----------------------------|--------------------|--------------------|
| < or = to 0.4 | Private | Private |
| >0.4, and < or = to 0.65 | Central | Private |
| >0.65 | Central | Central |
| >0.8 | Municipal/District | Municipal/District |

Subdivision proposals incorporating private (on-site, small wastewater) sewer systems shall have the area and location for such systems, including suitable replacement area, accurately mapped for each tract. No final plat under this option shall be

scheduled for consideration until a favorable recommendation has been provided to the Development Director by the Cheyenne-Laramie County Health Department. Subdivisions developed under this option, and receiving approval from the Board, will have been deemed to meet Laramie County Small Waste Water System Regulations, minimum area requirements. No separate specific variance action shall be necessary under these circumstances.

- vi. Subdivisions developed under this option shall be exempt from the two (2) individual points of road access requirement set forth in Section 80 of these regulation, provided, however, no cul-de-sac, or other dead-end way, or portion thereof, shall serve more than 20 lots or tracts.
- vii. Those lands set aside as perpetual open space shall not be included in the assessment of Community Facility Fees, as set forth in Section 40 of these regulations.
- viii. Open space shall be designated on the face of the final plat, assigned its own lot or tract number, and shall display the following statement:

“Designated open space shall not be further developed or subdivided.”

- (e) All developments that consist of more than twelve (12) residential tracts shall have two (2) individual points of access into the subdivision/development.
- (f) Double frontage lots should be avoided except where essential to provide separation of residential development from expressways and major arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, and across which there shall be no right of access, may be required along the property line of lots abutting such a traffic artery or other disadvantageous use.
- (g) Side lot lines should be substantially at right angles or radial to street lines; however, unique land designs will be considered.
- (h) The lengths, widths and shapes of blocks shall be determined with respect to the following standards:

1. The Subdivider/Developer shall provide adequate size building sites

to meet the needs and specifications of the proposed use.

2. The Subdivider/Developer shall adhere to the requirements of the zoning district or the proposed zoning district as they relate to lot sizes and dimensions.
 3. Each block shall have convenient access, circulation, control, and safety of street traffic.
 4. Block design shall be determined by the limitations and opportunities of the area's topography.
 5. Lots or Tracts that are very narrow to depth should be avoided.
- (i) All subdivisions/developments shall meet current DEQ requirements for sewage and water systems.
- (j) Lot splits are prohibited in the RR zone when sidewalks, curb and gutter are not provided. An agreement outlining this restriction shall be made between the Developer and City or County Engineer and shall be approved prior to recording of the final plat. A note indicating the lot split prohibition, shall also be placed on the final plat map.

80.030

Streets, Alleys and Easements.

Public improvements shall be designed in accordance with the Cheyenne and Laramie County Road, Street and Site, Planning and Design Standards Manual, as amended. Furthermore, the approval of any final plat made prior to the submission and approval of road construction plans as prescribed hereinabove is made contingent upon the submission of said plans as well as the subsequent construction and approval of the roads. Refer questions to the Laramie County Department of Public Works.

County Only: Construction for any new road within a proposed county subdivision/development shall not begin until the Applicant has received written approval for the road construction plans (as prescribed hereinafter) from Laramie County Department of Public Works.

Procedurally, during the period of time following the acceptance/approval of the preliminary plat, but prior to the Board's execution of the final plat, the Applicant shall submit road construction plans to Laramie County Department of Public Works, for all roads to be constructed within the

proposed subdivision. Note: Applicant may choose to submit said road plans after the approval of the final plat, but prior to the Board's execution of the final plat is so desired. The plans, which shall be based upon the design for the final plat (including any modifications as a result of the preliminary plat review), shall address the following:

1. Signage (including any advisory signage);
2. Mail box/school bus turnouts;
3. Culverts;
4. Any other information specified by the most recent version of the Cheyenne and Laramie County Road, Street, and Site, Planning and Design Standards Manual, as amended.

Additionally, road profiles may be required by Laramie County, Division of Public Works, for portions of any road which exceed a grade of seven percent (7.00%). Said profiles, when required, shall include ground profile lines, grade lines, center line elevations at 50' intervals along vertical curves and 100' along tangents, beginning of vertical curves, end of vertical curves, intersections and other critical points, structures and all other features required to enable construction in accordance with approved standards. The scale is to be 1" = 100' or greater (i.e. 1" = 50') horizontal and 1" = 5' to 1" = 10' vertical. The horizontal to vertical distortion is to be chosen to best depict the critical elevation aspect of the design.

The Applicant shall submit 4 copies of all required data. The Laramie County, Division of Public Works, shall have twenty-one (21) days to complete a review of the data following the submission of the same or the plans shall be deemed to be approved.

80.040

Storm Drainage.

All subdivisions/developments, shall be developed in accordance with the provisions of Cheyenne Storm Water Management Planning Manual, Storm Water Management Manual, Floodplain Management Regulations and Road, Street, and Site, Planning and Design Standards Manual, as amended, of the City of Cheyenne and Laramie County. Dependant on the location of the subdivision, the appropriate manuals, regulations and mapping dealing with assistance and compliance with either the City's or County's requirements may be obtained through the City or the County Engineer's Office. Refer to Appendix A.

All storm drainage designs shall be prepared in accordance with the "City of Cheyenne/Laramie County Storm Water Policy Design Standards, and Regulations".

80.050 Utilities.

All utility facilities, wherever practical, including but not limited to gas, electrical power, telephone and CATV cables, shall be located underground throughout the subdivision/development. As far as possible, all utilities shall be placed in the public street or road rights-of-way. Easements shall be provided for all public utilities if utilities cannot be placed in public street or road rights-of-way.

80.060 Preservation of Natural Features.

Existing features which would add value to residential development or to the local government as a whole, such as trees, water courses, historic spots, and other similar irreplaceable assets, shall be preserved in the design of the subdivision/development to the extent reasonably possible.

80.070 Improvements.

- (a) General. In the City, the Subdivider/Developer and the City Council shall mutually agree on the type, location and extent of necessary public improvements, depending on the characteristics of the land, its relationship to surrounding development, and its potential hazards and public needs.
- (b) Public Water and Sanitary Sewer Facilities. In the City, public water facilities and sanitary sewers including fire hydrants, shall be designed and constructed in accordance with the City of Cheyenne and Board of Public Utilities Construction Standards and Specifications, current edition. Facilities shall also be designed and built in accordance with the current Wyoming Department of Environmental Quality requirements for water and sewerage systems as needed for a permit to construct. Plans and specifications are to be approved by the City Engineer, Fire Department and Board of Public Utilities.
- (c) Storm Sewers. In the City, storm sewers shall be designed in accordance with the City of Cheyenne and Board of Public Utilities Construction Standards and Specifications, current edition and subject to the approval of the City Engineer.
- (d) Guarantee of Completion. In the City, assurance that all improvements will be constructed shall be provided by a bond or certified check, or other written

statements as described in Section 33-58(B) of the City Code.

80.080 Manufactured Home Parks.

In the City and County, manufactured home parks shall be designed and built as per the provisions of the Zoning Ordinance, and subject to approval by the County Engineer, the Board, the City-County Health Unit, the Wyoming Department of Environmental Quality, and the Planning Commission.

- (a) Manufactured home parks shall be platted as one or more lots in compliance with all applicable sections of the Subdivision/Development Regulations and the Zoning Ordinance.

- (b) A site plan shall be submitted with the Preliminary Plat indicating the configuration of:
 - o The perimeter
 - o Divisions of land for the purpose of space rental
 - o Park roadways
 - o Utility and drainage easements
 - o Detention/retention ponds and other stormwater conveyance facilities
 - o Water and sewer facilities
 - o All other common areas including: Open/recreation space, storage areas, buffer strips and other buildings

80.090 General Performance Standards.

- (a) The standards outlined in this section shall be applicable for all plats submitted to the Board and/or City Council for approval. In determining whether or not the capacity of a service for a proposed development will be exceeded, it shall be assumed that each lot within the development will be used to the maximum intensity that would be allowed following the filing of the plat.

- (b) Performance standards - public services. No plat shall be approved if the proposed development will place a demand on any of the following public services which will exceed the capacity of that service:
 1. Street and road systems surrounding and used as access to the site including road maintenance services;

 2. Water systems;

 3. Sanitary sewer systems;

4. Stormwater drainage collection and retention system;
5. School systems, including school transportation systems;
6. Fire suppression and protection systems;
7. Solid waste disposal systems;
8. Law enforcement systems.

