



MINOR SUBDIVISION REGULATIONS FOR JOHNSON COUNTY, WYOMING

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Minor Subdivision Regulations for Johnson County

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JOHNSON COUNTY, WYOMING MINOR SUBDIVISION REGULATIONS

CHAPTER 1: GENERAL PROVISIONS

1.1 Authority. In accordance with W.S. 18-5-306, the Johnson County Board of County Commissioners may rule exempt from any requirements of W.S. 18-5-306(a)(c) the subdivision of one (1) or more units of land into not more than a total of five (5) units of land. The Minor Subdivision process is intended as a substitute for unregulated lot splits which were allowed under the original 1975 Wyoming Real Estate Subdivision Act and were eliminated with the 2001 amendments. The Minor Subdivision process is relatively uncomplicated with a shorter application processing time. The process involves no public hearing.

1.2 Definitions.

1.2.1 Block. A piece or parcel of land entirely surrounded by public highways, streets, streams, parks, etc., or a combination thereof.

1.2.2 Board. Shall mean the Johnson County Board of County Commissioners, may also be referred to as “Commissioners”.

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

1.2.4 Conservation District. Local unit of government providing assistance in conservation planning and leadership in air quality, water quality and quantity, agricultural production and technical support. The Conservation District provides Natural Resources Reviews of subdivision proposals.

1.2.5 Contiguous Parcels. Parcels of land having a common boundary line. Parcels whose only common boundary is a corner shall not be considered contiguous parcels.

1.2.6 County. Shall mean Johnson County, Wyoming

1.2.7 Covenants or Protective Covenants. A declaration of restrictions, requirements and conditions applying to a parcel of property and which are binding upon all parties having any right, title or interest in the parcel or any part of the parcel, their heirs, successors and assigns. Covenants serve to better the health, safety and welfare of the owners and occupants of a parcel of property.

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

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

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

1.2.11 Exemption. (from requirements of Subdivision Regulations) Exemption from provisions of Subdivision Regulations granted by Wyoming Real Estate Subdivisions Statute.

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

1.2.12 Landowner. The owner(s) of record in the Office of the Johnson County Clerk on April 2, 1996.

- 1.2.13 Lot or Tract. The unit into which land is divided on a subdivision plat or deed for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. Lot or Tract shall also mean parcel, plot, site or similar term.
- 1.2.14 Minor Subdivision. A division of land that creates from two (2) to four (4) new lots smaller than 35 acres which may be ruled exempt from some subdivision regulations by the Board of County Commissioners.
- 1.2.15 Municipality. An incorporated City or Town, including all property within its corporate limits.
- 1.2.16 Natural Resources Review. Review of submitted plans by the local Conservation District office having jurisdiction over the area that is proposed to be subdivided, allowing the Conservation District to develop a map showing the potential for flooding, the general soils types and their boundaries, and a table showing interpretations for soil types shown on the map and any other pertinent natural resources information.
- 1.2.17 Official Map. The Official Map adopted by Johnson County or any municipality therein.
- 1.2.18 Permanent Monument. Any structure or masonry and/or metal marker permanently placed on or in the ground, including those expressly placed for surveying reference.
- 1.2.19 Planned Unit Development. A development or improvement project located on at least two acres of land including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance of normal zoning or subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced, while still being in harmony with the surrounding neighborhood.
- 1.2.20 Planning Commission. Shall mean the Johnson County Planning and Zoning Commission also referred to as “Commission” or “Planning Commission”.
- 1.2.21 Plat. As used in this Resolution “plat” shall be a map of certain described tracts of land prepared in accordance with this Resolution as an instrument for recording of subsequent real estate transactions by the County Clerk.
- 1.2.22 Public or Community Sewer. Municipal, city or town, or quasi-municipal (such as a sanitation district) operating sewage outfall lines and treatment facilities.
- 1.2.23 Public Roads and Streets. A right-of-way dedicated to the Public.
- 1.2.24 Resubdivision. The changing of any existing lot or lot boundaries, any streets, alleys or other change from the subdivision plat recorded in the office of the County Clerk.
- 1.2.25 Roadway. The portion of the street right-of-way designed for vehicular traffic.
- 1.2.26 Sewage Disposal System. All pipelines, conduits, pumping stations, force mains and other constructions used for collecting or conducting wastes to a treatment plant or disposal system; any plant or other works used for the purpose of treating, stabilizing or holding wastes; and any system used for disposing of wastes, either by surface or underground methods, including any treatment plant, disposal wells and absorption fields.
- 1.2.27 Sketch Plan. The sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this Resolution, to evaluate the feasibility and general design characteristics at an early stage in planning.
- 1.2.28 Street. An avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for movement of vehicular traffic which is an existing State, County or municipal roadway shown upon a plat, heretofore approved, pursuant to law or approved by official action, and includes the land between street lines whether improved or unimproved, and may

comprise pavement, shoulder, gutter, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this Resolution streets shall be classified as defined in the following:

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

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

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

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

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

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

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

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

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

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

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

1.2.33 Unit of Land. As it applies to these regulations, includes all contiguous parcels of land to be viewed as one unit of land owned by a landowner on April 2, 1996.

1.3 Exemption from provisions. In accordance with W.S. 18-5-303, 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:

A. 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:

- 1) 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;
- 2) The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
- 3) Parcels created under this section shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one (1)

year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;

4) No parcel smaller than five (5) acres created under this section shall be further divided unless the owner obtains a subdivision permit pursuant to W.. 18-5-304.

B. 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;

C. Is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;

D. Concerns lands located within incorporated cities or towns;

E. Is created by the sale or other disposition of land to the State of Wyoming or any political subdivision thereof;

F. Affects railroad rights-of-way;

G. Is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;

H. 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;

I. Creates cemetery lots;

J. Is created by the acquisition of an interest in land in the name of the husband, wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this section as only one (1) interest.

