CHAPTER 20

SUBDIVISION OF LAND

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CHAPTER 20

SUBDIVISION OF LAND

SECTION 20-1. DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley shall mean a public or private way at the rear or side of the property permanently reserved as a means of secondary vehicular access to the abutting property, generally having less width than a street.

Block shall mean an area of land within a subdivision, which area is entirely bounded by streets or highways, or the exterior boundary or boundaries of the subdivision.

Board shall mean the Planning and Zoning Board of the City of Kemmerer.

City shall mean the City of Kemmerer.

Cul-de-sac shall mean a dead-end street which permanently terminates at a point where a vehicular turn around point is provided.

Developer refers to any person, firm, corporation, partnership or association commending proceedings under this chapter, or other provisions of the Kemmerer City Code, to carry out the development of land for himself or another.

Easement shall mean a right to use a specified space on a lot or parcel of land for specified purposes such as for public utilities or other public uses.

Final plat is the official, precise map of a land subdivision, prepared by a licensed land surveyor, displaying exact legal property boundaries, lots, blocks, rights-of-way, easements, and public dedications required by city code. Once approved by local authorities and recorded with the county clerk, it creates legal lots ready for sale or building.

Frontage shall mean the line where a lot butts a dedicated street or highway right-of-way line. Frontage is expressed in lineal feet and is measured along the right-of-way line.

Front Lot shall mean the narrowest lot boundary abutting a street.

Half Street is a street normally parallel and contiguous to a property line and of lesser right-of-way than ultimately required.

Improvement shall mean, such work to occur and utilities, paving, traffic controls, landscaping, or other betterments to be installed where agreed to be installed by the subdivider on the land dedicated or to be dedicated for streets, highways, public ways, and easements or on existing public streets bordering on the land of the subdivider or on non-public lands within or near the subdivision as are necessary for the general use of the lot or subdivision.

Lot shall mean a parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder.

Performance Guarantee is any security which may be accepted by the city council in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreement, and other similar collateral or surety agreements.

Permanent Monument is any structure of masonry or steel permanently placed on or in the ground, including those expressly placed for surveying reference.

Preliminary Plat is an official, drawn-to-scale map of a proposed land subdivision, submitted with a subdivision application; that shows the layout of lots, blocks, streets, and utility plans, and other related items and any notes as set forth by city code; which the board reviews to check if the project fits zoning rules before the developer builds roads or sells property; and for which the board considers approval.

Street shall mean any public right-of-way dedicated for the purpose of moving vehicular traffic.

Street, Local shall mean a street intended wholly or principally for local neighborhood traffic.

Street, Major Arterial shall mean a thoroughfare ultimately designed for the movement of two (2) or more lanes of moving traffic in each direction and designated as a major street by the comprehensive plan.

Service Road is a street paralleling and abutting major streets or limited access highways to provide access to abutting properties.

Stub Street shall mean a street which temporarily terminates at the boundary of the subdivision with no permanent vehicular turn around area.

Subdivision shall mean any real property located within the incorporated land of the City of Kemmerer improved or unimproved, or a portion thereof shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, into three (3) or more parcels, lots, or building sites.

Through Lots are those lots which have street frontage on two (2) opposite ends of the lot.

SECTION 20-2. CONFORMITY TO PROVISIONS.

No final plat of land subdivision shall be approved and accepted unless it conforms to the provisions of this chapter.

SECTION 20-3. DIVISION - GENERALLY.

(a) The division of a lot, tract or parcel of land into three (3) or more lots, plats, sites or other divisions of land for the purpose, whether, immediate or future, of sale or building development shall make the transaction subject to the provisions of this chapter whether a plat is recorded or not.

(b) All plats of a subdivision of land within Kemmerer, Wyoming shall be filed and recorded only after being reviewed and approved by the board and accepted and signed by the city council.

(c) No building shall be erected on any lot nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been approved by the board and accepted by the city council as a part of an official subdivision.

(d) No person shall subdivide any tract of land which is located within the City of Kemmerer, except in conformity with the provisions of this chapter.

SECTION 20-4. EXCEPTIONS.

Unless the method of sale is adopted to evade the provisions of this chapter, this chapter shall not apply to:

(a) The sale of land where the units involved in the sale are thirty-five (35) acres or larger.

SECTION 20-5. DESIGN STANDARDS - APPLICABILITY.

The design requirements of Section 20-6 shall apply to all subdivisions within the City of Kemmerer unless extraordinary circumstances warrant a variance from such requirements and such a variance is approved by the city council under Section 20-24 hereof.

SECTION 20-6. DESIGN STANDARDS.

The general location and alignment of streets and lot size shall conform to the planning and zoning requirements of the city. Efforts shall be made to encourage good design practices, incorporating new ideas, improving planning techniques which vary from the typical grid street pattern now commonly found in many older subdivisions. The topography and other natural features of the site should be taken into consideration and plans developed in such a manner that these natural features benefit the total development. This may be done by a curvilinear pattern, open spaces for recreation or pedestrian movement, or it may be accomplished by creating cluster or town-house developments which permit greater use of open spaces and greater preservation of natural topographic and environmental features. The following design standard shall apply for all subdivisions:

(a) The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees.