(c) Performance standards ■ non-public services. No plat shall be approved if the demand on any of the following non-public services will exceed the capacity of that service. The manner in which the non-public service is provided shall not impair the health, safety or welfare of any persons residing in Laramie County:

1. Water systems--Approval of the plat shall be contingent on a demonstration that an adequate supply of water will be available to each lot. The following factors shall be considered:
 - a. Depth and capacity of wells within one-quarter (1/4) mile;
 - b. Domestic wells shall be at least one-quarter (1/4) mile from irrigation wells;
 - c. Adequacy of well water supply in accordance with any study conducted by the Wyoming State Engineer and State Board of Control;
 - d. Any additional provisions made to assure availability to lot purchasers;
2. Sewer/septic systems--Approval of any plat shall be contingent upon a demonstration that safe and adequate sewage disposal will be available to each lot. The following factors shall be considered:
 - a. Distance of any proposed well from the proposed septic

system in accordance with the standards of the Wyoming State Department of Environmental Quality or the City-County Health Unit;

- b. Steepness of slopes, adequacy of drainage areas and conditions and types of soils.
3. Street and road systems, including maintenance-Approval of any plat shall be contingent on a demonstration that all roads, whether public or private will be constructed to County standards. If a system is proposed for private maintenance, approval shall be contingent upon demonstration that roads will be adequately maintained.
- a. The following factors shall be considered when evaluating the adequacy of road construction:
 - i Types and quantities of anticipated traffic;
 - ii Financial capability of developer or other entity responsible for road construction;
 - iii Road construction improvement district, if any;
 - iv Future public or private plans for road improvements in the area;
 - v Standard to which roads will be built.
 - b. The following factors shall be considered when evaluating the adequacy of a private road maintenance system.
 - i Availability of equipment and funding for road maintenance;
 - ii Road maintenance service district, if any;
 - iii Financial and legal capability of entity which will be providing maintenance;
 - iv Average annual cost per mile of road maintenance;

- v Contribution by the Subdivider/Developer to road maintenance services until another private entity assumes maintenance responsibility.
 - 4. Solid waste disposal systems--Approval of any plat shall be contingent upon a demonstration that an adequate solid waste disposal system is available. The following factors shall be considered:
 - a. Availability of a private solid waste collection service;
 - b. Capability of that service to handle the anticipated quantity and type of solid waste;
 - c. Capacity of landfill or other ultimate disposal site.
 - 5. Utility systems--Approval of any plat shall be contingent upon a demonstration that adequate utility systems will be available. One factor which shall be considered is a statement from the appropriate utility company regarding ability to provide services.
- (d) Performance standards--the natural environment. Adverse impacts to the natural environment shall be controlled in accordance with this section.
- 1. Erosion--Approval of any plat shall be contingent upon a demonstration that erosion will be adequately controlled. The following factors shall be considered:
 - a. The susceptibility of the soils in the area to erosion;
 - b. The type of use proposed;
 - c. The recommendation of the appropriate conservation district based upon commonly accepted erosion control practices;
 - d. The erosion control measures proposed, if any.
 - 2. Livestock maintenance in subdivisions/developments -- Approval of any plat shall be contingent upon a demonstration that the maintenance and harboring of livestock will not result in erosion caused by overgrazing or domestic water contamination. In addition, equestrian easements may be required in new subdivisions/developments in which horses are to be permitted. The

following factors shall be considered:

- a. Zoning criteria;
 - b. The recommendation of the City-County Health Unit, in accordance with duly adopted standards of the Health Unit;
 - c. The recommendation of the appropriate conservation district, based upon commonly accepted practices;
 - d. Proposed equestrian easements.
3. Flood and landslide hazards--Approval of any plat shall be contingent upon a demonstration that the development will not represent a potential threat to life and property due to flooding or landslides. The following factors shall be considered:
- a. Mapped data regarding flood hazard areas, soil conditions and slopes;
 - b. The recommendation of the City or County Engineer and the appropriate conservation district, based on commonly accepted practices and upon the Flood Insurance Rate Maps, as revised, prepared by the Federal Emergency Management Agency.
 - c. Evidence that development on slopes greater than ten (10) percent will be engineered and designed to insure that all public or private improvements and all structures will be stable and safe.

(e) Performance standards--land use.

1. Farmland--Plats for the purpose of non-agricultural developments are discouraged in areas of prime farmland of statewide and local importance. Criteria for classifying farmlands are defined in Exhibit 4.
2. Compatibility with agricultural land uses--Approval of any plat shall be contingent upon a demonstration that the proposed development will be reasonably compatible with nearby agricultural uses. Non-agricultural developments are discouraged within one-quarter (1/4) mile of irrigation wells or irrigated land.
3. High-density developments--High density developments are

encouraged near areas where public facilities are most readily available, to assure that needs for services will be met and to provide for the orderly growth of urban areas.

- (f) Performance standards--conservation. Developers are encouraged to implement water and energy conservation measures appropriate to the project in question.
- (g) Performance standards--mitigation. Constraints to development shall be identified, to the degree possible, prior to plat approval. The Land Use Management Matrix and Maps shall serve as tools to assist in identifying these constraints. Constraints to be addressed, when appropriate, shall include the following:
 - 1. Availability of adequate sewage disposal areas;
 - 2. Well spacing to prevent groundwater mining or contamination;
 - 3. Erosion susceptibility;
 - 4. Fire protection;
 - 5. Potential flood hazards;
 - 6. Road maintenance;
 - 7. Wildlife habitat and other ecosystems;
 - 8. Significant natural features;
 - 9. Historic sites; and
 - 10. Potential impacts upon surrounding land users.

Approval of any plat shall be contingent upon a demonstration that identified constraints to development will be adequately mitigated.

ARTICLE IX - LEGAL PROVISIONS

90.000 ADMINISTRATION, ENFORCEMENT AND PENALTIES

It is the intent of these Regulations to provide for the efficient, reasonable and impartial enforcement of these Regulations.

90.010 Administration of the Regulation

The following duties must be performed to assure that the provisions of these Regulations are being met:

(a) Development Director Duties:

Review and make recommendations for all City and County plats for compliance with State Law and City or County standards.

Administration of Platting requirements in the incorporated limits of the City of Cheyenne and in Laramie County.

Administration and coordination of review of all plats to include: Sketch Plats, Preliminary Plats, Final Plats and Replats with pertinent reviewing agencies.

Coordination with agencies to ensure inclusion of pertinent requirements and/or standards placed upon the subdivision/development.

Ensure that reviewing Agencies requirements meet applicable City & County standards and to report to the Planning Commission, City Council and the Board any requirements above existing standards with documentation for such request.

Ensure review and acceptance, by either the Board of Public Utilities or the South Cheyenne Water & Sewer District, of required engineering documents and plans for public water and sewer improvements when the subdivision is within their respective boundaries.

Ensure the design or layout, amenities, traffic patterns, pedestrian ways, land use and zoning of any adopted plan, resolution or ordinance is evaluated and appropriately applied to the subdivision/development.

Provide the Planning Commission, Board and City Council and the

Subdivider/Developer with an analysis (Staff Report) of the proposed subdivision/development, as it relates to the provisions and standards.

Assist the City and County Engineer in ensuring compliance with all required public improvements and subdivision improvements.

Ensure that the appropriate fees are paid and the recording of the plats occur.

(b) County Engineer Duties:

Review all Plats for compliance with State Law and these Subdivision/Development Regulations.

Review and approve all required engineering documents and plans for compliance with County standards for all public improvements on subdivisions/developments outside the incorporated limits.

Ensure that the appropriate County certificates have been secured prior to any construction.

Ensure the installation of all public improvements and ensure that the improvements meet the standards and specifications of the County.

Enforce the Floodplain Management Regulations for compliance with the provisions of the Areas of Special Flood Hazard.

(c) City Engineer Duties:

Review all Plats for compliance with State Law and these Subdivision/Development Regulations.

Review and approve all required engineering documents and plans for compliance with City standards and specifications for public improvements.

Ensure that the appropriate City permits have been secured prior to any construction.

Ensure that the installation of the required public improvements meets the specifications and standards of the City.

Enforce the Floodplain Management Regulations for compliance with the provisions of the Areas of Special Flood Hazard.

Clarification of Jurisdiction.

The following is a description of the administrative and legislative agencies with jurisdiction, and the extent of their jurisdiction concerning the administration of the Subdivision/Development Regulations.

(a) Administrative:

1. The Development Director has the authority for interpretation, administration and literal enforcement of all aspects of the Subdivision/Development Regulations, but has no discretionary authority to allow departure from the conformance with these Regulations, unless stated. The Development Director shall determine the adequacy of the plat and permit application, and ensure the provisions of these Regulations are met, to include determination of the requirement to plat or not.
2. The County Engineer has the authority for literal enforcement of all aspects of the Subdivision/Development Regulations, but has no discretionary authority to allow departure from the conformance with these Regulations, unless stated.
3. The City Engineer has the authority for literal enforcement of all aspects of the Subdivision/Development Regulations, but has no discretionary authority to allow departure from conformance with these Regulations, unless stated.

(b) Legislative:

1. The Planning Commission is charged with the duty to review, examine and make a recommendation of approval or disapproval of Plats, Subdivision Permits and pertinent development plans to the governing bodies of the City and/or Laramie County, unless the plat is in full compliance with the conditions or stipulations of the Preliminary Plat.

NOTE: A Final Plat in full compliance with a previously processed Preliminary Plat may be presented directly to the pertinent City Council and/or Board without Planning Commission review and action.

The Planning Commission is the designated body of the City of Cheyenne and Laramie County for public hearings on matters of Regulations and platting proposals.