K. 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. To be eligible for this exemption, all parcels created must be thirty-five (35) acres or greater in size including any parcels not immediately offered for sale or other disposition.

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

1.3.1 Proof of Entitlement to Exemption from Provisions. Any Exemption from the provisions of Subdivision Regulations is not self-executing. Any subdivider claiming any category of exemption from the provisions of these regulations shall complete an Application for Exemption from Provisions of Subdivision Regulations Form (See Appendix F) which shall be accompanied by a written, signed and notarized Affidavit (See Appendix G) provided by the Johnson County Planning and Zoning Commission stating the reasons why he/she is entitled to an exemption from such provisions and the qualifying reasons for such exemption. The subdivider shall also provide the Johnson County Planner with any additional information reasonably requested by the Planning Commission to determine eligibility for exemptions. Exemptions are not applicable until the aforementioned documents have been properly completed, endorsed, notarized as necessary and approved by the Johnson County Planner. The Application for Exemption from Provisions of Subdivision Regulations Form and Affidavit shall be submitted with each Deed, Contract for Deed, or Record of Survey for unincorporated areas of Johnson County.

1.3.2 Granting or Denial of Exemption and Appeal of Decision. The Johnson County Planner may approve the Application for Exemption from Provisions of Subdivision Regulations Form if the subdivider has submitted the required documentation in the manner specified in Section 1.4 above and the applicant meets the exemption criteria specified in W.S. 18-5-303 and these regulations. If the Johnson County Planner denies the Application for Exemption from Provisions of Subdivision Regulations, the applicant may appeal the decision to the Johnson County Planning Commission and the Board of Johnson County Commissioners.

1.4 Policy. The Board of County Commissioners may by rule exempt from some requirements of the Johnson County Subdivision Regulations Resolution the subdivision of the original unit of land or the remainder of such unit of land into not more than five (5) parcels of land where no more than four (4) new parcels are created, provided that since April 2, 1996, no part of the original unit of land has been previously subdivided under the provisions of 1996 Revision of the Johnson County Subdivision Regulations, or received an exemption from those subdivision regulations for the purposes of a single lot split, or received a family exemption from subdivision regulations under W.S. 18-5-303 (a)(i).

1.5 Number of Minor Subdivisions Permitted. Only one (1) Minor subdivision may be granted for each unit of land. These provisions for a Minor Subdivision may only be granted to the original landowner of the unit of land as it existed prior to April 2, 1996. However, if the landowner sells or otherwise transfers the entire unit of land without any prior subdivision since April 2, 1996, the new landowner may be entitled to a Minor Subdivision. The landowner of the unit of land may also elect to transfer his opportunity to a Minor Subdivision in writing to a buyer of a portion of his original unit of land.

1.6 Allowable Lot Sizes. Any new lot created by a Minor Subdivision must be less than 35 acres. Allowable minimum lot sizes shall be dependent on health, safety and other factors as outlined in Section 2.3, 2.4 and other applicable sections of these regulations.

1.7 Application for Minor Subdivision. A landowner wishing to request a Minor Subdivision shall submit an application to the Johnson County Planning Commission in accordance with these regulations on an application form provided by the Johnson County Planner (See Appendix A). The Johnson County Planning Commission is authorized and designated to classify subdivision sketch plans as a Minor Subdivisions in accordance with these regulations. Sketch Plans shall be classified as a Minor Subdivision at a regular public meeting of the Planning Commission.

CHAPTER 2: APPLICATION AND PERMIT PROCEDURES

2.1 General. The Minor Subdivision review process is authorized by W.S. 18-5-306(a). The process is intended as a substitute for unregulated lot splits which were allowed under the original 1975 Wyoming Real Estate Subdivision Act and were eliminated with the 2001 amendments. The Minor Subdivision process is relatively uncomplicated with a short application processing time. The process involves no public hearing. All Minor Subdivisions require a subdivision permit and shall meet all requirements of this section. A subdivision shall not be classified as a Minor Subdivision if any of the following conditions exist:

- A) The subdivision will be served by a central sewage disposal system or central water supply system that is not owned and operated by a public entity;
- B) The land to be subdivided is a parcel created by a valid exemption after July 1, 2001;
- C) The land to be subdivided is located within a platted subdivision;
- D) The land to be subdivided is located within one mile of any municipal boundaries (See exception in Section 2.4 below).
- E) The land to be subdivided is unsuitable for subdivision (see Sections 2.2 and 2.3 below);
or
- F) The land to be subdivided is contiguous to other land on which the same applicant has platted a subdivision.

2.2 Land Unsuitable for Subdivision. Land unsuitable for subdivision shall refer to land, that if subdivided, would be detrimental to the health, safety or general welfare of existing or future residents because of potential hazards such as flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features. The presence of these features does not preclude subdivision approval, provided the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.

2.3 Factors To Be Considered for Minor Subdivision Approval. Factors that may affect approvals of Minor Subdivisions by the Board of County Commissioners include, but are not limited to health, safety, general welfare, traffic flow, access, topography, location, interference with wildlife habitat or migration areas, compatibility with adjacent land uses, soil conditions, or preservation of natural topographical features and aesthetic values.

2.4 Municipal Approval. For lands within one mile of any incorporated municipal boundary, municipal approval of sketch plans and final plats is required. In addition, for lands within the Buffalo Urban Growth Area as defined in the Buffalo/Johnson County Joint Land Use Plan or any future officially adopted revision of that plan, approval of sketch plans and final plats by the City of Buffalo shall be required.