(1) Streets shall have a maximum slope of 8%.

(b) Local streets shall be designed in such a manner that through traffic within the subdivision will be discouraged.

(c) Streets shall be laid out to intersect as nearly as possible at right angles.

(d) The minimum and maximum width of streets shall be as follows:

	Minimum Right-of-Way	Maximum Right-of-Way If impact of development appears necessary for proper land use development	Curb-to-Curb Width
Commercial, Business or industrial zone	100 feet	100 feet	66 feet
Arterial Street	80 feet	100 feet	48 feet
Local street	80 feet	100 feet	40 feet
Cul-de-sac street	80feet	100 feet	40 feet
Cul-de-sac turn-around radius	80feet	100 feet	55 feet
If the cul-de-sac is placed on a north- or east- facing slope with a slope with a cross slope in any direction greater than 4%, then minimum sizes shall increase as identified here.	80 feet	100 feet	62.5 feet

New streets shall be designed and constructed to meet minimum standards of the City of Kemmerer and are subject to review and approval by the City Engineer.

(e) Street names shall not duplicate an existing street name unless the said street is an extension of the existing street. Street names shall be subject to the approval of the board.

(f) The minimum curve radius permitted on streets shall be as follows:
Major arterial street . . . . . 600 feet
Local street. . . . . .150 feet

(g) Alleys shall be provided only if required by the board. The minimum width of the alley shall be twenty feet (20'). Dead end alleys shall be avoided whenever possible. If unavoidable, a turnaround area shall be provided at the end of the alley.

(h) Easements shall be provided for all utilities, drainage ways, channels, or streams which traverse across or serve the subdivision. Utility easements shall generally be a minimum of twenty (20) feet in width unless otherwise approved by the City Engineer. Drainage, access, and other easements shall be of sufficient width to accommodate their intended purpose. Easements shall be shown on the Final Plat.

(i) The length, width and shapes of blocks shall be determined by the type of use, zoning requirements, needs for convenient access, circulation and safety of street traffic, and limitations and opportunities of topography. Unless unusual circumstances exist, block lengths will not exceed one thousand two hundred feet (1,200') or less than three hundred feet (300').

(j) Side lot lines shall be at substantially right angles or radial to street lines.

(k) All residential lots in a subdivision shall front on a public street.

(l) All streets shall conform to the location as may be defined by the board or city council.

(m) Stub streets will not be used as a means to allow for future connections. A cul-de-sac shall be constructed for this purpose.

(n) Intersections of local streets with major streets shall be kept at a minimum.

(o) Half (1/2) streets shall not be permitted except to complete a half (1/2) street already in existence.

(p) To ensure adequate sight distances, when street roadway lines deflect more than five (5) degrees, connection shall be made by horizontal curves.

(q) Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed to provide, at a minimum, a sight distance of two hundred feet (200') for local streets and three hundred feet (300') for all other streets (arterial and collector streets shall be determined by the current specifications of the American Association of State Highway and Transportation Officials and as may be required by the City Engineer).

(r) Service roads or other design solutions to limited access may be required when the subdivision abuts a major street, highway or freeway.

(s) To enable the development of public uses to serve the subdivision, dedication of areas or sites of a character, extent and location suitable for parks, schools, open space, greenbelts or other public purposes (other than streets) shall be dedicated as follows:

The minimum percent of the total land to be dedicated shall be 5%; and the zoning board shall have discretion as to whether the quality of land so dedicated is sufficient based on slope, topography, soil, drainage, vegetation, and other criteria it deems necessary for the area to be beneficial to public use. Any land dedicated beyond the minimum 5% shall be determined in like manner by the zoning board.

An alternate to dedication could occur if agreed upon by the city council in one (1) of the following methods:

(1) Dedicating use rights to the city for a portion of the area.

(2) Leasing to the city for a nominal fee for fifty to one hundred (50 - 100) years.

(3) Cash payment to the city for the market value of the land required for open spaces.

(t) Improvements which the subdivider shall make at the cost of the subdivider prior to acceptance and approval of the final plat by the city council shall be:

(1) Grading, concrete curbs and gutters, cross gutters, drainage and drainage structures necessary to the proper use, safety and drainage of streets, highways and lots.

(2) Streetlights of the type, size and location as designated by the city council.

(3) Pavement material and thickness (including base) as approved by the City Engineer.

(4) Concrete sidewalks shall be provided not less than four feet (4') wide. Wider sidewalks may be required along major and collector highways or for streets abutting commercial or industrially zoned land.

(5) Water mains and fire hydrants of a size, type and at a location the City Engineer has approved. All service connection locations shall be marked on the sidewalk with a “W” for water and “S” for sewer.

(6) Sanitary sewer facilities and connections for each lot shall be provided. Stubs from public utilities where provided and from sanitary sewers shall be made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when sewer line connections are made.

(7) Water facilities and connections for each lot shall be provided. Stubs from public utilities where available for each lot in such a manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when water line connections are made.