The Planning Commission may recommend amendments to and recommend adoption of elements of the comprehensive plans, to include the Laramie County Comprehensive Land Use Plan, the Cheyenne Area Development Plan, the Cheyenne and Laramie County Subdivision/Development Regulations, and the Cheyenne and Laramie County Zoning Ordinance, for the promotion of the public's health, safety and general welfare and for meeting the goals and objectives of the City of Cheyenne and Laramie County.

2. The City Council is responsible for making the final decision of approval or disapproval of Final Plats when the proposed subdivision/development is within the City limits, or act in conjunction with the Board when the subdivision/development is within one (1) mile of the established incorporated limits.

The City Council shall review, then approve or disapprove all Preliminary Plats within the City of Cheyenne or within one (1) mile of the City limits once a recommendation of approval or disapproval has been rendered by the Planning Commission. The approval, approval with conditions or disapproval shall be in the form of acknowledgment or not an acknowledgment.

3. The Board is responsible for making the final decision for approval or disapproval of a Final Plat when the proposed subdivision/development is outside the incorporated limits, or act in conjunction with City Council when the subdivision/development is within one (1) mile of the established City limits. Those plats requiring approval by both the Board and City Council which only receive approval by one body will not be executed by the signature of the Board and City Council.

The Board shall review and acknowledge all County Preliminary Plats once approval, approval with conditions or disapproval has been rendered by the Planning Commission. The Board will make a motion to approve, approve with conditions, disapprove or continue.

4. District Court has jurisdiction to determine all questions and issues of decisions rendered by the City Council or Board, properly brought

before it under appeal, per Wyoming Statutes.

91.000 ENFORCEMENT AND PENALTY.

91.010 General:

These Regulations shall be enforced by the Board and/or City Council, with the assistance of the City or the County Attorney, the County Clerk, the Development Director and the City or the County Engineer, as appropriate; in compliance with the Wyoming Statutes or any amendments thereto.

91.020 Violations and Penalties:

Any person, firm or corporation which fails to comply with or violates any of these Regulations shall be subject to penalties prescribed by the Wyoming Statutes; Title 15 / Cities & Towns; Title 18 / Counties; and/or Title 34 / Property & Conveyances, as amended.

It is hereby declared to be unlawful to violate the provisions of these Subdivision/Development Regulations. Any person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circulation of any false statement or misrepresentation concerning any subdivision/development for sale, in this or any other state, and every person with knowledge that any such advertisement, prospectus, pamphlet or letter concerning land of any subdivision/development thereto contains any written statement that is false or fraudulent in any material part or who issues, circulates, publishes or distributes, the same or who causes the same to be circulated, published or distributed, shall upon conviction be imprisoned for a period not to exceed thirty (30) days or be fined not to exceed seven hundred and fifty dollars (\$750.00). Each day of violation constitutes a new offense.

91.030 Investigatory Powers:

- (a) If the Board has any reason to believe that a person has engaged in activity which violates the provisions of these Regulations the Board shall make an investigation and, to the extent necessary, may administer oath or affirmation and, upon its own motion, or upon request of any party, may subpoena witnesses, compel upon motion, or upon request of any party, may subpoena

witnesses, compel their attendance, adduce evidence, and require the production of any material which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things, relevant facts or any other matter reasonably calculated to lead to discovery of admissible evidence.

- (b) If any person, subject to the provisions of Article 3/Real Estate Subdivision/Development, has records required above under Section 71.030 (1.), located outside this State, the person shall either make them available directly to the Board or pay the reasonable and necessary expenses for the Board or its representative to examine them at the place where they are maintained. The Board may designate representatives, including comparable officials of the State in which the records are located, to inspect them on the Board's behalf.
- (c) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Board may apply to District Court for an order compelling compliance.

91.040 Civil Enforcement:

In addition to the penalties described in Section 91.020, these Regulations are enforceable by all appropriate legal remedies including, but not limited to, an injunctive relief or a writ of mandamus. All requests for enforcement of the provisions of these Regulations and Wyoming Statutes shall be submitted to the office of the Laramie County District Attorney for criminal enforcement for necessary and appropriate action. If the County and Prosecuting Attorney fail or refuse to act upon a violation, the Board may request the Attorney General to initiate civil or criminal proceedings to enforce the provisions of this act and the Wyoming Statutes. Civil enforcement proceedings of these regulations concerning City subdivisions shall be handled by the city attorney.

91.050 Appeals:

Any appeals concerning the decisions of the Planning Commission, the City Council or the Board shall be made in accordance with the provisions of Wyoming Statutes.

91.060 Interpretation, Conflict and Separability:

- (a) Interpretation. In their interpretation and application, the provisions of these

regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) Conflict.

1. Public Provisions. The regulations are not intended to interfere with, abrogate, or annul and other ordinance, rule or regulations, statute or other provision of the law. Where any provisions of these regulations impose restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of the law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement restrictive covenant or any other contractual agreement, private agreement, or restrictions.

(c) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission, City Council and Board hereby declare that it would have enacted the remainder of these regulations even without any such part, provision or application.

APPENDIX “A”

APPENDIX A

Drainage

All subdivisions/developments, especially those subject to known flooding or having a history of drainage susceptibility, shall be developed in accordance with the provisions of the Storm Water Management Planning Manual, the Stormwater Management Manual, the Floodplain Management Regulations and the Road, Street, and Site, Planning and Design Standards Manual, as amended, of the City of Cheyenne and Laramie County. Dependant on the location of the subdivision, the appropriate manuals, regulations and mapping dealing with assistance and compliance with either the City's or County's requirements may be obtained through the City or County Engineer's Office.

All drainage designs shall be prepared in accordance with the "City of Cheyenne/Laramie County Storm Water Policy Design Standards, and Regulations," described below.

- (a) Objectives. The intent of these storm water regulations is to provide for the orderly development of land in the City of Cheyenne and in Laramie County, and to insure that resulting changes in the quantity and quality of surface water drainage are not detrimental to the City or County, other properties which are affected by the proposed development, and do not conflict with state or federal regulations. It is intended to establish the drainage design standards, the administrative procedures for securing approval of proposed drainage facilities, and enforcement methods, and to provide a means of coordinating and planning drainage improvements that of necessity involve multiple land parcels and owners.
- (b) Drainage Policy. The drainage policies which shall be implemented through these Regulations are as follows:
 - 1. City/County Drainage Plan--It is recognized that surface water drainage problems are primarily defined by the natural topography of the land, without regard for legal boundaries, existing improvements or proposed improvements to the land. The City and County therefore will provide for the necessary control, coordination and implementation measures required to achieve the general objectives as well as the specific improvements which may be required in order to satisfy the regulations as established herein. The City and County shall prepare a Drainage Plan or Plans for the entire area, which shall serve as a guide for the development of drainage improvements within the City and County. The City/County Drainage Plans shall define and identify the major drainage facilities required to store and transport surface drainage run-off affecting large land areas. The City/County Drainage Plan shall be prepared

based upon the anticipated land uses as established by the official land use plans of the City and County, the measured and recorded historic precipitation data, and the expressed objective of minimizing increases in surface water run-off and reduction in water quality caused by land development. The Drainage Plan may be prepared in several parts and such sections that are complete shall be utilized upon formal adoption.

Until such time as the City/County Drainage Plan has been prepared, and adopted by the City and County Clerk, and in the absence of such a plan, the City Engineer and County Engineer shall provide the necessary information, opinions, coordination, flow data, recommendations, limitations and other data which could reasonably be expected to be provided by the Drainage Plan. Such information or requirements as provided by the City or County Engineer shall be based upon personal knowledge and judgment of the total situation and in particular their unique capability to understand and analyze the broad range implications of development proposals on the existing and future drainage systems.

2. Special Flood Hazard Area-The drainage requirements and regulations for the development of land which is located in and adjacent to permanent or periodic streams which are subject to flooding, and which have been identified and designated as potential flood areas by the Federal Emergency Management Agency (FEMA), shall be in accordance with the Floodplain Management Regulations in effect July 1991, Ordinance Number 3138.
3. Land Development--With respect to the development of new lands or the redevelopment of existing platted land within the City and County, the following basic policies shall apply in regard to providing for the management, coordination and control of the quantity and quality of storm water drainage.
 - a. The primary responsibility for the planning, design and construction of drainage improvements required in conjunction with land development shall be vested in the person or party who is developing the land.
 - b. The City and County shall assume the responsibility of coordinating and reviewing proposals for drainage facilities to insure compliance with these regulations and with approved plans.
 - c. The City and County shall assist in the planning, design and implementation of required drainage improvements when necessary. The need for the City and County's involvement beyond a review and

planning function shall be due to multiple land ownerships or City or County land involvement and coordination with other City or County improvement programs. Such assistance and involvement by the City and County shall be limited by State statutes which regulate the creation of Local Improvement Districts, City and County Debt limits, and the capability of the City and County to finance the proposed improvement projects.