2.5 Application Procedures.

2.5.1 Pre-Application Conference. The applicant shall meet with the County Planner in a pre-application conference either in person or by a prearranged telephone conference. The conference is necessary to explain Johnson County's subdivision process, standards of performance and policies of the Buffalo/Johnson County Joint Land Use Plan before significant expenses are incurred by the subdivider. The applicant shall submit a sketch plan as a basis for discussion at the pre-application conference.

2.5.2 Natural Resources Review. A map showing the location of lands to be subdivided under these Minor Subdivision Regulations shall be submitted by the developer or his/her representative to the local Conservation District office for a natural resources review. The maps should indicate any existing accesses and easements to facilitate the Conservation District's on-site review of the property. The Conservation District conducting the review shall report actions required to address any identified limitations to the Planning Commission.

2.5.3 Public Notice. The applicant shall publish a Notice of Intent to Subdivide Lands in Johnson County (See Appendix D) in a newspaper of local circulation once per week for two weeks within 30 days immediately preceding the presentation of the Sketch Plan to the Planning Commission. The notice shall include:

- A) Name(s) of the applicant(s) and owner(s);
- B) Location in terms of section, quarter section, township and range of the land to be subdivided and shall also be stated in terms of general location referencing a road or other identifiable landmark. The general location of the proposed subdivision shall be understandable to the general public; and
- C) A description of the proposed subdivision in terms of the proposed number of lots, the sizes of the lots, and the intended uses of the subdivision.

2.5.4 Adjacent Landowner Notification. The names and mailing address of all owners of land adjacent to the property proposed to be subdivided shall be furnished to the County Planner at the time the Application is submitted for a Minor Subdivision. This is to include landowners who are separated from the property to be subdivided by a street, road or highway. The County Planning Commission will notify the owners of the intent to subdivide by certified mail (See Appendix E). The subdivider will be billed for all costs associated with this requirement.

2.5.5 Application Required. All applicants for a Minor Subdivision are required to submit an Application for Minor Subdivision Form (See Appendix A) to the Johnson County Planner. Application forms for a Minor Subdivision are available in the County Commissioner's Office.

2.5.6 Minor Subdivision Application Contents. The Minor Subdivision application shall include the following:

- A) Evidence satisfactory to the board that the proposed Minor Subdivision complies with any applicable zoning or land use plan.
- B) Evidence satisfactory to the board that:
 - 1) The subdivider or his/her 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

2) Binding arrangements have been made by the person or his/her agent who offers any part of the subdivision for sale, to insure 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.

C) Adequacy of Land to Be Subdivided. Applicants for the subdivision of land under these Minor Subdivision Regulations shall address any limitations reported by the local office of the Conservation District. Any actions needed to address such limitations shall be included with the application for a Minor Subdivision. All planned systems or developments must meet all applicable state and federal requirements.

D) Description of Land to be Subdivided. Applicants shall submit a description of the land to be subdivided which shall include mapping and information provided by the local Conservation District review and other information including, but not limited to, wildlife, vegetation, geology, slopes, surface water, ground water, adjudicated water rights, easements, flooding, public and private rights-of-way and utilities.

E) Adequacy of Sewer and Water Systems. Applicants for a Minor Subdivision shall submit their plans to the local Conservation District having jurisdiction over the area containing the proposed subdivision at least 60 days prior to submission of the Final Plat application to the Planning Commission. If the Conservation District reports that conditions exist which indicates the proposed subdivision lots may not support private sewer or water systems, further testing may be prescribed by the Planning Commission to determine the adequacy of such systems. Any planned public or community sewer or water systems must meet all applicable state and federal requirements for such systems.

F) Legal Access. A description of the proposed means of access to the county road system. Minor Subdivision lots shall be configured so that a minimum of new accesses are created onto any public road. Access and utility easements should be used to minimize accesses if practical. In the case of a direct access onto a county or state road, the applicant shall submit a copy of a valid county or state road access permit. In the case of an access easement, the applicant shall submit copies of documents evidencing legal access to all lots. Access permits for access onto a state road must be obtained from the Resident Engineer of the Wyoming Department of Transportation.

G) Disclosure Statement.

1) A full Disclosure Statement shall be submitted for review and approval by the Planning Commission and County Commissioners prior to approval of a Final Plat.

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

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

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

2.5.7 Application Fee. In accordance with W.S. 18-5-309, a fee of one hundred dollars (\$100.00) shall accompany an application for a Minor Subdivision.

2.5.8 Subdivision Review Fee. A fee of \$25.00 subdivision review fee shall accompany each application for a Minor Subdivision.

2.5.9 Sketch Plan and Sketch Plan Review Meeting. Applicants seeking approval of a Minor Subdivision shall submit a Sketch Plan and Application Form for a Minor Subdivision to the Johnson County Planning Office. The County Planning Office will schedule a time and date during a regular Planning and Zoning Commission meeting for consideration of the Application after the thirty-day public comment period has expired. Sketch Plans and Application Forms must be submitted at least 30 calendar days prior to a regularly scheduled Planning and Zoning Commission meeting to be considered during that meeting. Sketch Plan requirements are listed in Chapter 3.

2.5.10 Planning Commission Action: At the Planning Commission meeting, the applicant or a representative shall present the application to the Commission. At that time, the Planning Commission shall classify the application as a "Minor Subdivision" if the application meets the criteria for such classification. Upon classifying a subdivision as a Minor Subdivision, the Commission may continue to review the sketch plan at the same meeting. The Commission shall review the proposed Minor Subdivision for

conformance with these regulations. The Commission may recommend approval, conditional approval or denial of the application to the County Commissioners. The Planning Commission shall make a final decision on a Minor Subdivision Sketch Plan application within sixty (60) days of its submission. In accordance with section 4.1 of these regulations, the applicant shall have one (1) year from the date of Sketch Plan approval to present a Final Plat to the Planning Commission for signature. If the applicant does not complete this action within one (1) year, Sketch Plan approval shall expire.