(8) Street name signs shall be installed at all street intersections. The subdivider shall bear the total expense in the purchasing and installation of all required street name signs.

(9) Traffic islands shall be provided where they are required to control the movement of traffic.

(10) Barricades and reflectors shall be provided along the ends of all dead end or without turn around streets, and at the ends of culverts and other dangerous areas.

(11) The subdivider shall perform all work required by the City Engineer, in connection with the demolition, moving, altering or conversion of any structure or facility, including underground facilities either wholly or partially within the subdivision or affected thereby.

(12) For survey monuments:

(A) All subdivision boundary corners, block corners, angle points, points of curvature and tangency where required, and other controlling survey monuments shall be established or perpetuated by a Wyoming Professional Land Surveyor licensed in the State of Wyoming. Permanent monuments shall conform to applicable Wyoming laws and the rules of the Wyoming Board of Professional Engineers and Professional Land Surveyors governing land surveying and monumentation. Monuments shall be of durable material suitable for long-term preservation and referenced so they may be re-established if disturbed. Any monument disturbed during construction shall be referenced and replaced by or under the direction of a Wyoming Professional Land Surveyor. Lot corners shall be monumented with permanent monuments or other durable corner markers as determined appropriate by the surveyor.

(B) All required permanent monuments shall be set prior to approval and recording of the Final Plat unless the City Engineer determines installation is impracticable due to ongoing construction or site conditions. When deferred, the Final Plat shall identify monuments remaining to be set, the developer shall provide financial security if required, and all deferred monuments shall be installed prior to acceptance of public improvements or release of applicable financial guarantees.

(C) Existing survey monuments shall not be disturbed without authorization from the City Engineer. Any monument disturbed or destroyed during construction shall be referenced prior to disturbance and replaced by a Wyoming Professional Land Surveyor at the developer's expense. Required Corner Records shall be filed in accordance with Wyoming law.

(13) The subdivider shall make such other improvements as needed when deemed necessary by the city council to preserve the public health, safety and welfare.

(14) If sewer and water facilities are not available adjacent to the proposed subdivision, it shall be the responsibility of the subdivider to extend such lines in a manner satisfactory to the city council. Where such lines may benefit existing developments, the city council can make such a determination and if deemed necessary, partially assist in such construction.

(15) Utility facilities and connections for each lot shall be provided. Stubs from public utilities shall include electric, natural gas, water, sewer, and fiber and shall be

made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when such connections are made.

(u) Storm drainage systems shall be designed using accepted engineering practice and supported by drainage calculations when required by the City Engineer. Public water and wastewater improvements shall conform to applicable Wyoming DEQ requirements and American Water Works Association standards. Traffic control devices shall conform to the Manual on Uniform Traffic Control Devices, and accessible pedestrian facilities shall comply with Americans with Disabilities Act and Public Right-of-Way Accessibility Guidelines requirements.

(v) Additional standards not defined herein may be adopted by the city council as "official development standards," as an appendix to this chapter. These standards will be used as an administrative guide for the City Engineer in dealing with public improvements relating to subdivisions. These standards may describe paving thickness, pipe size, curb cut standards, bridge design, and other public improvement criteria.

SECTION 20-7. PROCEDURES - GENERALLY.

The following outline shall be followed in order to obtain a systematic review and approval or disapproval of a proposed subdivision. The board may delegate the initial contact and review responsibilities to an authorized representative.

The Developer Shall:

(a) Analyze the proposed development concepts for conformity.

(b) Prepare a pre-preliminary sketch (optional).

(c) Prepare a preliminary plat with a vicinity map.

(d) Submit an application and preliminary plat to the board.

(e) Appear at a hearing on the application and preliminary plat.

(f) After approval of a preliminary plat, prepare a final plat with all corrections or changes recommended in preliminary plat review.

(g) Obtain all required certifications, dedications, etc.

(h) Submit a final plat to the board.

(i) Submit a final plat to the city council.

(j) Appear at a final hearing on the application.

(k) Record approved final plat, properly executed.

SECTION 20-8. PROCEDURES - PRE-PRELIMINARY SKETCH.

If the subdivider chooses, he may submit a sketch map to the board (or their designated representative) for their review and comments before making application for board review of the preliminary plat. The sketch map should be prepared in a manner which generally defines the layout of streets, lots and location of any public uses, such as schools and parks. It is the purpose of the sketch map to resolve any major points of disagreement with the board before the subdivider goes to the expense of designing and drawing the preliminary plat. No action is required of the board other than to review the sketch plan and offer comments appropriate to the subdivider.

SECTION 20-9. PROCEDURES - APPLICATION.

The first (1st) official step which must be taken by a subdivider in order to obtain approval of any proposed subdivision is the filing of an application and a preliminary plat with the board, or designated representative. Each subdivider shall file with the board a minimum of nine (9) copies or prints of the application and plat. The board may require more, if necessary. The application shall be typed or printed and shall be verified upon oath or affirmation by the applicant or applicant's chief executive officer. Maps, drawings, charts or other exhibits may accompany the application; and the application shall completely describe and analyze the proposed subdivision, to include, but not necessarily limited to, the following factors:

(a) The need for additional residential sites in the areas.