- d. Preservation of the existing natural drainage ways, streams, ponds and depressions shall be encouraged, and drainage improvements shall be planned to minimize increases in total volume and rate of flow of surface drainage in any existing way. Historical flow patterns and run-off quantities shall be maintained in such a manner as to reasonably preserve the natural character and appearance of existing drainage ways, and to prevent property damages and physical changes of the type generally attributed to increases in run-off rate, volume, and the velocity, diversions, concentrations and/or unplanned ponding of storm water.
- e. Provision shall be made in the planning and development of land to provide for the temporary and/or permanent storage of surface water run-off. Storage shall be provided to the extent that the peak rate of flow from the project area after development shall not exceed the specified peak rate of flow prior to development, in accordance with the design standards as established herein. The cumulative effect shall be to preserve the existing flow characteristics.
- f. If it can be demonstrated, subject to the approval of the City or County Engineer, that the increased volume and rate of run-off caused by a proposed development when considered in combination with other existing or planned development or land uses, will not cause the historical flow characteristics to be exceeded, or that the cumulative effects of the run-off of the proposed development combined with other existing or planned developments or land uses shall not exceed the anticipated peak flows or volume as provided for in the City/County Drainage Plan, then it shall not be required that the individual project (or projects) provide the storage as outlined in Paragraph (e) above or that a partial amount of the required storage be provided.
- g. If it can be demonstrated, subject to the approval of the City or County Engineer, that due to the physical limitations of the project size,

topography or ground slopes, soil or rock conditions, the creation of safety hazards, or excessive maintenance costs, that the storm water storage required in Paragraph (e) above, is not feasible due to such limitations, the Subdivider/Developer shall then have the option of petitioning the City or County to undertake a public improvement project which would provide for the required storage by an alternate means not located on the project site. Such an improvement project may include properties beyond the area of the subdivision/development proposal and provide for the storage of storm waters from a larger area. The City and County shall not be obligated to proceed with a public improvement upon receipt of a petition from the Subdivider/Developer. The City and County shall initiate the required local improvement district in accordance with State Statutes, but the final determination to proceed with the project shall be based upon the results of the required protest period and public hearing process, and the judgment of the City Council and the Board, as to the need for the proposed improvements.

- h. The City and County shall have the right and option to designate surface water storage areas to serve large land areas, which will include a multiple of subdivisions/developments and/or land owners. Such option shall be exercised when the City/County Drainage Plan has designated such areas for storage as part of the overall surface water plan, or when in the opinion of the City and County Engineer that a single storage facility serving a large area is more efficient to construct, less expensive to maintain, and more easily adapted to multiple land uses. In such cases, the City and County shall initiate an Improvement District or other means of implementing the required improvement program.
- i. During the subdivision/development of land, care shall be exercised by the Subdivider/Developer to preserve the quality of surface water run-off. During those times when the earth is disturbed and no vegetation exists, the Subdivider/Developer shall provide the City/County Engineer a plan to control siltation during construction, which may include temporary siltation ponds or dams or other means to prevent soil from being carried off the development area by run-off waters. The Subdivider/Developer shall be responsible for the securing of all required permits from State and Federal agencies, and shall comply with all applicable statutes pertaining to water quality and water pollution control.

j. Maintenance--Upon satisfactory completion of the construction of a drainage improvement (ponding area, storm drain, ditch, etc.) in accordance with previously approved plans, and subject to the approval of the City and County Engineer, and after proper deeding or dedication of the land or easements containing the improvement to the City or County, the City or County shall assume ownership of the land and the drainage facility located thereon and shall become responsible for all repairs and maintenance that are required, except for such defects or repairs that are covered under warranty by the Contractor or Subdivider/Developer who constructed the facility. Such maintenance shall include periodic cleaning, weed and grass cutting, repairs to pipe and underground structures and all else which is reasonably expected of a publicly owned and operated utility system. The design of a drainage improvement shall provide for equipment access for maintenance purposes.

(c) Design Standards. The design standards which will be utilized in the implementation of the Drainage Policies are as follows:

1. Rural and urban standards utilization.

a. Rural designs standards shall be utilized for those projects which are planned to be permanently a rural environment, and for which it is not expected that normal City services and improvements will ever be provided, nor will the area be annexed to the City.

b. Urban Design Standards shall be utilized for all projects located within the City and for projects located in the County but which are planned or may be expected to be annexed to the City. The general nature of the development that is proposed, and the City land use plan, shall be used as a guide to determine whether the area of planned development should be considered as urban or rural.

2. Rural design standards.

a. General--The limited amount of ground area that is disturbed by the development of rural developments should result in a minimum of change in the natural or existing drainage patterns. The planning and design of rural subdivisions/developments should attempt to preserve the existing drainage pattern.

- b. Storage–Subdivisions/Developments shall be planned and drainage facilities designed such that the peak rate of storm water discharge that shall occur, at downstream boundary discharge points, after the completion of the subdivision/development shall not exceed the peak rate of storm water discharge that would occur from the undeveloped or existing conditions at the same discharge locations, for an event equal to a 50-year frequency storm. Storage of storm waters shall be either of the detention type which will temporarily hold the increased quantity of storm water and release it at an acceptable rate, or of the retention type which shall permanently hold the storm water for disposal by evaporation and percolation into the soil. Free board shall be provided for storage impoundments to contain the 100-year frequency storm or pass it through spillways and outlets of sufficient capacity that the downstream flows do not exceed the predevelopment conditions.

The required storage may be provided by the following methods or other methods as proposed by the Subdivider/Developer and approved by the City or County Engineer:

- Utilization of natural depression and ponding areas.
- Excavation of on-site ponding areas.
- Construction of dams or berms across drainage channels.
- Enlarging and deepening roadside ditches.
- Construction of broad flat drainage swales in the subdivision/development area.

Storage facilities shall be designated to be self-operating, reasonably self-cleaning and shall require a minimum of maintenance.

The required storage volume shall be determined by one of the following methods:

- i For tributary areas of 200 acres or less, the Rational method shall be used, assuming a triangular hydrograph in which the required storage volume is determined by the equation: $V=60 T_c (Q_1-Q_2)$

V = Storage Volume in cubic feet

T_c = Time of Concentration in minutes

Q₁ = Rate of inflow using T_c in cubic feet per second

Q₂ = Rate of outflow (not to exceed predevelopment

discharge rate) in cubic feet per second

- ii For tributary areas in excess of 200 acres, hydrograph methods similar to either (1) Colorado Urban Hydrograph Procedure (C.U.H.P.) as specified in the "Urban Storm Drainage Criteria Manual" prepared by Wright-McLaughlin; (2) "A Method For Estimating Volume and Rate of Run-Off in Small Watershed" prepared by the U.S. Department of Agriculture, Soil Conservation Service; (3) such other similar methods as approved by the City/County Engineer.

Rainfall frequency, duration and intensity data shall be in accordance with Exhibit No. 2 of these regulations.

Provisions for run-off from upstream areas beyond the area of the proposed subdivision/development shall be made, assuming that the run-off from upstream areas onto the subdivision/development area shall continue at the existing rates and that future subdivision/development of upstream tributary areas will not result in increased run-off, except as provided for in the City/County Drainage Plan.

- iii Collection System--A surface water run-off collection system shall be planned and constructed for all subdivisions/developments. The system shall consist of drainage swales, roadside ditches, and roadway and entrance culverts. The collection system shall be planned and designed to disperse surface water run-off over large areas and to avoid the collection and concentration of surface water run-off. Roadways which act to intercept the flow of surface water shall be constructed with frequent cross culverts to minimize the concentration of run-off. Collection system facilities shall be designed on the basis of a 5-year storm frequency, except for those parts of the system which also function as major drainage facilities as determined by the City/County Drainage Plan, in which case the design storm frequency shall be 50 years.
- iv Drainage Easements--Permanent drainage easements shall be provided in all areas traversed by a water course, drainage way, stream, storm sewer drainage swale, and ponding or storage area. Such drainage easements shall conform to the

location of the drainage facility and shall be of such width and area as required to accommodate the discharge of storage generated by a 50-year frequency storm. Methods used to determine the storage and run-off shall be as specified under Rural Design Standards, Storage and Collection Systems.

3. Urban Design Standards

- a. General--Urban development projects will create significant changes in the existing drainage patterns and quantity of surface water run-off. The planning and design of urban developments should include drainage facilities which will preserve the existing surface water quality and which will maintain the existing peak rate of run-off from the project area except as provided for under Land Development--Paragraphs (e), (f) and (g).
- b. Storage-Developments shall be planned and drainage facilities provided such that the peak rate of storm water discharge that shall occur at the downstream boundary discharge points, after the completion of the project, shall not exceed the peak rate of storm water discharge that would occur from the undeveloped land or existing conditions, at the same discharge locations, for an event equal to a 50-year frequency storm. The resulting required storm water storage methods shall be provided within the project area except as provided under Land Development--Paragraphs (e), (f) and (g). Storage of storm waters shall be either of the detention type which shall temporarily hold the increased quantity of storm water and release it at an acceptable rate, or of the retention type which shall permanently hold the storm water for disposal by evaporation and percolation into the soil.

Free board shall be provided for storage impoundments to contain the 100-year frequency storm or pass it through spillways and outlets of sufficient capacity that the downstream flows do not exceed the predevelopment conditions.

The required storm water storage may be provided by the following methods or other methods that are compatible with the proposed development:

- Use of natural depressions and ponding areas.
- Excavation of on-site ponds.