2.5.11 Final Plat Approval. Upon approval of the Sketch Plan by the Planning Commission, the applicant may proceed to prepare and submit a Minor Subdivision Final Plat conforming to the requirements of these regulations for the signature of the Planning Commission. The applicant shall submit the completed plat to the County Planner who shall review it for conformance to these regulations and the previously submitted and approved Sketch Plan. If the Plat conforms to all specifications, the County Planner shall present the plat to the Planning Commission at its next regularly scheduled meeting. The Planning Commission shall approve the Final Plat if it conforms to the approved Sketch Plan and all conditions of approval imposed by the Planning Commission or these regulations.

2.5.12 Subdivision Permit. Upon signature of the Plat by the Planning Commission chairperson, the County Planner shall present the plat to the Board of County Commissioners for issuance of a Subdivision Permit at the next Board meeting. The Board shall approve the Plat and issue the Subdivision permit if it finds that the proposed subdivision conforms to the requirements for a Minor Subdivision. The Board shall make its decision within 21 days of its first meeting on the application.

2.5.13 Recording of Final Plat. In accordance with section 4.1 of these regulations, the applicant shall have a period of one (1) year from the date of Final Plat approval to record such plat in the office of the County Clerk of Johnson County. If the applicant fails to record the Final Plat within one (1) year, the Final Plat approval shall expire.

2.5.14 Recording Fees. Applicable fees charged for recording Final Plats and other documents are collected in the Office of the Johnson County Clerk and are established by the Wyoming State Legislature.

2.5.15 Number of Copies. The subdivider shall provide two mylar copies of the approved Final Plat in the size of 24 inches wide by 36 inches long.

2.5.16 Protective Covenants.

A) Protective Covenants are required for the betterment of the health, safety, and welfare of the owners and occupants of subdivision lots. See Appendix A for Mandatory Covenants and Appendix B for Optional Covenants.

B) Earth-tone structures are required for those structures visible in highly sensitive areas, as they apply to a subdivision application, including but not limited to areas of low vegetation, areas near or on ridge tops, and highly visible areas from roads and highways.

C) Fire protection/prevention measures may be required for lots adjacent to forested areas or other areas where fire danger may be a concern.

CHAPTER 3: MINOR SUBDIVISION SKETCH PLAN AND FINAL PLAT CONTENTS

3.1 Pre-Application Discussion Sketch Plan Contents. The subdivider shall submit a sketch plan of the proposed Minor Subdivision to the County Planning and Zoning Commission prior to the submission of a Final Plat. The Sketch Plan and any required supporting documentation must be submitted at least (30) calendar days prior to the Planning and Zoning Commission meeting at which the sketch plan is to be reviewed. If the proposed subdivision lies within one mile of the boundary of any incorporated municipality or lies within the Buffalo Urban Growth Area as defined on the Buffalo/Johnson County Joint Land Use Plan or any future adopted update of that plan, simultaneous submission to the municipality is also required (see Section 2.4). The Planning and Zoning Commission shall review the sketch plan in conformance with the general design standards and improvement requirements stated herein. The Sketch Plan shall be prepared to include the following:

- A) A map showing the general location of the subdivision and the total development area, the property boundaries of the area, and the North arrow.
- B) Topographic contours from available information, such as USGS maps.
- C) A lot, street, park and open space layout indicating general scaled dimensions of lots.
- D) Type of water system proposed, also general information pertinent to the history of the water system (such as: water rights, quality of water).
- E) Type of sewer system proposed
- F) A map showing significant natural and man-made features on the site or immediately adjacent to the site.
- G) The acreage of the total development area.
- H) The developer shall submit a copy of the Sketch Plan to the Conservation District office having jurisdiction over the area of the proposed subdivision so as to allow the Conservation District to develop a map showing the potential for flooding, the general soils types and their boundaries, and a table showing interpretations for soil types shown on the map. The information from the Conservation District review shall be presented to the Planning Commission at the Preliminary Plat review meeting. (See Section 2.5.2)
- I) For lands located within one mile of any incorporated municipal boundary, the developer shall submit a copy of the Sketch Plan to the municipality. In addition, for lands within the Buffalo Urban Growth Area as defined in the Buffalo/Johnson County Land Use Plan or any future revision of that plan, the developer shall submit a copy of the Sketch Plan to the City of Buffalo. In either case, municipal approval is required prior to the approval of the Sketch Plan by the Johnson County Planning Commission.
- J) If applicable, the proposed location of temporary access roads to be constructed.
- K) General information concerning streams, lakes, vegetation, and other natural features. Explain how the proposed development would deal with these natural features.

L) The developer shall submit two copies of the Minor Subdivision Checklist (Appendix H) with the Application and Sketch Plan section properly completed. Incomplete or incorrect checklist information may result in the removal of the subdivision from the Planning and Zoning Commission meeting agenda.

3.2 Minor Subdivision Final Plat Contents. A Final Plat shall be prepared which contains all requirements and contingencies of the prior Sketch Plan approval. The Final Plat and any required supporting documentation must be submitted at least thirty (30) calendar days prior to the Planning and Zoning Commission meeting at which the Final Plat is to be reviewed. All information shall be presented clearly. If a single sheet becomes too crowded with information, additional sheets should be used. Plats shall be drafted upon 24" X 36" mylar (polyester) drafting film. If separate sheets are used, a separate title and index sheet that is the same size as the other sheets should be included. The final plat drawing shall comply with the following standards:

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

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

C) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line with the lot dimensions. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of closing meander traverse should be given and a notation made that the plat includes all land to the centerline of the stream.

