

ORDINANCE NO. 2020- 04

AN ORDINANCE AMENDING ARTICLES 16-3, 16-5, 16-6, and 16-7 OF THE ORDINANCES OF THE CITY OF ROCK SPRINGS, WYOMING, ENTITLED "SUBDIVISION REGULATIONS".

WHEREAS, after notice given in the manner and for the time required by law, the Planning and Zoning Commission of the City of Rock Springs held a public hearing on March 11, 2020 on proposed amendments to Article 16-3 of the Ordinances of the City of Rock Springs; and,

WHEREAS, the Planning and Zoning Commission of the City of Rock Springs, Wyoming, voted to recommend approval of the proposed amendments to Articles 16-3, 16-5, 16-6, and 16-7 of the Ordinances of the City of Rock Springs; and,

WHEREAS, notice of hearing before the governing body of the City of Rock Springs, Wyoming, has been given as required by law, and the governing body has determined that said amendments should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

Section 1. That Section 16-301 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

16-301 Definitions.

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

Affidavit of Correction: A signed and notarized affidavit stating facts relating to minor typographical corrections, conflicts and ambiguities ~~in descriptions of land~~ on a recorded plat, map or other document allowed by Statute or Ordinance.

Affidavit of Exemption: A signed and notarized affidavit by all owners of record stating the exemptions in the Subdivision Regulations for which a property qualifies.

Alley: A public right-of-way which affords secondary means of access to abutting property.

Amended Plat: A recorded plat that documents the correction of substantial errors found on an approved and recorded plat.

Arterial Street: A street which serves or is designed to serve heavy flows of traffic between communities and/or other heavy traffic generating areas.

Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

Boundary Line Adjustment: Modification of the size or alignment of adjacent parcels through the reconfiguration of their common boundary, where an additional parcel is not created, and which does not require the addition, vacation, or modification of publicly dedicated property or infrastructure.

Building: Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes and mobile offices.

Major or Minor Collector Street: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to an arterial street.

Commission: The duly appointed Planning and Zoning Commission of the City of Rock Springs.

Comprehensive Plan: A plan, which indicates the general locations recommended for various functional classes of land uses, places and structures and for the general physical development of the City and includes any plan or program separately prepared and any amendment therein. Also known as the Master Plan.

Council: The City Council of the City of Rock Springs.

Cul-De-Sac: A dead-end street with a circle at the end for turning around.

Dead-End Street: A street in which traffic cannot continue through.

Easement: The right to use the real property of another for a specified purpose.

Half Street: A street designed to provide access to only one side of the right-of-way.

Licensed Engineer: A person licensed as a professional engineer by the State of Wyoming.

Lot: A parcel, piece, tract or portion of land designated by metes and bounds, land survey, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.

Lot, Butt: A lot located on the end of a block excluding the two corner lots.

Lot, Corner: A lot located at the intersection of two streets, having two adjacent sides abutting streets.

Lot, Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Line: The property line bounding a lot except that where any portion of a lot extends into the right-of-way or a proposed public right-of-way, the line of such right-of-way shall be the lot line.

Lot, Through: Any lot other than a corner lot which abuts more than one street.

Lot, Width: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

May: Means permissive.

Minor Street: A street intended to serve primarily as an access to abutting properties.

Minor Subdivision: Any subdivision or resubdivision of unplatted land which creates not more than four (4) lots.

Official Map: The map established by the Council in accordance with State Statutes showing streets, highways, and parks and drainage, both existing and proposed. The official map may be a part or parts of the Comprehensive Plan.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parcel Consolidation: A minor boundary line adjustment that involves combining two or more parcels of land into a single parcel of land.

Parkway: That portion of a street right-of-way between the curb or curb line and the property line.

Pedestrian Way: A path, sidewalk, crosswalk or other designated place for use by pedestrians.

Person: A natural person, firm, corporation, partnership or association or any combination of the above, or any other legal or commercial entity.

Public Land: Land owned and/or operated by a governmental unit, including school districts.

Publication: An official notice as prescribed by State Statutes or City Ordinance.