- Construction of dams or berms across drainage channels.
- Broad flat drainage swales within the subdivision/development area along property lines.
- Temporary flooding of parking areas.
- Temporary flooding of open space, park and recreation areas.
- Rooftops.

Storage facilities shall be designated to be self-operating, reasonably self-cleaning and shall require a minimum of maintenance.

The required storage volume shall be determined by one of the following methods:

- i For tributary areas of 200 acres or less, the Rational method shall be used, assuming a triangular hydrograph in which the required storage volume is determined by the equation: $V=60 T_c (Q_1 - Q_2)$

V = Storage volume in cubic feet

T_c = Time of concentration in minutes

Q₁ = Rate of flow using T_c, in cubic feet per second

Q₂ = Rate of outflow (not to exceed predevelopment discharge rate) in cubic feet per second

- ii For tributary areas in excess of 200 acres, hydrograph methods similar to either (1) Colorado Urban Hydrograph Procedure (C.U.H.P.) as specified in the "Urban Storm Drainage Criteria Manual," prepared by Wright-McLaughlin; (2) "Urban Hydrology for Small Watersheds" by the U.S. Department of Agriculture Soil Conservation Service; (3) such other methods as approved by the City/County Engineer.

Rainfall frequency, duration and intensity data shall be in accordance with Exhibit No. 2 of these regulations.

Provisions for upstream run-off onto the project area of the proposed subdivision/development shall be made, based upon the assumption that the run-off from upstream areas onto the subdivision/development area shall continue at the historical existing rate, and that subdivision/development of the upstream tributary area will not result in increased run-off, except as

provided for in the City/County Drainage Plan.

- iii Collection system--A surface water run-off collection system shall be planned and constructed in all subdivisions/developments. The system shall consist of grass drainage swales within the project area, improved and surfaced drainage ditches, curb and gutter along roadways, culverts and storm sewers. Collection system drainage facilities shall be designed on the basis of storm drainage frequencies given in Table 1 (see Exhibit 3) except for those parts of the system which also function as major drainage facilities as determined by the City/County Drainage Plan, in which case the design storm frequency shall be 50 years.

Storm sewers shall be provided within the subdivision/development area if any of the following conditions exist: (1) The City/County Drainage Plan has identified the need for such storm sewers; (2) Surface drainage would be directed across collector or arterial roadways which would require drainage cross pans; or (3) The capacity of surface drainage facilities (swales and curb and gutter) is not adequate to accommodate the storm water flow created by a 10-year frequency storm. The allowable capacity of drainage swales and street curbing without exceeding the depth of drainage swales or the height of street curb, taking into account both the horizontal and vertical alignment of the drainage swale or curb. Where storm sewers are provided, catch basins or inlets shall be located in the gutter flow line, or in drainage swales, at locations that will intercept the flow of surface water upstream from roadway and pedestrian crossings.

- iv Drainage Easements--Permanent drainage easements shall be provided in all areas traversed by a water course, drainage way, stream, drainage swale, and ponding or storage area. Such drainage easements shall conform to the location of the drainage facility and shall be of such width and area as required to accommodate the discharge or storage generated by a 50-year frequency storm. Methods used to determine the storage and run-off shall be as specified under Rural Design Standards-Storage and Collection Systems.

v Water Quality--It shall be the responsibility of the Subdivider/Developer to protect and preserve the quality of surface water run-off from erosion and siltation. Provisions for control of erosion and siltation shall be provided for the temporary construction period and as part of the final completed subdivision/development.

- 1) Temporary Water Quality Controls--Temporary erosion and siltation control methods shall be designed as part of the project site improvements. Construction schedules shall be established such that the temporary erosion and siltation control features are provided in advance of other construction activities which would potentially create water quality problems. Temporary control measures shall be placed along the downstream perimeter of the subdivision/development area as a minimum, with additional facilities to be placed within the project area for large projects. Such temporary control measures shall consist of siltation ponds created by excavations, or placement of earth berms to intercept overland surface flow. The discharge of water from temporary siltation ponds shall be minimized to prevent silt from being carried downstream. Where it is necessary to discharge water from temporary siltation ponds, it shall be accomplished by means of a pipe flume, or hard surface spillway which shall draw discharge water from a level in the siltation pond at least two feet above the bottom. If, during the construction period, the temporary siltation pond area is filled with eroded soil to the extent that the effectiveness of the pond is significantly reduced, the Subdivider/Developer shall remove the eroded material from the pond area. Additional temporary erosion control methods such as a continuous line of hay or straw bales across drainage areas, temporary sodding of drainage areas, placement of rip rap, or hard surfacing in the drainage ways shall be utilized where they are appropriate. Care shall be exercised to prevent the deposit of soil and sediment within any storm water inlet, storm sewer or culvert within the project area, or on the perimeter of the projected area.

Storage ponds which are to provide permanent flood water retention or detention, used for temporary siltation control, shall be cleaned to the design capacity required under Urban Design Standards-Storage.

- 2) Permanent Water Quality Controls--Permanent erosion and sedimentation control measures shall be provided as part of the planning and construction of all projects. All areas of the natural ground surface which are disturbed as part of the project shall be resurfaced, either with grasses and vegetation natural to the area or with permanent surfacing as part of the project. In areas of steep slopes, or areas that concentrate the flow of surface water, the channel shall be sodded, rip rap shall be placed, or the area shall be paved with a hard surface to prevent erosion. The Subdivider/Developer shall be required to maintain the vegetation placed or seeded areas until it has adequately established itself to be effective in erosion control.

(d) Administrative Procedures

1. Public Improvement Projects--Drainage improvement projects which are to be carried out by the City or County, and which are initiated by petition from the Subdivider/Developer or by the City or County, shall proceed in accordance with the appropriate State, City or County statutes and ordinances, providing for the creation of local improvement districts, and the planning and construction of public works projects.
2. Private Improvement Projects--Drainage improvement projects which are to be carried out by the Subdivider/Developer in conjunction with the subdivision/development project shall proceed in accordance with the following general procedure:
 - a. Preliminary meeting with City/County Engineer--Prior to beginning planning of drainage facilities, but after the general nature of the proposed subdivision/development has been established, the Subdivider/Developer shall meet with the City/County Engineer to review the City/County Drainage Plan and the general requirements for drainage facilities. The City/County Engineer shall at that time provide

recommendations and requirements relating to drainage facilities.

b. Preliminary Drainage Plan--The Subdivider/Developer shall submit with the preliminary plat for the project, a preliminary drainage plan together with the base data and computations used in preparing the preliminary drainage plan. The preliminary drainage plan shall be superimposed on the preliminary plat and shall contain as a minimum the following information:

- Analysis of existing (predevelopment) drainage conditions identifying the drainage areas within the project, tributary areas beyond the project and points of surface water discharge onto and from the project area. Peak rates of run-off for a 10-year and 50-year storm event shall be shown for all surface water entering and leaving the project area.
- Proposed methods of collecting, transporting and storing surface water run-off shall be shown together with the peak design flow for a 10-year and 50-year storm event. The type of facility, construction material proposed, size, gradient and location shall be shown. For all storage facilities the tributary area, peak discharges into and out of, storage volume and method of controlling the outflow rate shall be shown. The general surface drainage pattern within the project area shall be shown by directional arrows, spot elevations or contours. At all roadway intersections, the flow directions shall be clearly identified.
- Drainage computations for peak flow rate, storage volumes and discharge rates from the project area. Computations shall clearly illustrate the capacity of and justify the need for drainage facilities and/or storm sewers or the lack thereof.
- Permanent and temporary erosion and siltation control measures.

The Preliminary Drainage Plan shall be reviewed by the City/County Engineer for compliance with these regulations. The Subdivider/Developer shall be notified of any required modification in the Preliminary Drainage Plan prior to presentation of the preliminary plat to the Planning Commission. The preliminary plat shall not be

presented to the Planning Commission until the Preliminary Plan has been approved by the City/County Engineer.

- c. Final Plans--The Subdivider/Developer shall submit a complete set of the final plans and specifications for the drainage improvements to the City/County Engineer. The final plans shall be in substantial agreement with the preliminary plans previously approved. Computations, maps and other data upon which the final designs are based shall be submitted. The final plans shall be reviewed and approved by the City/County Engineer prior to starting any work on the project.