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

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

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

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

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

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

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

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

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

M) All Plat Warnings shall appear under the heading "PLAT WARNINGS" printed in bold capital letters. Plat warnings are listed below. The Planning Commission shall deem which plat warnings are appropriate for each Minor subdivision during the review process.

1) Statutory Warnings. All plats shall contain the following warning: THE SELLER DOES NOT WARRANT TO A PURCHASER THAT THE PURCHASER HAS ANY RIGHTS TO THE NATURAL FLOW OF ANY EXISTING STREAM WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION.

THE STATE OF WYOMING DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF A STREAM OR RIVER (W.S. 18-5-306).

2) Lack of Common Sewer. If no common sewer system is proposed for the subdivision, state the following along with any additional constraints on sewage disposal: NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM. LOT OWNERS SHALL BE RESPONSIBLE FOR BUILDING THEIR OWN SMALL WASTEWATER DISPOSAL SYSTEMS WHICH MEET STATE AND COUNTY STANDARDS (W.S. 18-5-306).

3) Lack of Common Water. If no common water system is proposed for the subdivision, state the following: NO PROPOSED DOMESTIC WATER SOURCE. LOT OWNERS SHALL BE RESPONSIBLE FOR BUILDING THEIR OWN WELLS WHICH MEET STATE STANDARDS (W.S. 18-5-306).

4) Severe Soil Limitations. If any portion of any lot is within an area classified as having severe soil limitations, either by the Conservation District or by

percolation tests, state the following: **WARNING: LOTS (list appropriate lot numbers) ARE LOCATED IN AREAS OF SEVERE SOIL LIMITATIONS. SITE CONDITIONS MAY PREVENT THE USE OF CONVENTIONAL SEPTIC SYSTEMS AND BUILDING TECHNIQUES.**

5) Statement of Domestic Water Availability. The applicant shall make a statement as to domestic water availability and quality.

6) Lack of County Road Maintenance. As no county road maintenance is accepted, state the following: **NO PUBLIC MAINTENANCE OF STREETS OR ROADS. PLAT ACCEPTANCE DOES NOT CONSTITUTE ACCEPTANCE OF ROADWAYS AS COUNTY ROADS. ACCESS MAY BE DIFFICULT IN WINTER MONTHS.**

7) Natural Gas Pipelines. If any pipeline containing natural gas or slurry exists in or within 500 feet of the proposed subdivision, state the following: **WARNING: NATURAL GAS PIPELINE (Add a description of the location of the pipeline).**

8) Toxic Natural Gas Pipeline. If a natural gas pipeline containing hydrogen sulfide or other toxic element(s) exists in or within one mile of any lot, state the following: **WARNING: SOUR GAS PIPELINE; RUPTURE MAY BE EXTREMELY HAZARDOUS TO HEALTH (Add a description of the location of the pipeline).**

9) Hazards. If any hazard exists on the site of the proposed subdivision, state the following: **WARNING: (Name hazard) EXISTS ON LOTS (List lot numbers with hazards).**

10) Airport Safety Zone. If any part of the subdivision is to be located within or adjoining to an airport safety zone as per any applicable local, state or federal regulations, state the following: **WARNING: AIRCRAFT NOISE AND AIRCRAFT RELATED HAZARDS MAY EXIST WITHIN SUBDIVISION.**

11) Split Ownership. If a subdivision is located on property in which the surface ownership is split from the subsurface ownership, state the following: **WARNING: LOTS IN THIS SUBDIVISION MAY BE USED FOR THE EXPLORATION AND/OR DEVELOPMENT OF MINERALS.**

12) Lack of Solid Waste Service. If solid waste hauling service is not proposed, state the following: **SOLID WASTE HAULING SERVICE NOT PROPOSED. LOT OWNERS SHALL BE RESPONSIBLE FOR HAULING THEIR OWN SOLID WASTE.**

13) Fire Response. If on-site firefighting facilities are not provided, state the following: **ON-SITE FIREFIGHTING FACILITIES ARE NOT PROPOSED.**

14) Existing Agricultural Operation. W.S. 11-44-103 provides that "Farm or ranch operations not considered a nuisance; (a) Notwithstanding any other provision of law, a farm or ranch operation shall not be found to be a public or

private nuisance by reason of that operation if that farm or ranch operation: (i) Conforms to generally accepted agricultural management practices; and (ii) Existed before a change in the land use adjacent to the farm or ranch land and the farm or ranch operation would not have been a nuisance before the change in land use or occupancy occurred.” If the subdivision is adjacent to an existing agricultural operation, state the following: **WARNING: THERE ARE EXISTING AGRICULTURAL OPERATIONS ADJACENT TO THIS SUBDIVISION AND AGRICULTURAL NUISANCES MAY EXIST WITH THE SUBDIVISION. SHOULD LANDS ADJACENT TO THIS SUBDIVISION BE REMOVED FROM AGRICULTURAL USE, THE 25 FOOT RESIDENTIAL NON-BUILDING BUFFER WILL NO LONGER BE IN EFFECT AND NORMAL SETBACK STANDARDS SHALL BE APPLIED. THE EXISTING AGRICULTURAL OPERATIONS ARE COVERED BY W.S. 11-44-103.**

(Note: A Special Plat Warning, which indicates specific agricultural nuisances identified in the review process of the subdivision may be employed as long as the essential elements of the required warning are also met.)

15). Lack of Electric and/or Telephone Service. Recreational subdivisions may be allowed under these regulations. If electric and/or telephone service are not provided, state the following: **WARNING: NO PROPOSED ELECTRIC AND/OR TELEPHONE SERVICE. LOT OWNERS SHALL BE RESPONSIBLE FOR THEIR OWN ELECTRIC AND/OR TELEPHONE SERVICE REQUIREMENTS.**

16). Other Plat Warnings. Other warnings for unique circumstances, which may be present and deemed appropriate by the Planning Commission, may be required.