(b) The type and price of homes which can be realistically built in the proposed subdivision.

(c) What lot sizes would be most appropriate.

(d) Whether areas should be reserved for business or industrial use.

(e) Does the proposed subdivision include special scenic locations or areas of historical importance which need to be preserved?

(f) Will school and/or playground sites be required?

(g) If the plat abuts a major street or expressway, will additional rights-of-way or limited access features be necessary?

(h) Are portions of the area subject to flooding and rapid runoff?

(i) Are soil conditions favorable for construction purposes?

(j) How can water, sanitary sewer, storm sewer, electric and gas utility services be provided?

(k) Can the subdivision be designed as part of an existing neighborhood?

(l) Can any of the land adjacent to the site be included?

(m) Will the site be adversely affected by its surrounding environment or will the proposed usage adversely affect the environment?

(n) What legal or tax problems are likely to be encountered?

(o) Will the proposed subdivision create unreasonable financial burdens for the City of Kemmerer and its present/future inhabitants?

(p) Such other and further descriptions and analysis as may be required by the board.

(q) Estimated gallons per day of water requirements.

(r) Estimated total number of gallons per day of sewage to be treated.

(s) An analysis of preliminary storm drainage problems and methods for caring for storm runoffs.

(t) A letter from all utility companies involved addressed to the board, setting forth any comments they may have concerning the design of the plat as it affects their utility services.

(u) Whether the proposed subdivision is a logical and feasible addition to the City of Kemmerer.

(v) Whether the extension of basic services, such as water and sewer systems, police and fire protection, garbage and other services customarily provided by a municipality, can be economically and effectively furnished to the proposed subdivision.

(w) Whether the subdivision can be incorporated into the city as an efficient administrative and operational unit.

SECTION 20-10. PROCEDURES - PRELIMINARY PLAT.

The preliminary plat shall be clearly and legibly drawn and shall have the following information. The scale of the map shall not be smaller than one (1) inch = one hundred (100) feet for subdivisions less than one hundred sixty (160) acres, and one (1) inch = two hundred (200) feet for areas more than one hundred sixty (160) acres. The following information shall be contained on the preliminary plat:

(a) The name of the tract.

(b) The name and address of record owner or owners.

(c) The name and address of the subdivider.

(d) The name and business address of the designer of the subdivision.

(e) The locations, names, widths and grades of all existing and proposed streets, highways, easements and recorded section lines.

(f) The approximate layout and approximate lot dimensions of each lot.

(g) The approximate boundaries of areas subject to the inundation of storm water overflow.

(h) The existing contours at two-foot (2') intervals.

(i) The proposed layout of improvements and public utilities proposed to be made or installed.

(j) The approximate location of all tree clusters, natural features or permanent significant man-made structures standing within the boundaries of the proposed subdivision.

(k) The total acreage of the subdivision.

(l) The approximate boundary of the subdivision.

(m) The date, north arrow and scale of the map.

(n) The vicinity of key map (smaller scale) which indicates all existing subdivisions, streets and boundary lines, or other tracts within one-half (1/2) mile in each direction of the proposed preliminary plat.

(o) A list of adjacent property owners.

(p) Covenant or other means of protection for health, safety and welfare to the public shall be submitted by the developer.

(q) The preliminary and final engineering plans shall identify all known existing public and private utilities, easements, and other infrastructure that may affect subdivision design. The City Engineer may require additional utility investigation where conflicts are anticipated.

SECTION 20-11. PROCEDURES - INITIAL REVIEW.

Within forty-five (45) days after the subdivision application and accompanying preliminary plat are filed, the board at a regular or special meeting shall review the application and plat and shall either (1) deny it; (2) grant approval of it; or (3) grant conditional approval of it, subject to modifications. If the subdivision application and preliminary plat are denied, the board shall state the reasons for such denial. If the plat is approved conditionally, subject to modifications, the nature of required modifications shall be stated in the records of the board and a letter or e-mail defining same mailed to the applicant.

The forty-five (45) day limitation for the meeting may be waived by the board with the written consent of the applicant, and all other parties to the procedures; and the time for initial review shortened or lengthened to such date as is mutually acceptable.

SECTION 20-12. PROCEDURES – PUBLIC HEARINGS AND MEETINGS.

Notice of the preliminary plat public hearing meeting with the board shall be sent to the address of the subdivider by first (1st) class mail stating the time, place and purpose of such meeting not less than five (5) days before the date fixed for the meeting. Similar notices shall be mailed to the owners of the land immediately adjoining the platted land as their names appear on the plats in the county clerk's office and their addresses appear on the tax records of the county. Said names and addresses shall be provided by the applicant with the certification that they are correct to the best of applicant's knowledge. Notice of the hearing on the application and preliminary plat shall be published one (1) time in a newspaper of general circulation in the city at least fifteen (15) days before the date of the hearing.

Notice of the final plat approval meeting with the board is sufficiently made by sending an agenda noting the proposed subdivision by e-mail to a newspaper of general circulation in the city at least 24 hours before said meeting.