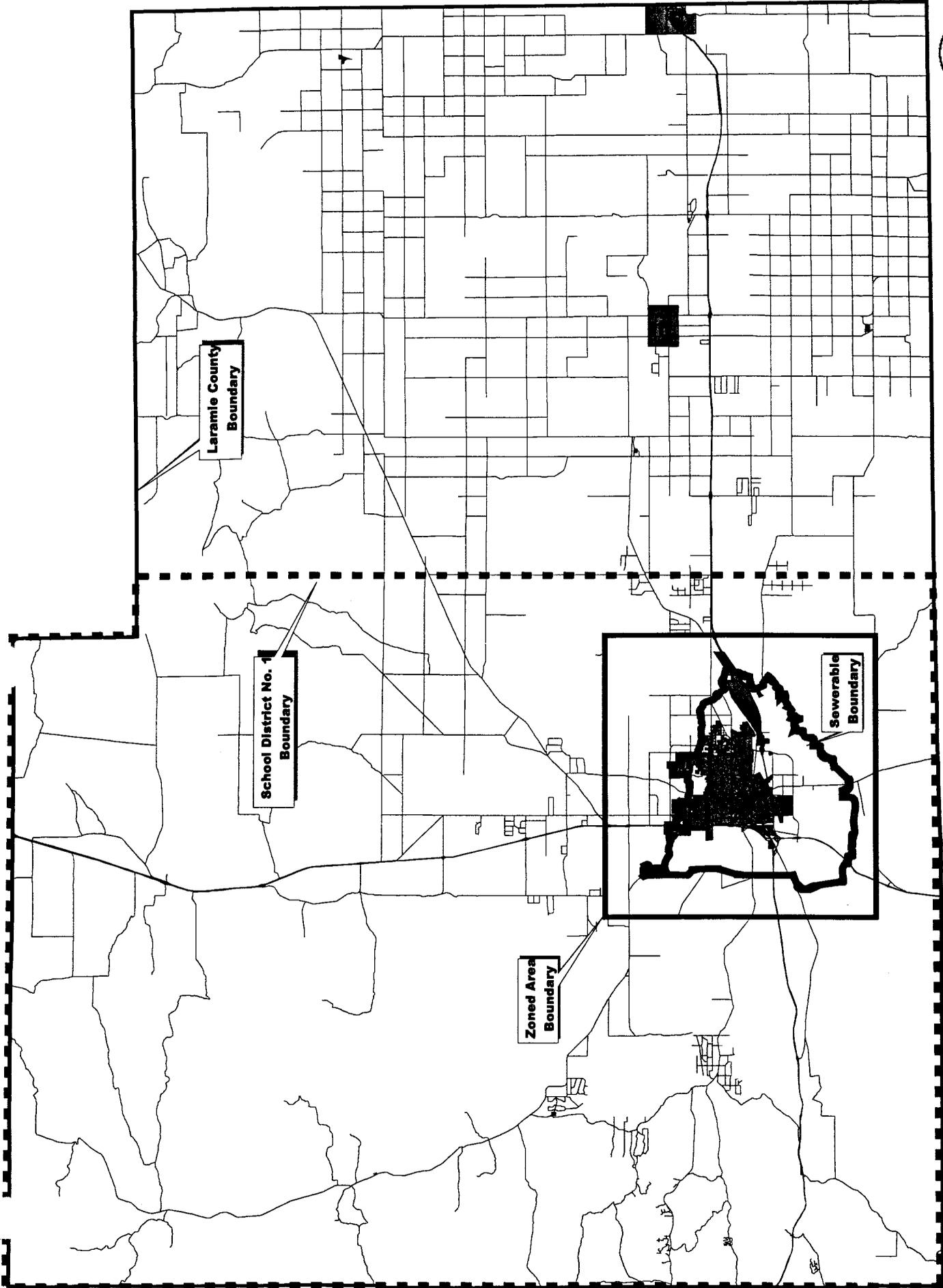
(e) Enforcement/Inspection

- iv Financial Guarantee--The Subdivider/Developer shall post with the City or County, a performance bond, cash deposit, cashier's check, or other financial guarantee as the City or County will accept, in the amount of \$100 per acre for urban development projects or \$50 per acre for rural development projects for the entire area of the project currently under development. However, the minimum amount shall not be less than \$200. If the Subdivider/Developer shall fail to properly construct the required drainage facilities as contained in the approved plans, or if there should occur erosion or siltation from the project area which is not removed or repaired by the developer within seven (7) days of notification by the Engineer, the City/County shall then have the right to use such deposit to complete the improvements or to remove eroded material and make repairs to prevent future erosion from occurring.
- iv Enforcement Officer--The City and County Engineer or his appointed representative shall be the public official responsible for the administration, inspections and general enforcement of these requirements.

The Engineer shall review the drainage plans for the project, analyze proposals for compliance with the City/County Drainage Plan, coordinate the required drainage improvements for individual projects with those of other projects, both private and public, inspect the construction of drainage improvements and inspect for erosion and siltation conditions.

- iv City Council or Board--The City Council or Board shall participate as prescribed by State Statutes in the proceedings for public drainage improvements. In addition, the City Council or Board shall make a final determination on any issue in which the recommendations of the City or County Engineer are contested by the Subdivider/Developer.

APPENDIX “B”



CHEYENNE & LARAMIE COUNTY
RAINFALL INTENSITY

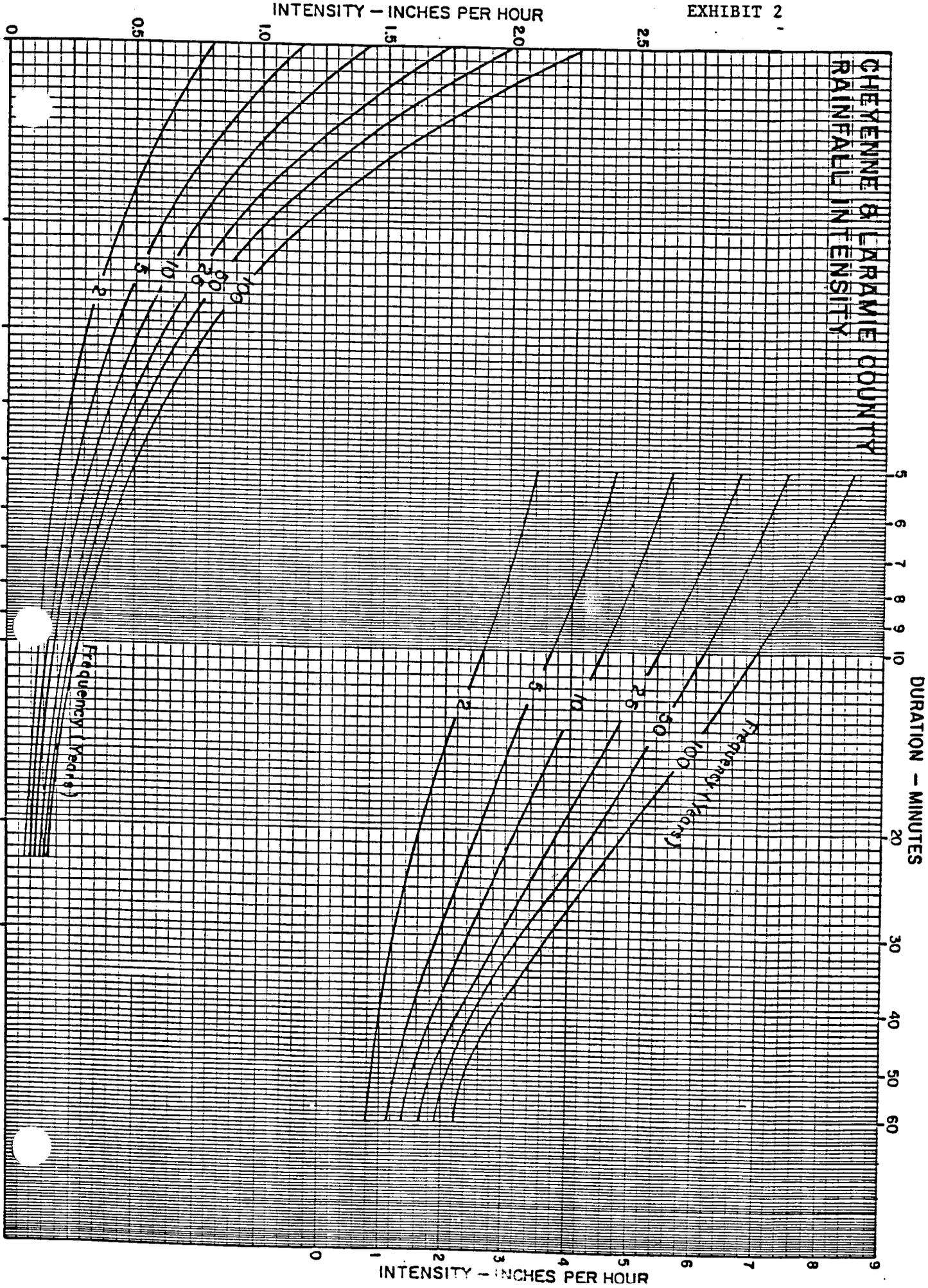


EXHIBIT 3

STORM DRAINAGE FREQUENCY

Table 1

| <u>Storm Sewer Design</u> | <u>Storm Frequency</u> |
|---------------------------------------|--|
| <u>Land Use</u> | Initial Design Storm <u>Return Period (frequency)</u> |
| 1. Residential | 2 years |
| 2. High Value General Commercial Area | 5 years |
| 3. Public Buildings Area | 5 years |
| 4. Airports | 5 years |
| 5. Major Airport Terminals | 10 years |
| 6. High Value Downtown Business Areas | 10 years |

EXHIBIT 4

CRITERIA FOR CLASSIFICATION OF AGRICULTURAL LANDS

Lands in Laramie County most suitable for agricultural uses are those lands classified as one of the following:

- Prime farmland
- Additional farmland of statewide importance
- Additional farmland of local importance

These terms originate with the United States Department of Agriculture (USDA) which has developed general criteria for determining which lands meet each category. The Frontier Conservation District has interpreted the Federal standards for local application.