Restrictive Covenant: A civil document used in developments to regulate the use, appearance and maintenance of property and ~~oftentimes~~ enforced through a homeowners' association (HOA). Also known as Covenants, Conditions and Restrictions (CC&Rs).

~~Replat: An administrative process which allows the reconfiguration of lots in a platted subdivision.~~

Resubdivision: Any amendment, including a lot split, to an already approved and recorded plat, except for Boundary Line Adjustments in accordance with Section 16-504, Plat Corrections in accordance with Section 16-505, and Parcel Consolidations in accordance with Section 16-506 of this Ordinance.

Setback: The minimum horizontal distance, measured perpendicular from a building line to a lot line.

Service Street: A marginal access street which is generally parallel and adjacent to a major street and provides secondary access to abutting property.

Shall: Means mandatory.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street, Private: A street which is not a public street.

Street, Public: Any street which has been dedicated to the City, or is otherwise publicly owned by the City, and is improved and constructed to the appropriate standards as required by the Subdivision Ordinance. (Ord. No. 92-10, 5-5-92).

Street, Right-of-Way: Any street which has been dedicated to the City, or is otherwise publicly owned by the City, but is unimproved. (Ord. No. 92-10, 5-5-92).

Street or Road: A public right-of-way which affords the primary means of access to abutting property.

Street Width: The width of the right-of-way, measured at right angles to the center lines of the streets.

Subdivider: Any person who lays out any subdivision or parts thereof either for themselves or others.

Subdivision: The division, or resubdivision, of a lot, tract, parcel or other unit of land into two or more parts.

Surveyor: A person duly registered as a land surveyor by the State of Wyoming.

Used For: To include the phrases: "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Zoning District: An area as prescribed by the adopted Zoning Ordinance.

Section 2. That Section 16-501 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

16-501 Sketch Plat.

- (A) Prior to the submission of a Sketch Plat application, the subdivider shall schedule a meeting with the Planning Department, who ~~shall~~ may coordinate a meeting with other City Departments, to discuss and determine the procedures and requirements for filing the Sketch Plat.
- (B) Once the procedures and requirements are determined, the subdivider shall submit a Sketch Plat application, ~~a list of property owners within 200 feet~~, two 24" x 36" printed copies, printed to scale, and one pdf of the Sketch Plat drawing and all supporting documentation. The Sketch Plat drawing shall contain the following information:

- (1) The Sketch Plat shall indicate the layout of streets and lots, street connections, and the phasing of the development.
 - (2) A drainage plan shall be submitted which adequately illustrates how the 25-year flow will be handled in the subdivision. The drainage plan must indicate how drainage within the Sketch Plat will match up with drainage of adjacent properties. The manner in which each lot will drain must also be shown. Subdivision drainage may be managed with such measures as retaining walls, alleys or easements.
 - (3) Availability of public water and sewer. A plan indicating the proposed location and sizing of water and sewer lines shall be provided.
 - (4) Zoning requirements on the property.
 - (5) Requirements of the Comprehensive Plan for land use, arterial and collector streets, schools, parks, and other public open space.
 - (6) The location and extent of any floodplains.
(Ordinance 2014, 3/20/12)
- (C) After receipt of a complete Sketch Plat submittal, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within ~~10~~ 7 days. Members of the Utility Review Committee who do not return comments within ~~10~~ 7 days will be considered to be in support of the application.
- (D) At the request of the subdivider, the ~~The~~ Planning Department shall schedule the application for review and consideration at the next regular meeting of the Commission once the application is considered complete.
- (E) ~~At least seven days prior to the date of the Commission meeting at which the Sketch Plat is to be reviewed, the Planning Department shall, from information provided by the subdivider as part of the Sketch Plat submittal, notify the property owners within 200 feet of the proposed subdivision of the time and date of the Commission meeting.~~
- (F) ~~The Commission shall review the Sketch Plat at a public meeting.~~ The purpose of the Sketch Plat procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a Preliminary Plat. No official action is required of the Planning Department or other agencies other than to offer appropriate comments on the proposal.
- ~~(G)~~ (F) The Planning Department shall provide to the applicant, all comments received from the public, agencies, staff and the Commission. These comments shall be incorporated into the Preliminary Plat.
- (G) The Sketch Plat review will remain valid for twelve (12) calendar months from the date the Sketch Plat comments are distributed to the subdivider.