3.3 Final Plat Supplemental Information. The following information/documents are required to be submitted with the Final Plat.

3.3.1 Rural Addressing Information for the Minor Subdivision. Depending on the number of lots within the Minor Subdivision, the developer may be required to submit a rural addressing plat that conforms to the following rural addressing standards. Upon approval of the subdivision, the Addressing Plat will become a part of the Johnson County Rural Addressing Map Book and will be used to issue and/or update addresses in the subdivision. The Rural Addressing Plat shall consist of an AutoCad drawing file submitted on a 3½-inch computer diskette or other acceptable form of electronic media containing the following information:

- A. A plat 17 inches by 14 inches in size, conforming to existing rural addressing maps.
- B. Mapping scale as large as allowed by plat size, in no case smaller than 1 inch = 500 feet.
- C. North arrow and scale
- D. Subdivision name in large bold lettering. Individual lot lines and lot numbers. Block outlines and block numbers as applicable.

- E. Roads, road names, and county or highway road designation number as shown in the Rural Addressing Map Book “Road Index”
- F. Indicate section lines where applicable
- G. Bearings, distances, and acreages shall not be shown.
- H. Date under the North Arrow and scale indicating month and year of subdivision.”

3.3.2 Minor Subdivision Checklist. The developer shall submit two copies of the Minor Subdivision Checklist (Appendix H) with the Final Plat section properly completed. Incomplete or incorrect checklist information may result in the removal of the subdivision from the Planning and Zoning Commission meeting agenda.

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

3.4.1 The dedication statement shall read as follows:

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

Lien holder, Owner(s), Mortgagee

(Individuals, where applicable, should add) “All rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby waived and released.”

3.4.2 The owner(s) signature(s) shall be notarized as follows:

STATE OF WYOMING)
)SS
COUNTY OF JOHNSON)

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

Witness my hand and official seal.

Title of Officer

My commission expires _____, _____.

3.4.3 The surveyor's certificate wording shall be as follows:

"I, (surveyor's name), a duly registered land surveyor in the State of Wyoming, do hereby certify that this plat of (subdivision name) truly and correctly represents the results of a survey made by me or under my direct supervision."

Surveyor, LS number

3.4.4 The approval by the Planning Commission shall be as follows:

"Approved by the Johnson County Planning Commission this ____ day of _____,
_____.

Attest: County Clerk

Chairman of the Commission

3.4.5 Approval by any incorporated City or Town, if pertinent (within one mile of the proposed subdivision), in accordance with Wyoming Statutes, Section 18-5-308(b) or if any portion of the proposed subdivision lies within the Buffalo Urban Growth Area as defined on the Buffalo/Johnson County Joint Land Use Plan or any future officially adopted revision of that plan, wording shall be as follows.

"Approved by the (City or Town) Council of (name of city or town) this _____ day of _____,
_____.

Attest: City (or Town) Clerk

Mayor

3.4.6 The approval by the Board of County Commissioners shall be as follows:

"Approved by the Johnson County Board of County Commissioners this _____ day of _____,
_____.

Attest: County Clerk

Chairman

3.4.7 For Filing of the Plat in the Office of the County Clerk:

STATE OF WYOMING)
)SS
COUNTY OF JOHNSON)

This instrument was filed for the record on the _____ day of _____,
_____, at _____, and was duly
recorded in plat book _____, page(s) _____.

FEE: \$ _____

County Clerk

Protective Covenants are recorded in book _____, page _____.

3.5 Municipal Approval. If the proposed subdivision lies within one mile of the boundary of any incorporated municipality, simultaneous submission of the Final Plat to the municipality is also required. In addition, if the proposed subdivision lies within any portion of the Buffalo Urban Growth Area as defined on the Buffalo/Johnson County Joint Land Use Plan or any future adopted update of that plan, simultaneous submission to the City of Buffalo is required.

3.6 Monuments.

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

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

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

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

CHAPTER 4 – EXPIRATIONS OF APPROVALS, PLAT AMENDMENTS AND PLAT VACATIONS

4.1 Expiration of Approvals. The applicant shall have one (1) year from the date of Sketch Plan approval to present a Final Plat to the Planning Commission for signature. If the applicant does not complete this action within one (1) year, the Sketch Plan approval shall expire. The applicant shall have a period of one (1) year from the date of Final Plat approval to record such plat in the office of the County Clerk of Johnson County. If the applicant fails to record the Final Plat within one (1) year, the Final Plat approval shall expire.

4.2 Amendment of Recorded Plats.

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

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

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

CHAPTER 5 – VARIANCES, AMENDMENTS, SEPARABILITY, PENALTIES, AND ADMINISTRATIVE LIABILITY

5.1 Variances.

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

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

5.2 Amendments. From time to time the Board of County Commissioners may amend these Subdivision Regulations. Amendments shall be made in conformance with W.S. 18-5-202.

5.3 Separability.

5.3.1 If any provision of these Regulations are declared to be invalid by a decision of any court of competent jurisdiction, the legislative intent is:

- A) Any such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
- B) Such decision shall not affect, impair, or nullify this Resolution as a whole or any part thereof, and the remainder shall remain in force.