Prime farmlands are defined by UDSA as:

Farmlands that have the best combination of physical and chemical characteristics for producing food, feed, forage and oilseed crops, and are also available for these. (USDA's Important Farmland Inventory, 7 CFR, Part 657.5.)

Prime farmlands in Laramie County are all lands which meet all the following criteria:

The lands have been under positive irrigation management for 10 years or more and are currently being irrigated, and

The soils on the lands are classified as 2 or 3 and,

The lands are located east of a line which runs along the Torrington Highway from the north boundary of the County to a line 2 miles west of the rangeland between Ranges 63 and 64 and which runs directly south from that point to the south boundary of the County.

Farmlands of statewide importance are defined by USDA as:

Lands that are of statewide importance for the production of food, feed, forage and oilseed crops.

Farmlands of statewide importance in Laramie County are all lands, in addition to prime farmlands, which meet the following criterion:

The lands are currently under positive irrigation management, or

Dry cropland classified as 2, 3 or 4.

Farmlands of local importance are defined by UDSA as:

Lands for which there is local concern which produce food, feed, fiber, forage, and oilseed crops, even though they are not identified as having national or statewide importance.

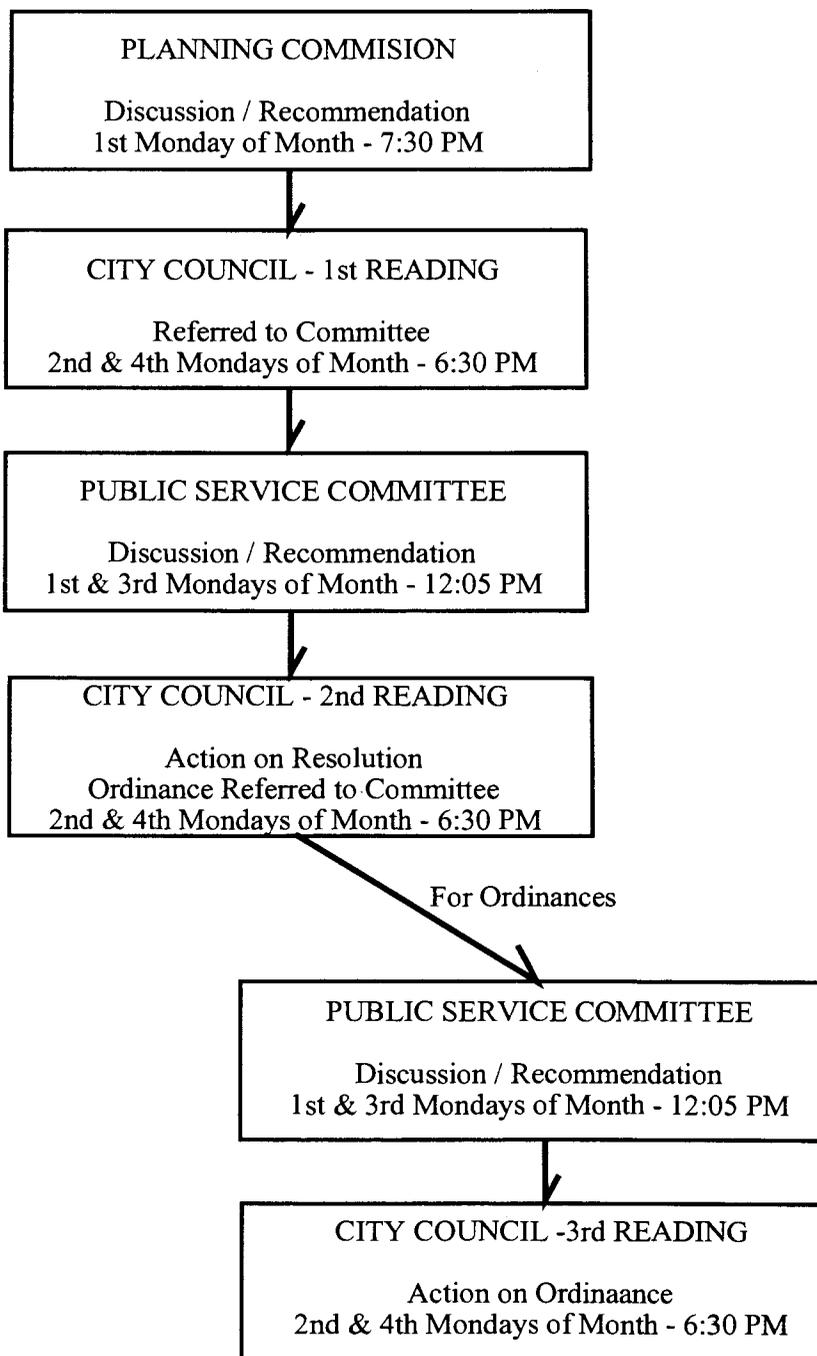
Farmlands of local importance in Laramie County are all lands, in addition to prime farmlands and farmlands of statewide importance, which meet either of the following criteria:

All lands which are producing food, feed, fiber, forage, or oilseed crops and which are classified as 2, 3 or 4.

Haylands and potential haylands along creeks throughout the County.

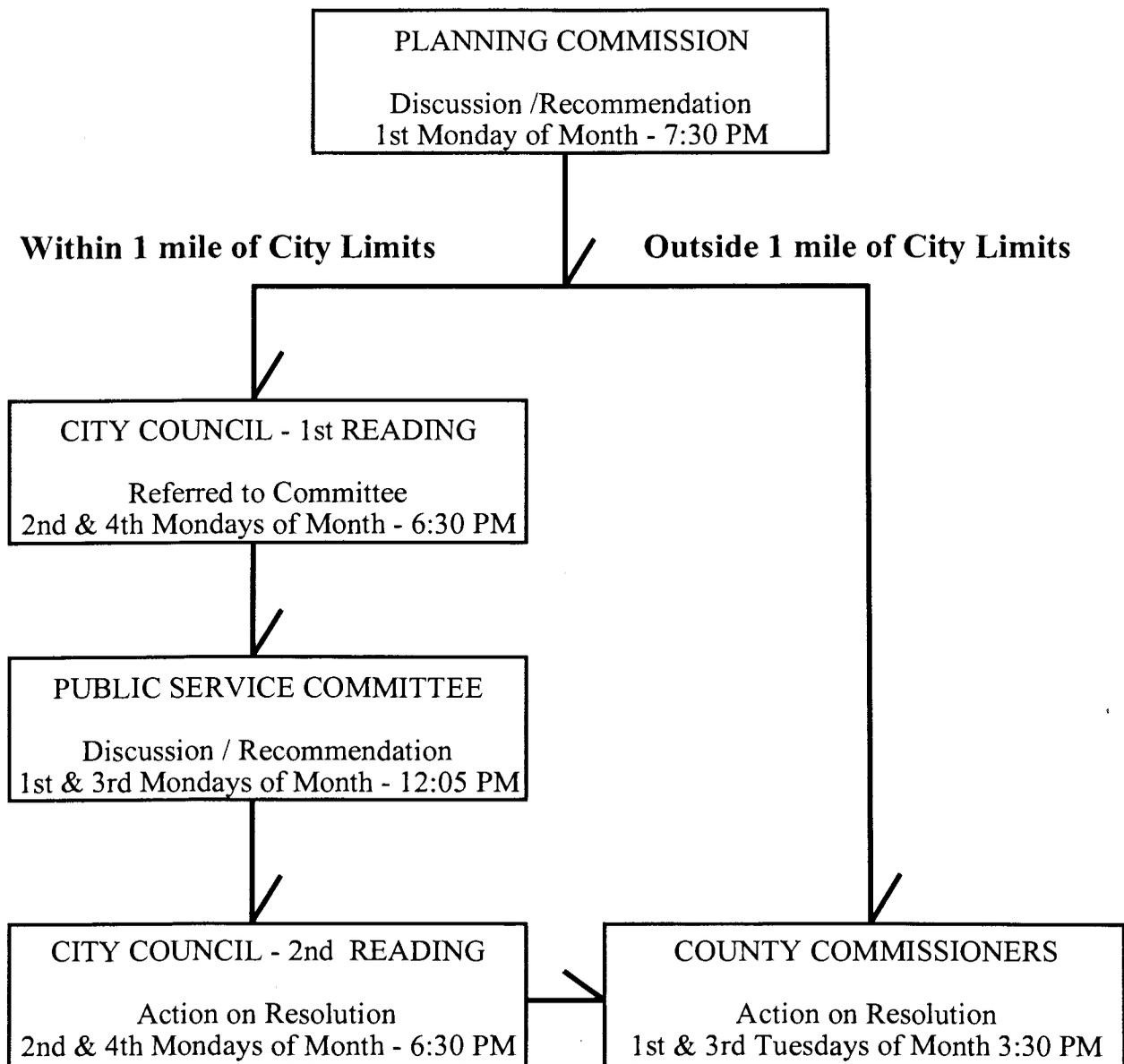
CITY LAND USE APPLICATIONS

1. VACATION (Ordinance)
2. ANNEXATION (Ordinance)
3. SPECIAL USE PERMIT (Resolution)
4. PLATS (Resolution)
5. ZONE CHANGE (Ordinance)
6. PUD (planned unit development) (Ordinance)