Section 3. That Section 16-502(A) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~strike through~~ and additions are denoted by underline):

- (A) Following receipt of the written Sketch Plat comments, a Preliminary Plat application may be prepared and submitted. The lot layout of the Preliminary Plat shall substantially conform to the Sketch Plat. The Preliminary Plat shall consist of a drawing, prepared and certified as to its accuracy by a registered land surveyor licensed in the state of Wyoming, and accompanying materials and information as required by these regulations. The application form shall be signed by all property owners of record of all property located fully or partially within the boundaries of said Preliminary Plat. ~~Two-Five 24" x 36"~~ printed copies of the Plat drawing(s), printed to scale, and one pdf of the Preliminary Plat ~~application and drawing~~ and all supporting documentation shall be submitted by the subdivider. The Planning Department shall review the application for completeness and

conformance with the Preliminary Plat submittal requirements. If the application does not conform to the submittal requirements, the application will be deemed as incomplete, the subdivider will be notified and the application will be returned.

Section 4. That Section 16-502(C) of the City of Rock Springs Ordinances, be amended by deleting Section 16-502(C)(8) as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

~~(8) — A list of property owners within 200 feet of the proposed subdivision.~~

Section 5. That Article 16-5, Section 16-502(F) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (E) After receipt of the Preliminary Plat application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within ~~10~~ 7 days. Members of the Utility Review Committee who do not return comments within ~~10~~ 7 days will be considered to be in support of the application. A Utility Review Meeting may be held.

Section 6. That Section 16-502(G) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (G) At least seven days prior to the date of the Commission meeting at which the Plat is to be considered, the Planning Department shall, ~~from information provided by the subdivider as a part of the Preliminary Plat submittal,~~ notify the property owners of record within 200' of the proposed subdivision of the time and date of the meeting.

Section 7. That Section 16-502(H) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (H) The subdivider, or duly authorized representative, shall attend ~~the Commission~~ all meetings at which the proposal is scheduled for consideration.

Section 8. That Article 16-5, Section 16-502(J) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (J) The Council shall hold a public hearing on the Preliminary Plat. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least 15 days prior to the date of the hearing. In its deliberations on the Preliminary Plat, the Council shall consider oral or written statements from the subdivider, the public, City staff, and its own members. The Council may approve, deny, or table the Preliminary Plat. Approval of a Preliminary Plat by the Council shall remain effective for eighteen (18) calendar months, from the date of approval. The subdivider may apply in writing for, and the Council may for cause shown, grant a six month extension. If a final Plat has not been submitted on all or a portion of the land area included in the Preliminary

Plat within this specified period, approval through the Preliminary Plat process shall be required.

Section 9. That Section 16-503(A) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (A) Following approval of the Preliminary Plat, a Final Plat application may be prepared and submitted. The Final Plat shall be prepared and certified to its accuracy by a registered land surveyor licensed in the State of Wyoming. The Final Plat and required supporting material shall conform to the design and engineering standards set forth in these regulations and to any conditions of approval specified by the Commission and the Council. The Final Plat shall conform to the Preliminary Plat and any requirements of the Council. ~~Two-Five~~ 24" x 36" printed copies ~~and one pdf~~ of the Final Plat and all required supporting documentation listed in Section 16-503(G) shall be submitted with the application ~~and all required materials~~. In addition, all documents shall be provided in pdf format with the submission of the application. The Planning Department shall review the application for conformance with the Final Plat submittal requirements. If the application does not conform to the submittal requirements, the application will be deemed incomplete, the subdivider will be notified and the application will be returned.

Section 10. That Section 16-503(F) of the City of Rock Springs Ordinances, be amended by amending Section 16-503(F)(1) as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (1) The name of the subdivision at the top center of each sheet.
(a) If the subdivision involves the resubdivision of all or part of a recorded subdivision, the plat shall be marked "A RESUBDIVISION OF" under the subdivision name.