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

- A) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and
- B) Such decision shall not affect, impair, or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

5.4 Penalties. In accordance with W.S. 18-5-314, any person who willfully violates any provisions of this Resolution and any person who, as an agent for a subdivider, developer, or owner, of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of this Resolution shall upon conviction be fined not more than five hundred dollars (\$500.00) or be imprisoned in the County jail for not more than thirty (30)

days or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

5.5 Administrative Liability.

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

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

APPENDIX A – APPLICATION FORM FOR MINOR SUBDIVISION

**JOHNSON COUNTY, WYOMING
APPLICATION FOR MINOR SUBDIVISION**

Date: _____

(This section to be completed by the applicant)

The undersigned applies for a Minor Subdivision under Wyoming Statute 18-5-306 and certifies that all material submitted with the application is true and correct.

Name of Applicant: _____

Signature: _____

Address: _____

Telephone: _____

Location of the Proposed Subdivision:

Township _____ Range _____ Section _____

Name of Landowner(s): _____

Name of Developer(s): _____

Intended Use of Subdivision (check one):

Residential _____ Commercial _____ Other (specify) _____

Sewage Disposal Method (check one): Central Sewer _____ On-lot Septic System _____

Water Supply Method (check one): Central Water _____ Private Well _____

A Minor Subdivision may be granted only under the following conditions:

1. The proposed subdivision is along an existing public road and involves no opening, widening, or extension of any street or road, public or private.
2. No more than five (5) parcels or four (4) new lots are created.
3. The subdivision is not contrary to any applicable platting, subdivision, zoning regulations or the County Land Use Plan.
4. The property has been surveyed in accordance with the Johnson County Subdivision Regulations for Minor Subdivisions.
5. The subdivision is not detrimental to the health, public safety or welfare of the current and future residents of Johnson County or inconsistent with adjacent land uses.
6. All other applicable requirements have been met (See Minor Subdivision Regulations).

For Official Use Only-This Checklist Refers to the Entire Minor Subdivision Process

Date: _____ Fee Paid: \$ _____

1. Is the application fully completed? Yes _____ No _____
2. Is the survey submitted? Yes _____ No _____
3. Does the survey contain all required information? Yes _____ No _____
4. Is the deed with legal description submitted, signed and notarized?
Yes _____ No _____
5. Is fee paid? (Check# _____) (Cash _____) Yes _____ No _____
6. Does the split not involve the opening, widening, or extension of any street or road?
Yes _____ No _____
7. Do both the split and remaining parcel have access?
Yes _____ No _____
8. Are four (4) or fewer new lots created? Yes _____ No _____
9. Does the deed represent the current owners per the tax records?
Yes _____ No _____
10. Does the legal description match the survey? Yes _____ No _____
11. Have adjacent property owners been notified as per the Johnson County Subdivision Regulations Resolution? Yes _____ No _____
12. Has the required public "Notice of Intent to Subdivide Lands in Johnson County" been published as required by the Johnson County Subdivision Regulations Resolution?
Yes _____ No _____

13. Additional Comments: _____

APPENDIX B – MANDATORY COVENANTS

As per Section 2.6.16 of these regulations, each Subdivision shall have Covenants filed on it. These covenants are offered only as an aid to the subdivider and are not intended to take the place of competent legal advice.

THE FOLLOWING COVENANTS ARE CONSIDERED TO BE MANDATORY

STATE OF WYOMING)
)ss
County of Johnson)

TO THE PUBLIC: DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS FOR _____

Name of Subdivision

A SUBDIVISION IN JOHNSON COUNTY, WYOMING

This declaration, made on the date hereinafter set forth by _____
_____ of _____ County,
hereinafter referred to as “Declarant”

W I T N E S S E T H

WHEREAS, Declarant is the owner of certain property in Johnson County, State of Wyoming, which is more particularly described upon the plat map as the same that is filed for record with the County Clerk and Recorder of Deeds for Johnson County, Wyoming, in connection with the Subdivision designated as _____ Subdivision, situate in Johnson County, Wyoming, as the same is described in Exhibit “A” attached hereto and incorporated herein by reference, and;

WHEREAS, Declarant desires to place certain restrictive and protective covenants on the lots which comprise _____ Subdivision for the betterment of health, safety, and welfare of the owners and occupants of said lots;

NOW THEREFORE, Declarant hereby declares that all property described above shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of all of the lots comprising _____ Subdivision and herein specifying that these declarations shall constitute covenants not merely personal, but covenants the benefits and burdens of which run with all of the land and binding upon all parties having any right, title, or interest in the land of any part thereof, their heirs, successors and assigns, and shall insure to the benefit of each owner of land in the _____ Subdivision.

I – DESIGNATION OF LOTS

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

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

II – NUISANCES

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

III – TEMPORARY STRUCTURES

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

IV – LIVESTOCK

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

V – PERIMETER ACCESS

1) No perimeter lot in the Subdivision shall be used at any time as a means of access from any of the streets in the Subdivision to any other lands not included in the Subdivision.

2) Access to or from dedicated roads in the Subdivision to lands not included in the Subdivision shall not be denied provided however, that use of said roads shall be contingent upon a pro-rate contribution to road maintenance by adjacent land owners.

VI – WATER SUPPLY

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

2) No individual water supply system shall be permitted on any lot in the Subdivision unless the system is located, constructed, and equipped in accordance with the requirements of State

law, appropriate State agencies, and regulations promulgated by Johnson County. Provided further that no well may be dug, drilled, or installed upon any lot unless it meets all requirements of the State of Wyoming for well drilling and installation. All wells must be registered with the State Engineers Office upon completion.

VII – SEWAGE DISPOSAL

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

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

VIII – SUBDIVISION ROADS

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

IX – POLLUTION OF WATERS

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

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

X – GARBAGE AND REFUSE DISPOSAL

No lot shall be used and maintained as a dumping ground for rubbish and debris, nor shall any lot be used as a storage area for non-operative motor vehicles, miscellaneous parts or supplies, or other unsightly or unseemly material. Trash, garbage, and other waste shall not be kept except in sanitary containers. Rocks, dirt piles, and construction debris shall be promptly removed from lots after construction of buildings.