Notice of the public hearing on the final plat approval by the city council shall be published one (1) time in a newspaper of general circulation at least fifteen (15) days before the date of the hearing.

SECTION 20-13. PRELIMINARY PLAT TIME EXTENSION.

Within eighteen (18) months after the date of approval or conditional approval of any preliminary plat by the board, the subdivider shall cause the subdivision to be accurately surveyed and the final map thereof to be prepared in accordance with the preliminary plat for at least the first (1st) phase, with any and all alterations and changes required thereto. In the event this eighteen (18) month time limit expires prior to submission of the final plat, the original approval is deemed void. Prior to the date in which the preliminary plat becomes void, the subdivider may request the board to extend the time limit not to exceed one (1) additional year.

SECTION 20-14. PROCEDURES - FINAL PLAT.

Prior to the expiration of the preliminary approval, the final plat shall be submitted to the board. In addition to paper copies required by the City, the subdivider shall provide final approved plans and plats in searchable PDF format and electronic CAD or GIS files compatible with the City's mapping system. Horizontal coordinates shall be based on the Wyoming State Plane Coordinate System and elevations referenced to NAVD88, unless otherwise approved by the City Engineer. Electronic files shall include utility, right-of-way, easement, parcel, and public improvement information.

The following is required of and on the final plat:

(a) The final plat shall be clearly and legibly drawn in black waterproof India ink upon good reproducible mylar or other acceptable stable base material. Affidavits, certificates and acknowledgements may be legibly stamped or printed upon the map in opaque ink. Signatures shall be in opaque black ink. The size of each sheet to be recorded shall conform to Wyoming State statutes. The scale of the plat shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The scale shall

not be smaller than 1" = 100', except when all of the lots are an acre or larger, the scale may not be smaller than 1" = 200'. The particular number of the sheet and the total number of sheets, and the relation of each adjoining sheet shall be clearly shown by key maps and match lines.

(b) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Wyoming. A workmanlike execution of the plat shall be made in every detail.

(c) The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.

(d) All bearings and distances of the boundary shall be indicated outside the boundary line, not inside with the lot dimensions.

(e) All blocks, and all lots within each block, shall be consecutively numbered.

(f) On curved boundaries and all curves on the plat, sufficient data should be given to enable the re-establishment of the curves. This curve data should include the following:

(1) Points of curvature.

(2) Points of tangency.

(3) Tangent distance.

(4) Radius of curve.

(5) Arc length or chord length.

(g) All streets, walkways, utility easements, drainage easements and alleys shall be clearly labelled as such and named; bearings and dimensions shall be given. Utility easements shall generally be a minimum of twenty (20) feet in width unless otherwise approved by the City Engineer. Drainage, access, and other easements shall be of sufficient width to accommodate their intended purpose. Easements shall be shown on the Final Plat.

(h) Bearings and dimensions shall be given for all lot lines.

(i) Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet.

(j) Other information required on the plat shall be as follows:

(1) The name of the subdivision, true north point and date.

(2) The total acreage of tract and total number of lots.

(3) Township, range, section and quarter section, block and lot numbers.

(4) Graphic scale.

(5) A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the Plat and dedicating public ways, grounds, and easements. The certificate shall read:

Know all men by these presents that the undersigned (official name of the subdivider), being the owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:
That the foregoing plat designated as (name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows:

(Insert full legal description)

and contains an area of ____ acres, more or less, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Kemmerer and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicated and not otherwise dedicated for public use.

(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.

Executed this _____ day of _____, A.D., 20 ____, by:

_____
Designation of interest: owner, mortgagee, etc.

STATE OF WYOMING)
)ss.
LINCOLN COUNTY)

This instrument was
acknowledged before me this _____ day of _____, A.D., 20 _____,

by: _____ as a free and voluntary act and deed.

Witness my hand and official seal.
My Commission expires: _____

_____
Notary Public

(6) A certificate of the surveyor stating as follows:

I, _____ do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon. That such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are monumented upon the ground in compliance with the City of Kemmerer regulations governing the subdivision of land to an accuracy of 1 part in 10,000.

(Registered Land Surveyor) Date _____
No. _____

STATE OF WYOMING)
)ss.
LINCOLN COUNTY)

This instrument was acknowledged before me this _____ day of _____, A.D., 20 ____,

by: _____ as a free and voluntary act and deed.

Witness my hand and official seal.
My Commission expires: _____

_____
Notary Public

(7) Certificate of review and approval of the City Engineer as follows:

Data on this plat reviewed and approved this _____ day of _____, A.D. 20____ by the City Engineer of Kemmerer, Wyoming who thereby certifies such plat as being in compliance with the ordinances of the City of Kemmerer and any approved variances therefrom.

(8) Certificate of approval by the City of Kemmerer Planning and Zoning Board as follows:

Approved by the City of Kemmerer Planning and Zoning Board this _____ day of _____, A.D. 20_____

_____
Chairman
Attest:

_____
Secretary

(9) Certificate of acceptance and approval by the City Council of the City of Kemmerer as follows:

Approved by the City Council of the City of Kemmerer, Wyoming, this _____ day of _____, A.D. 20 _____.