Section 11. That Section 16-503(F) of the City of Rock Springs Ordinances, be amended by adding Section 16-503(F)(26) as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (26) Statement of Vacation.
(a) When the plat of a subdivision or resubdivision intends to vacate an existing easement, the location of the easement shall be shown on the plat with a notation that it is being vacated by the recordation of the plat.
(b) When the plat is a resubdivision of a recorded subdivision, or portion of a recorded subdivision, the following declaration shall appear above the Mayor's signature or below the title:
DECLARATION VACATING PREVIOUS PLATTING:
This plat is the resubdivision of (subdivision or portion of subdivision being resubdivided), as recorded in the Book of Plats, Page _____, of the records of the Sweetwater County Clerk. All earlier plats or portions thereof, encompassed by the boundaries of this plat are hereby vacated.

Section 12. That Section 16-503(H) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

- (H) After receipt of the Final Plat, and determination that a complete submittal has been made, the Planning Department shall refer material to the Utility Review Committee for their review and shall request that comments be returned within ~~10~~ 7 days. Members of the Utility Review Committee who do not return comments within ~~10~~ 7 days will be considered to be in support of the application. At least seven days prior to the date of the Commission meeting at which the Plat is to be considered, the Planning Department shall, ~~from information provided by the subdivider as a part of the Final Plat submittal,~~ notify the property owners of record within 200 feet of the proposed subdivision of the time and date of the meeting. In reviewing the Final Plat, the Commission shall consider oral or written statements from the applicant, the public, City Staff, and its own members. The Commission may recommend approval, conditional approval, disapproval, or may table the Final Plat. Approval of a Final Plat by the Commission shall remain effective for 12 calendar months. A Final Plat which has not received approval of the Council within 12 calendar months following Commission approval shall be subject to the requirements of Section 16-502. The subdivider may apply, in writing, for and the Commission may, for cause shown, grant a six month extension to the 12 month period.

Section 13. That Section 16-503(J) of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by strikethrough and additions are denoted by underline):

- (J) Recording the Final Plat.
Unless the Alternative Approval Procedure outlined in Section 16-503(K) is authorized by the City Council, within~~Within 180~~ 60 Days~~days~~ of approval by the Council, the Final Plat shall be recorded in the office of the Sweetwater County Clerk. It is the subdivider's responsibility to secure all signatures on the Final Plat and record the plat with the Sweetwater County Clerk. A copy of the recorded plat shall be provided to the City of Rock Springs within fifteen (15) days after recording.

Section 14. That Section 16-504 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by strikethrough and additions are denoted by underline):

16-504 ~~Lot Line Adjustments and Lot Splits not Requiring Resubdivision~~ Boundary Line Adjustments.

~~Repealed (Ord. 2019-14, 7/16/19)~~

- (A) Scope.
The Boundary Line Adjustment process establishes minimum procedures and informational requirements necessary to review and approve minor property boundary line adjustments for the sole purpose of ownership transfer, not development, and which do not result in the creation of an additional developable lot, tract or parcel.
- (B) Applicability Standards.
- (1) The Boundary Line Adjustment shall not affect or alter more than two parcels at a time, except as provided in 16-504(B)(5).
 - (2) The adjustment shall not require the extension of streets and/or right-of-way, public easements, public infrastructure, or any other publically dedicated subdivision improvements.