XI – GENERAL CONDITIONS

Each of the conditions and covenants set forth above shall continue and be binding upon Declarants and upon their successors and assigns, and upon each of them and all parties and persons claiming under them for a period of _____ years from the date hereof, and

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

XII – ENFORCEMENT

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

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

XIII – ENFORCEMENT BY COUNTY

Any of the covenants, restrictions, or conditions contained herein which may, in the sole discretion of the Johnson County Board of County Commissioners be in the public interest, may at the sole discretion of the Johnson County Board of County Commissioners be enforced in the same manner and upon the same terms and conditions as any lot owner can seek to enforce the same in any proceeding of law or equity. Reasonable attorneys fees and costs shall be recovered by the County in any proceeding either to enjoin a violation of the Declaration of Protective Covenants or to recover damages resulting from such violation. The purchase of any lot shall be taken as consent to pay costs and fees and the same shall be a lien on the land. The failure or delay of the County to enforce these Covenants does not diminish or cancel their enforceability.

XIV – SEVERABILITY

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

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

STATE OF WYOMING)
)ss
County of Johnson)

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

Witness my hand and official seal.

Notary Public

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

Additional Covenants may be required. See Section 2.5.16(B)(C) of these regulations.

APPENDIX C – OPTIONAL COVENANTS

THE FOLLOWING COVENANTS ARE CONSIDERED TO BE OPTIONAL

I – DWELLING QUALITY AND SIZE

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

II – SETBACK REQUIREMENTS

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

III – SIGNS

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

IV – MOBILE HOMES

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

V – EASEMENTS FOR UTILITIES

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

VI – SUBDIVISION ROADS

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

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

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

APPENDIX D – FORMAT FOR PUBLICATION OF “NOTICE OF INTENT TO SUBDIVIDE LAND IN JOHNSON COUNTY, WYOMING” IN LOCAL NEWSPAPER

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

**NOTICE OF INTENT TO SUBDIVIDE
LAND IN JOHNSON COUNTY, WYOMING**

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

These lands are comprised of _____ acres located in Section _____, Quarter Section _____, Township _____ North, Range _____ West.

The property proposed to be subdivided is located _____ (state terms of general location such as reference to a road or landmark that is understandable to the general public) _____
_____.

The property is being subdivided for the purpose of _____ (list uses proposed) _____
_____.

Persons wishing to comment on the application may do so by sending written comments to the Johnson County Planning Commission, 76 North Main, Room 204, Buffalo, WY 82834 or by attending the Johnson County Planning Commission Preliminary Plat review meeting to be held on the _____ day of _____, _____ at _____ in the Johnson County Courthouse.

Publish two (2) consecutive weeks
Applicant pays for cost of publication

**APPENDIX E – SAMPLE LETTER TO BE SENT TO OWNERS OF PROPERTY
ADJACENT TO PROPOSED SUBDIVISION**

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

To Whom It May Concern:

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

A copy of the subdivision plat and supplemental information is on file for review at the office of the County Planner, 76 North Main Street, Room 204, Buffalo, Wyoming 82834.

The Johnson County Planning Commission will review the Sketch Plan and supplemental information at a public meeting to be held on the _____ day of _____ 20 ____ at _____ in the Johnson County Courthouse. Written comments may be sent to the attention of the Johnson County Planning Commission, 76 North Main, Room 204, Buffalo, WY 82834.

APPENDIX F

APPLICATION FOR EXEMPTION FROM PROVISIONS OF SUBDIVISION REGULATIONS FOR FILING DEED, CONTRACT FOR DEED, OR RECORD OF SURVEY FOR UNINCORPORATED AREAS OF JOHNSON COUNTY, WYOMING

The attached deed, contract for deed, or record of survey for property described as

and being _____ acres divides a unit of land or reconfigures parcels of land within Johnson County, but is exempt from the provisions of the Johnson County Subdivision Regulations based on the following exemption(s) specified by W.S. 18-5-303:

- Family Exemption – 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
- Agricultural Purposes - Sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes
- Boundary Line Adjustments - Parcel is created by boundary line adjustments where the parcel subject to the sale or other disposition is adjacent to and merged with other land owned by the grantee
- 35-acre Parcel Exemption – Sale or other disposition of land where parcels involved are 35 acres or larger (includes any residual parcel not immediately offered for sale or other disposition).

I certify that the information submitted on this form is true and correct to the best of my knowledge.

Name: _____

Address: _____

City, State, Zip: _____

Signature: _____ Date: _____

**APPENDIX G – AFFIDAVIT OF EXEMPTION FROM PROVISIONS
OF SUBDIVISION REGULATIONS**

STATE OF WYOMING)
)SS
COUNTY OF JOHNSON)

AFFIDAVIT

1. The undersigned states that they intend to file/record a deed, contract for deed or record of survey that divides a unit of land or reconfigures property within the unincorporated area of Johnson County, Wyoming described as:

said property being comprised of _____ acres.

2. That the undersigned further states that the sale or other disposition of property for which the deed, contract for deed, or record of survey is being filed is exempt from the provisions of Johnson County Subdivision Regulations in accordance with W.S. 18-5-303.
3. That the undersigned understands the penalties for violating Wyoming real estate subdivision statutes.
4. Affiant acknowledges that property for which the deed, contract for deed, or record of survey is being filed cannot be further divided or exempted without first complying with the provisions of the Johnson County Subdivision Regulations.

Further affiant saith not.

Dated this _____ day of _____, 2001.
Applicant

STATE OF WYOMING)
)SS
COUNTY OF JOHNSON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2001.

Witness my hand and official seal

My Commission Expires: _____

Notary Public