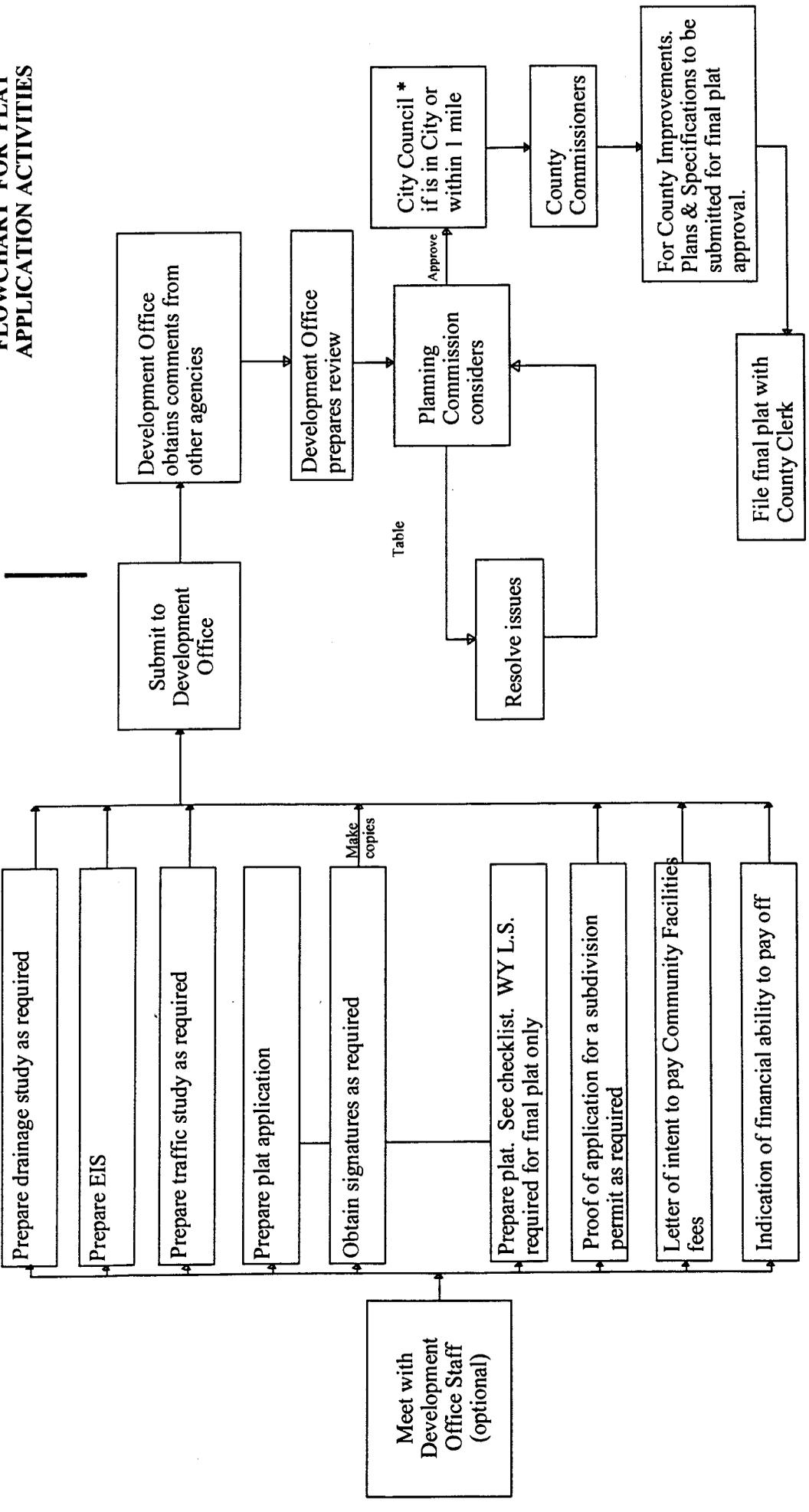
COUNTY LAND USE APPLICATIONS

1. PLATS (Resolution)
2. ZONE CHANGE (Resolution)
3. PUD (planned unit development) (Resolution)
4. SUBDIVISION PERMIT



FLOWCHART FOR PLAT APPLICATION ACTIVITIES

DEVELOPER RESPONSIBILITIES



* = Discussion of City Council items is also conducted at Committee Meetings.

PLATTING OPTIONS AND GENERAL REQUIREMENTS

SKETCH PLAT

- * Can be done at option of developer. Purpose is for discussion, determine changes or additional information for preliminary plat.

PRELIMINARY PLAT

- * Requirements are set forth in application form package.
- * Approval by City Council or County Commission is permission to prepare a final plat.
- * Conditions may be attached to approval.
- * Approval is effective for 18 months.

FINAL PLAT

- * Must be filed within 180 days of approval.
- * Both City Council and County Commission must approve if within one mile of City limits.
- * City must approve first.
- * County will not sign a plat for a subdivision in the county, until the roads are constructed and approved.

ABBREVIATED PLAT

- * Permitted only if minor subdivision with relatively small impact.

(ABBREVIATED PROCESS FOR PLATTING)

- * Definition of a minor subdivision:

Does not involve the creation of new public rights -of-way or public improvements, and regulations, and other applicable City and County regulations.

- * The subdivider may submit a minor subdivision as a final plat without prior approval of a preliminary plat in either of the following instances:

(1) The Subdivision:

- (a) is adjacent to the City corporate limits and
- (b) is being platted to meet the requirements of annexation, and
- (c) is certified by the City-County Health Unit as having an immediate health problem, and
- (d) is certified by the Development Office as not being in conflict with local regulations, plans and policies.

(2) The Subdivision:

- (a) is a replat of a tract or portion of a tract, and
- (b) is certified by the City-County Health Unit as not having any adverse environmental impacts, and
- (c) is certified by the Development Office as not being in conflict with local regulations, plans and politics.

APPENDIX “C”

Grantee(s) 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 no more than five hundred dollars (\$500.00) 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.

TRUE COPY OF DEED: The attached deed 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.

The grantor(s) and grantee(s) have read and understand this affidavit.

(Signature)

(Signature)

(Print) Grantor

(Print) Grantee

(Signature)

(Signature)

(Print) Grantor

(Print) Grantee

THIS AFFIDAVIT MUST BE SIGNED AND SWORN TO BY ALL CURRENT RECORD OWNERS OF THE LAND BEING SUBDIVIDED AND BY ALL GRANTEE(S), AND ALL BLANKS MUST BE COMPLETED.

ACKNOWLEDGMENT

STATE OF WYOMING)
)ss.
COUNTY OF _____)

The following instrument was acknowledged before me by

this _____ day of _____, 20____.

Witness my hand and official seal.

Notary Public

My Commission Expires: _____

DATED and signed this _____ day of _____ 20__.

(Signature)

(Signature)

(Print) Grantor

(Print) Grantee

(Signature)

(Signature)

(Print) Grantor

(Print) Grantee

ACKNOWLEDGMENT

STATE OF WYOMING)
)ss.
COUNTY OF _____)

The following instrument was acknowledged before me by _____

this _____ day of _____ 20__.

Witness my hand and official seal.

Notary Public

My Commission Expires: _____

NOTICE OF NON-FILING

(1) Sections 70.026 and 70.027 of The Cheyenne-Laramie County Subdivision Regulations require that the owners or agents of a property owner seeking to record deeds, records of survey, contract for deeds, or other types of instruments pursuant to certain exemptions, shall present to the County Clerk for recordation, with the instrument, one of the following:

An affidavit of family exemption to be recorded with instruments that divide land pursuant to the family exemption (Affidavit of Family Division).

A covenant to be recorded with the instruments that divide land pursuant to the agricultural purposes exemption (Covenant for Agricultural Purposes Exemption).

(2) The instrument entitled _____ pertaining to the following legal description: (or attach if lengthy) _____

_____ conveying land from Grantor(s) _____ to Grantee(s) _____

dated _____ and recorded at Book # _____ Page# _____ was recorded without the required affidavit or covenant.

(3) Even though the above-cited instrument has been accepted for recordation, Laramie County makes no representation that any parcels created by this instrument are legal and comply with the requirements of the The Cheyenne-Laramie County Subdivision Regulations, the Wyoming Real Estate Subdivision Act, or the The Cheyenne and Laramie County Zoning Ordinance, 1988, as amended.

(4) If it is determined that the above-cited instrument violates applicable laws or County regulations, Laramie County reserves the right to prosecute any violations; to enforce these laws and regulations by injunction, mandamus or abatement; and to withhold any permits or approvals issued under the authority of the Board of County Commissioners for the subject land.

Laramie County Commissioner

ACKNOWLEDGMENT

STATE OF WYOMING)
)ss.
COUNTY OF _____)

The following instrument was acknowledged before me by _____

_____ ,
this _____ day of _____ 20__.

Witness my hand and official seal.

Notary Public

My Commission Expires: _____