- (3) At no time shall the Boundary Line Adjustment procedure be used to intentionally evade the subdivision ordinance.
- (4) The parcels involved in the boundary line adjustment must be designated within the same zoning district and the proposed adjustment shall not create or result in a violation of any provision of the Zoning Ordinance or Subdivision Ordinance.
 - (a) The adjustment shall not create circumstances which promote a variance request from the Zoning Ordinance or the Subdivision Ordinance.
 - (b). In the case of properties with legally non-conforming lots or structures, the boundary line adjustment shall not increase the extent of the non-conformity.
- (5) The boundary line adjustment may include the division of one (1) previously platted lot into no more than two portions provided that:
 - (a) The divided portions shall be totally merged with and combined with the adjoining lot(s) so that no additional building lots are created, and the resulting lot or tract shall be established as a single lot or tract for all purposes.
- (6) Binding Covenant: The Boundary Line Adjustment Record of Survey and the property conveyance documents shall contain a binding covenant that the land being conveyed is for the sole purpose of conducting a boundary line adjustment and is not to be sold or transferred as a separate parcel by the grantee, heirs, and assigns.
- (7) The Boundary Line Adjustment process is not to be used in cases where a plat vacation or plat resubdivision is appropriate, such as when easements or rights-of-way are to be altered or vacated.
- (8) All property taxes on the parcels involved are current (not past due).
- (C) Record of Survey
 - (1) A Record of Survey shall be submitted to serve as an exhibit attached to the instrument of conveyance for any boundary line adjustment.
 - (2) The Record of Survey shall be prepared by a registered Wyoming land surveyor and meet the following criteria:
 - (a) The maximum sheet size shall be eleven inches by seventeen inches (11" x 17").
 - (b) Information on the Record of Survey shall be so positioned that a one-inch margin remain on the left side of the longer dimension of the sheet and a one-half inch margin is left on the three (3) remaining sides.
 - (c) The scale of the Record of Survey shall be 1" = 100' or larger.
 - (d) Each sheet of the Record of Survey shall be numbered and the total number of sheets comprising the survey shall be stated on each sheet (for example: Sheet 2 of 4).
 - (e) The Record of Survey shall contain the following information:
 - i. Title "Boundary Line Adjustment Record of Survey" at the top center of each sheet together with the deed exhibit number, if applicable.
 - ii. General location of the survey by quarter section, township, range, county and state, entered under the title.
 - iii. North arrow, date prepared and graphic scale.
 - iv. Name and mailing address of all owners of properties included in the Boundary Line Adjustment.

- v. Legal description, including area of the conveyance boundary based on either:
 - 1. Lot, tract and block number of an existing subdivision; or,
 - 2. An accurate metes and bounds description that results in a maximum allowable error of closure of one part in five thousand (5,000) together with the location and description of the point of beginning and its proper reference to the monumented boundary survey.
- vi. Location and description of all existing and proposed boundaries and monumentation, to be in accordance with established state and professional standards. Survey markers shall be set to delineate the new parcel boundaries.
- vii. Resultant dimensions and areas of all affected parcels.
- viii. Bearings, distances and curve data of all perimeter boundary lines.
- ix. The location and layout of lots, block, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the plat.
- x. Street addresses of any existing and proposed structures.
- xi. Location and dimensions of all structures and improvements (including driveways and fences) along with setback distances from both existing and proposed property lines.
- xii. Location of all existing and proposed utilities.
- xiii. Binding covenant stating that the land being conveyed is for the sole purpose of conducting a boundary line adjustment and is not to be sold or transferred as a separate parcel by the grantee, heirs, and assigns.
- xiv. Surveyor's Certificate in the form required by law by a Wyoming licensed surveyor as outlined in Section 16-503.F.(18) of the Rock Springs Subdivision Ordinance.
- xv. Certificate of Review by the Rock Springs City Planner as follows:
This Boundary Line Adjustment Record of Survey was reviewed and approved by the Rock Springs City Planner on this _____
day of _____ A.D. 20_____.
City Planner
- xvi. Certificate of Review of the Department of Engineering/Operations & Public Services as follows:
Data on this Boundary Line Adjustment Record of Survey reviewed this _____ day of _____ A.D., 20_____ by a Licensed Professional Engineer on behalf of the Department of Engineering/Operations & Public Services of the City of Rock Springs, Wyoming.
Licensed Professional Engineer
- xvii. Any additional information deemed necessary to fully and accurately depict the intent of the survey.

(D) Review Procedures

- (1) Pre-application Meeting. Persons desiring to obtain a minor boundary line adjustment shall schedule a pre-application meeting with City staff, prior to submitting a Boundary Line Adjustment Application. The purpose of the meeting

shall be to review the proposal and the Boundary Line Adjustment requirements and procedures.