_____
Mayor
Attest:

_____
City Clerk

(10) All other information required by state statutes.

SECTION 20-15. PROCEDURES - FINAL PLAT - SUPPORTING DOCUMENTS.

The following documents shall be submitted with the final plat drawing and be considered a part of the final plat submission:

(a) Contracts of agreements with all utility companies (water, sewer, gas, electric, telephone, etc.) as applicable, that service will be provided to the development. The agreements shall clearly state which party, the subdivider or the utility, will furnish the on-site and off-site improvements which will be required in order to provide service to the subdivision.

(b) A drainage report for the site in question and all pertinent off-site areas shall be prepared by a licensed engineer or hydrologist. The report shall examine 10-year storm flows, the 100-year high water mark of any river, creek, arroyo, gully, ditch, spillway, reservoir, etc., that may affect the project area, along with the depth of flow of 100-year runoff. A certificate shall be provided, signed, and sealed by a registered professional engineer that all drainage facilities utilizing gutters and streets, are designed and sized to handle 100% of the 10-year storm runoff.

(c) A soils report for the site in question and all pertinent off-site areas shall be prepared by a licensed engineer or soil scientist. The soils report shall contain recommendations on foundation design, erosion control measures, and surface drainage. Minimum protective slopes away from buildings shall be specified. If needed, recommendations of subsurface area drains and peripheral drains should be addressed.

(d) Grading and drainage plan shall be indicated by solid line contours superimposed on slashed line contours of existing topography for the area of the final plat. Such contours shall be at one-foot intervals. In addition, for residential developments, the plat shall be prepared in a manner that will allow the grading and drainage plan to be met prior to, or as a part of, actual building construction. Individual lot grading plans shall be required prior to issuance of building permits.

(e) Construction plans and details must be prepared by a registered professional engineer in the State of Wyoming and shall provide for all improvements indicated including grading, drainage, right-of-way and easement cross-sections showing construction and placement of streets, walks, curbs, gutters, medians, swales, ditches, utilities, planting strips and property lines; details of blocking, catch basins, etc.; street profiles showing natural finished grades, centerline and both curbs with a recommended minimum vertical scale of 1" = 50'; sanitary sewer line and manhole profiles with natural and finished grades; storm drainage system profiles showing revegetation details and other details as necessary to adequately convey the design intent. Quantity and cost estimates for the installation of these improvements shall also be provided.

(f) Where a portion of an existing easement is contiguous to a proposed easement or right-of-way within the subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the city council must be submitted when requested.

(g) When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

(h) All necessary permits to construct sanitary sewer, and water systems by the Wyoming Department of Environmental Quality will be submitted along with the above-mentioned plans to the City Engineer.

(i) Such other and further documents or reports as the City Engineer, in his reasonable discretion, may require to ensure development and construction of the subdivision in the interest of the public health, safety and welfare.

(j) The applicant shall submit a Cost of Improvements Worksheet for any improvements proposed or presented on any plat or agreement reached with the City during the subdivision review process

(k) Evidence satisfactory to the City Engineer, the Board and the Kemmerer City Council shall be submitted indicating that the subdivider has adequate financial resources to develop and complete any facility proposed or presented to be the responsibility of the subdivider, including, but not limited to, water systems, sewage systems, streets, curb and gutter, utilities.

(l) The applicant shall provide a surety type performance bond, acceptable irrevocable letter of credit, cash bond, or other sufficient financial commitment to the City to ensure that all of said improvements, including, but not limited to, roads, curbs, gutters, water, sewer and utilities, will be completed in a timely fashion.

SECTION 20-16. PROCEDURES - FINAL PLAT – BOARD REVIEW.

Within fourteen (14) days after receipt of the plat, the City Engineer shall review the same to determine whether the plat is in proper form and full compliance with this chapter. Upon acceptance by the City Engineer, the application and final plat shall be considered by the board at its next regular meeting.

Within thirty-one (31) days after such meeting, the board shall approve, disapprove, or approve subject to modifications, the final plat. Such action shall be recorded in the records of the board. The subdivider may be required by the City Engineer to submit the construction drawings and details for all public improvements proposed or required by the board or this chapter, including cost estimates for the installation and construction of these improvements. The board and city council shall review these plans or have them reviewed by the City Engineer to check compliance with local standards.

SECTION 20-17. PROCEDURES - FINAL PLAT - BASIS FOR REJECTION.

The only basis for rejection of a plat shall be its non-conformance to adopted rules, regulations, and ordinances concurrently in force and affecting the land and its development in the city, and its lack of conformity to the approved preliminary plat.

SECTION 20-18. PROCEDURES - FINAL PLAT - CITY COUNCIL REVIEW.

After the approval of the final plat by the board, and after additional notice of hearing has been given in the form and manner required by Section 20-12 hereof, the original and one (1) copy of the plat shall be presented to the city council for its review and approval and acceptance for all dedications which may be provided for on the final map for public use. Approval of the final plat shall be granted only when public improvements have been installed in accordance with the plans, or if a performance guarantee in the form of surety bonds or other suitable means (in a form acceptable to the city attorney), has been secured with the subdivider for those improvements not yet installed. The amount of the performance guarantee shall be established by the city council. No building permits shall be issued for construction within an approved subdivision, until all required improvements have actually been installed or a surety type performance bond, acceptable irrevocable letter of credit, cash bond, or other sufficient financial commitment payable to the City to assure that all of the improvements shall be completed.

SECTION 20-19. PROCEDURES - FINAL PLAT - RECORDATION.

As soon as possible after approval of the map and dedications by the city council, the final plat shall be recorded. If the final plat is not recorded within one hundred twenty (120) days after the approval by the city council, the approving actions shall be deemed void.

After recording of the final plat, the subdivider shall furnish the City Engineer or city administrator with one (1) reproducible map in PDF format and one (1) print of the final plat, as officially recorded.

SECTION 20-20. PROCEDURES - AS-BUILT CONSTRUCTION DRAWINGS.

The installation of all public utilities and improvements within a subdivision shall be adequately tested by a laboratory, acceptable to the City and certified by a State of Wyoming licensed engineer, hired and paid for by the developer who certifies under oath as to the actual construction meeting the approved design and applicable city and state standards, including material quality, proper design, compaction, function operation or other necessary testing to ensure the adequacy of the improvement. Copies of these records shall be submitted to the City Engineer for his/her review to determine that all properly completed, As-Built drawings have

been provided. The City Engineer may deem the records complete and accept the final work or he/she may deem them inadequate and return them to the developer. Acceptance of records by City Engineer shall not relieve the Developer of his one-year warranty obligation for all facilities installed including one-year trench guarantee. One-year warranty shall begin at time all facilities are complete, and City Engineer has accepted all testing documentation as complete. Once accepted, as-built construction drawings and details shall be filed with the city where they shall be kept on file.

As built construction drawings shall accurately identify the location and elevation of all public facilities including, but not limited to, pipes, valves, fittings, fire hydrants, manholes, clean outs, catch basins, curb stops, etc. so that future location of such facilities can be readily and accurately located on the surface. All As-Built drawings should include survey data and/or GPS data. All As-Built drawings shall be labeled as such and be certified by the developer's licensed engineer.

SECTION 20-21. PROCEDURES - ADDITIONS, ERASURES, ETC., AFTER APPROVAL BY CITY COUNCIL.

In no case shall additions, corrections, erasures or modifications of any kind be made to the final plat other than signatures required after the final plat has been approved by the city council.

SECTION 20-22. RE-SUBDIVISION PROCEDURE.

Re-subdivision of land or changes to a recorded plat shall be considered a subdivision and shall comply with these regulations with the following exceptions:

Minor changes affecting only lot lines, without any change to street locations and still meeting all other applicable regulations may be processed without review and approval in preliminary plat form. The revised plat shall be submitted in the same form as required for the final plat to the board and city council. Processing and recording shall follow the same procedures as required for a final plat. The approved plat shall be titled, "A Replat of _____ Subdivision, in the City of Kemmerer, Lincoln County, Wyoming".

SECTION 20-23. SANCTIONS AND FINES AGAINST NON-APPROVED SUBDIVISIONS; INJUNCTIONS.

(a) It shall be a misdemeanor for any owner or agent of an owner to sell, transfer, agree to sell or negotiate to sell land in an unapproved subdivision, and any person who does so shall be subject to a fine or imprisonment up to the maximum allowed by state statue. For each lot sold, transferred or agreed or negotiated to be sold. Each day of a violation is a separate offense.

Description of the lots in the unapproved subdivision by metes and bounds in the transfer shall not exempt the owner from being fined.

(b) The city may enjoin any transfer or sale of such land by injunction and may recover the penalty in a civil action in a court of competent jurisdiction.

(c) The City of Kemmerer shall withhold all public street improvements and services of any nature, including maintenance, from all areas which have not been accepted by the city council in the manner prescribed in this chapter and by other official actions of the city council.

SECTION 20-24. VARIANCES.

The city council may authorize variances from these regulations 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 good or impair the intent and purpose of this chapter. The conditions of any variance authorized shall be stated in writing in the minutes of the council with the justifications set forth.

SECTION 20-25. FILING FEES.

Filing fees for staff, planner, and engineering review and processing of subdivision applications for both preliminary and final plats shall be set forth by resolution of the City Council. The board may review and suggest appropriate fees for City Council consideration.

SECTION 20-26. ATTORNEY AND ENGINEERING FEES.

Subdivider shall be responsible for any and all attorney fees and costs incurred by the city as a result of processing the subdivider's application for approval of all phases up to and including final plat; including, but not limited to, fees and costs incurred in the preparation and review of any performance guarantee or subdivision agreement.

Subdivider shall be responsible for any and all engineering fees incurred by City Engineer plan reviews, infrastructure checks, and infrastructure construction inspections.

The City may assess staff fees, including Attorney and Engineering fees, at a rate which shall be set forth by resolution of the City Council. The board may review and suggest appropriate fees for City Council consideration.