(2) Application Submission. Upon determination that the proposal meets the criteria for a Boundary Line Adjustment, the applicant shall submit the following:

- (a) A completed application on a form provided by the city, which form shall include the name and address of the applicant and all property owners of record, the existing legal descriptions of the properties involved, and the reason for the Boundary Line Adjustment.
- (b) Payment in the total amount of the Boundary Line Adjustment fee.
- (c) Two copies, printed to scale, of the Record of Survey prepared in accordance with Section 16-504(C) of this Ordinance to serve as an exhibit attached to the instrument of conveyance. In addition, the Record of Survey shall be provided to the City as a "pdf" at the time of the application submission.
- (d) Draft deed(s) that will be used to effectuate the property transfer(s). The property conveyance documents shall contain a binding covenant that the land being conveyed is for the sole purpose of conducting a boundary line adjustment and is not to be sold or transferred as a separate parcel by the grantee, heirs, and assigns.
- (e) Title Opinion. Evidence satisfactory to the City must be submitted showing all taxes and assessments due on the properties included in the Boundary Line Adjustment have been paid in full, showing title or control of the included properties, and showing the included properties as free and clear of any liens. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence. Such an opinion or report shall also note any reservations for mineral rights and the existence of any mineral or oil and gas leases.

(3) Review.

- (a) Upon receiving a complete application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within seven (7) days. Members of the Utility Review Committee who do not return comments within seven (7) days will be considered to be in support of the application. A Utility Review Meeting may be held to discuss the Boundary Line Adjustment.
- (b) Following such review and the completion of any imposed conditions necessary to gain approval, the City Planner and City Engineer may approve the Boundary Line Adjustment. Such approval shall be denoted by the Certificates of Approval on the Record of Survey.
- (c) If determined that the minor boundary line adjustment, as proposed, may be detrimental to the public health, safety, or welfare, does not meet the applicability standards of a minor boundary line adjustment, or involves factors which should be reviewed by the Planning and Zoning Commission and the City Council, the City Planner shall notify the applicant in writing.
- (d) If the applicant is unable to obtain approval through the administrative Boundary Line Adjustment process, the applicant may withdraw the Boundary Line Adjustment Application and bring the matter before the Planning and Zoning Commission and City Council as a new application through the Minor Subdivision process.

(4) Recording.

- (a) Within thirty (30) days of the approval of the Boundary Line Adjustment, as evidenced by the signature of the City Planner and City Engineer on the Record of Survey, the completed Record of Survey along with the deed(s) for the property transfer shall be recorded with the Sweetwater County Clerk.
- (b) If the Record of Survey is not recorded within thirty (30) days, the authorization shall automatically become null and void.
- (c) A copy of the recorded documents shall be provided to the City of Rock Springs within fifteen (15) days of the recording of the Boundary Line Adjustment.

(5) Financing.

- (a) The Boundary Line Adjustment authorization process does not include a review of financial interests in the properties. Modifications to financing such as mortgage releases and loan modifications may be needed to maintain compliance with lender requirements. It is the responsibility of the property owner to ensure that any financing companies are notified of the Boundary Line Adjustment and that their requirements are met.

Section 15. That Section 16-505 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by strikethrough and additions are denoted by underline):

16-505 Plat Corrections.

- (A) If, after the approval and recording of a Final Plat, minor errors are found in the language or numbers on the recorded Plat, including erasures and modifications to the legal description, survey data, notes, and curve data, an Affidavit of Correction stating the exact nature of the error may be recorded after submittal to and approval by the Planning Department. No changes to the plat shall be made which will alter the intent of the subdivision plat after it has been approved. The City Planner shall make the determination if an Affidavit of Correction is acceptable or if an Amended Plat is deemed necessary as outlined in Section 16-505(B).
- (B) If, after the approval and recording of a final plat, substantial errors are found in the language or numbers on the recorded plat, the subdivider shall file a properly signed, corrected or revised original mylar with the Planning Department. The plat shall be noted as an "Amended Plat" under the name of the subdivision. Notations shall be made on the face of the plat. The Planning Department shall review the Amended Plat and present the plat to the City Council for the reaffirmation of their approval. It is the subdivider's responsibility to secure all signatures on the Amended Final Plat and record the plat with the Sweetwater County Clerk within 60 days of approval by the Council. The recording of the Amended Plat shall void the incorrect original plat, and the County Clerk shall note "VOID" across the face of the incorrect plat. A copy of the recorded plat shall be provided to the City of Rock Springs within fifteen (15) days after recording.

Section 16. That Section 16-506 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by strikethrough and additions are denoted by underline):

16-506 ~~Replats~~ Parcel Consolidation.

- (A) ~~For lots in a platted subdivision, a Replat may be used to combine adjacent lots into one lot, to divide one lot into not more than two lots and/or to alter lot lines, easements or other public dedications by submitting a new Final Plat drawing with the plotting arrangement revised. All lots resulting from a replat shall be developable and shall conform to all zone district regulations and ordinances, including, but not limited to, lot size, access to street frontage, and access to public utilities. The City Planner and City Engineer shall determine which of the required supporting documents and which of the drawing requirements of the Final Plat regulation shall be required for the Replat. The plat shall be marked A Replat of Lots _____, under the name of the original subdivision and shall be processed as a Final Plat.~~
- (B) ~~If creating more than two lots or altering or vacating a platted street or right of way, the resulting subdivision shall be treated as a new submittal with both a Preliminary Plat and a Final Plat required. Based on the currency of the information submitted with the original plat and the magnitude of the change(s), the Preliminary and Final Plat submittal may be processed simultaneously as outlined in this Ordinance.~~
- (C) ~~The Certificate of Dedication on Replats shall contain a legal description of platted areas being vacated and resubdivided. The new lots shall be designated by the smallest number of the lots being vacated unless a different designation is required by the City.~~
- (D) ~~The following supplemental information is required with all Replat submittals:~~
- ~~(1) Replat application signed by all property owners of record and all mortgagees together with the required fee. All recording fees are payable by the applicant to the Sweetwater County Clerk.~~
 - ~~(2) A Replat drawing containing all notes and other pertinent information from the face of the original recorded Plat.~~
 - ~~(3) Warranty or Quitclaim Deeds for all lots subject to the Replat which shall contain a legal description of the lot prepared by a licensed Surveyor and a copy of the Replat drawing which shall be signed and notarized.~~
 - ~~(4) A Title Report showing ownership and encumbrances.~~
 - ~~(5) When creating new lots, "will serve" letters from each utility currently serving the existing subdivision which state that the new lot will be served by the utility and that their facilities are adequate for the new lots.~~
- (E) ~~Upon receiving a complete application, the City Planner shall review the application for compliance with City Ordinances. The City Planner may refer copies of the plan to and seek comment from other officials and agencies. Comments may be incorporated into the Replat.~~
- (F) ~~Once a complete Replat has been submitted which complies with the Ordinances and any required comments from other agencies, notice of the Replat application shall be mailed by the City Planner to each owner of property situated wholly or partially within 200 feet of the property to which the Replat relates. The decision of the City Planner shall be made no sooner than 10 calendar days following notification.~~
- (G) ~~Following approval by the City Planner, the applicant shall record the Replat in the Sweetwater County Clerk's Office within 180 days. Failure to record the Replat within 180 days shall cause the Replat to become null and void.~~
- (H) ~~Once approved and recorded, the County Clerk will write or cause to be written in plain legible letters across that part of said original plat so affected by the Replat "Vacated by and Subject of a Replat recorded on Page ____ in the Book of Plats in the records of the Sweetwater County Clerk.~~

~~(I) If the applicant is unable to obtain approval of the Replat, the applicant may bring the matter before the Council for its consideration through the Minor Subdivision process. (Ord. 2019-14, 7/16/2019)~~

~~(A) Scope. The parcel consolidation process is for the purpose of combining two to more parcels of land into a single parcel. Adjacent parcels that have been consolidated pursuant to this ordinance shall be treated as a single lot for building code, zoning code, and property transfer purposes.~~

~~(B) Applicability Standards.~~

~~(1) The consolidation shall not require the extension of streets and/or right-of-way, public easements, public infrastructure, or any other publically dedicated subdivision improvements.~~