SECTION 20-27. SCHOOL SITES.

Prior to approval of the preliminary plat, the subdivider shall inform the school district of his intentions to subdivide and, if deemed necessary by the district and in concurrence with the board, reserve land suitable for future school usage.

SECTION 20-28. INTERPRETATION.

In the interpretation and application of the provisions of this chapter the following regulations shall govern:

(a) Provisions and Minimum Requirements. In their interpretation and application, the provisions of this chapter shall be regarded as the minimum requirements to protect the public health, safety, comfort, convenience, prosperity and welfare of the inhabitants of

the City of Kemmerer. This chapter shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.

(b) Application of Overlapping Regulations. Whenever both a provision of this chapter, and any provision in this Code or other law, ordinance, resolution, rule or regulation of any kind contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(c) Existing Permits and Private Agreements. This chapter is not intended to abrogate or annul:

(1) Any permits issued before the effective date of Ordinance No. 427, passed, approved and effective September 13, 1976; or

(2) Any easement, covenant or any other private agreement.

SECTION 20-29. APPEALS.

Any subdivider, aggrieved by the action of any board or administrative personnel of the City of Kemmerer in carrying out any provisions of this chapter, may, if they so desire, file with the city council, an appeal in accordance with Sections 2-56 through 2-89.

SECTION 20-30. AMENDMENT.

The City Council has the authority to amend this chapter to better serve the public interest and implement the community's planning and development goals, pursuant to Wyoming Statute Sections 15-1-602 through 15-1-603. Any proposed amendments shall be submitted to the Zoning Board for review and recommendation or may be proposed by the Board. The Board may recommend approval, denial, or modifications to the proposal; however, the City Council retains final authority to adopt, modify, or deny any amendment. If the Zoning Board recommends denial or does not act within 30 days, the City Council may still adopt the amendment by a majority vote.

A public hearing shall be required before final adoption of any ordinance amendment. Notice of the hearing shall be published in a newspaper of general circulation at least fifteen (15) days before the hearing date to ensure residents, property owners, and other interested parties have an opportunity to review and comment on the proposed amendment.

SECTION 20-31. SEPARABILITY.

It is hereby declared to be the legislative intent that the several provisions of this chapter shall be severable and if any term or provision of this chapter shall, to any extent, be found invalid or unenforceable by a court of competent jurisdiction, the remainder of this chapter, or the application of such term or provision to persons or circumstances other than those as to which it was held invalid or unenforceable, shall not be affected thereby and each term and provision of this chapter shall be valid and be enforced to the fullest extent.

SECTION 20-32. IMPROVEMENT OF UNDEVELOPED AREAS; REIMBURSEMENT.

(a) Pursuant to the requirements of this chapter and other provisions of the City Code of Kemmerer, on occasion the developer will find it necessary to pay for the installation of water, sewer, curb, gutter, paving or other related services, in order to accomplish the service to a platted subdivision. When the developer finds it necessary to construct said services and improvements in order to serve his platted subdivision, the entire cost shall be paid by such developer.

(b) Upon installation of such services and improvements, the developer and the city will enter into a written agreement which shall set forth a description of those improvements installed, the total costs thereof, and the basis for allocating those costs to all lands using said services or improvements. The written agreement shall be on file in the office of the city clerk for examination by the public.

(c) At the time of annexation or development of additional lands using said services or improvements, the city will require as a condition of annexation or development that the owners of the property to be annexed or developed agree to pay their proportionate share, as set forth in the written agreement described in subsection (b) above, based on acreage to the served, for the use of such existing facilities, with interest at ten percent (10%) on the proportionate share from the date of completion of the facility or improvements, to the date of proportional payment provided by this section.

(d) As building permits are obtained by such subsequent developers, the charge with interest will be collected by the city and, as so collected, shall be reimbursed to the original developer to the extent of the collections so paid; provided, that in no event shall such reimbursement exceed the total cost of the facility with interest thereon; and further provided, that the right to any such reimbursement under the provisions of this section shall terminate fifteen (15) years after the execution of the written agreement described in subsection (b) above.

APPENDIX 20-A, OFFICIAL DEVELOPMENT STANDARDS.

This section outlines the minimum development standards for the City of Kemmerer:

Sheet 1	Minimum Required Asphalt Street Sections
Sheet 2	Minimum Required Concrete Street Sections
Sheet 3	Typical Concrete Street Joining Details
Sheet 4	Sidewalk, Curb and Gutter Details
Sheet 5	Alley Approach / Valley Gutter
Sheet 6	Typical Trench / Manhole, Valve Collar
Sheet 7	Typical Water Details
Sheet 8	Typical Thrust Block Details
Sheet 9	Typical Water Meter Pit Details
Sheet 10	Typical Sanitary Manhole Details
Sheet 11	Typical Sanitary Sewer Service Lines
Sheet 12	Typical Storm Sewer Details
Sheet 13	Typical Catch Basin / Storm Sewer Vault
Sheet 14	Typical Trash Guard / Flared End Section