~~(2) The parcels to be consolidated must share a common boundary for more than a single point, and not otherwise be separated by a public right-of-way or alley.~~

~~(3) The parcels must be under identical, common ownership and financing, if any.~~

~~(4) The parcels involved in the consolidation must be designated within the same zoning district~~

~~(5) The consolidation shall not create or result in a violation of any provision of the Zoning Ordinance or Subdivision Ordinance.~~

~~(a) The adjustment shall not create circumstances which promote a variance request from the Zoning Ordinance or the Subdivision Ordinance.~~

~~(b) In the case of properties with legally non-conforming lots, structures, or uses, the consolidation shall not increase the extent of the non-conformity.~~

~~(6) The parcel consolidation process is not to be used in cases where a plat vacation or plat resubdivision is appropriate, such as when easements or rights-of-way are to be altered or vacated.~~

~~(7) All property taxes on the parcels involved are current (not past due).~~

~~(C) Record of Survey.~~

~~(1) A Record of Survey shall be submitted to serve as an exhibit attached to the Parcel Consolidation Declaration.~~

~~(2) The Record of Survey shall be prepared by a registered Wyoming land surveyor and meet the following criteria:~~

~~(a) The maximum sheet size shall be eleven inches by seventeen inches (11" x 17").~~

~~(b) Information on the Record of Survey shall be so positioned that a one-inch margin remain on the left side of the longer dimension of the sheet and a one-half inch margin is left on the three (3) remaining sides.~~

~~(c) The scale of the Record of Survey shall be 1" = 100' or larger.~~

~~(d) Each sheet of the Record of Survey shall be numbered and the total number of sheets comprising the survey shall be stated on each sheet (for example: Sheet 2 of 4).~~

~~(e) The Record of Survey shall contain the following information:~~

~~i. Title "Parcel Consolidation Record of Survey" at the top center of each sheet together with the Lot Consolidation Declaration exhibit number.~~

~~ii. General location of the survey by quarter section, township, range, county and state, entered under the title.~~

~~iii. North arrow, date prepared and graphic scale.~~

~~iv. Name and mailing address of the property owners.~~

- v. Accurate legal description of the consolidated parcel, including area of the boundary based on either:
 - 1. Lot, tract and block number of an existing subdivision; or,
 - 2. An accurate metes and bounds description that results in a maximum allowable error of closure of one part in five thousand (5,000) together with the location and description of the point of beginning and its proper reference to the monumented boundary survey.
- vi. Location and description of all existing and proposed boundaries and monumentation, to be in accordance with established state and professional standards. Survey markers shall be set to delineate the new parcel boundaries.
- vii. Resultant dimensions and areas of all affected parcels.
- viii. Bearings, distances and curve data of all perimeter boundary lines.
- ix. The location and layout of lots, block, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the plat.
- x. Street addresses of any existing and proposed structures.
- xi. Location and dimensions of all structures and improvements (including driveways and fences) along with setback distances from both existing and consolidated property lines.
- xii. Location of all existing and proposed utilities.
- xiii. Surveyor's Certificate in the form required by law by a Wyoming licensed surveyor as outlined in Section 16-503.F.(18) of the Rock Springs Subdivision Ordinance.
- xiv. Certificate of Review by the Rock Springs City Planner as follows:
This Parcel Consolidation Record of Survey was reviewed and approved by the Rock Springs City Planner on this _____ day of _____ A.D. 20_____.
City Planner
- xv. Certificate of Review of the Department of Engineering/Operations & Public Services as follows:
Data on this Parcel Consolidation Record of Survey reviewed this _____ day of _____ A.D., 20_____ by a Licensed Professional Engineer on behalf of the Department of Engineering/Operations & Public Services of the City of Rock Springs, Wyoming.
Licensed Professional Engineer
- xvi. Any additional information deemed necessary to fully and accurately depict the intent of the survey.

(D) Parcel Consolidation Declaration: The property owner shall execute a Parcel Consolidation Declaration and file the declaration, with the Record of Survey attached as an exhibit, with the Sweetwater County Clerk. The form of the Parcel Consolidation Declaration shall be in substantially the following format:

Parcel Consolidation Declaration

The declaration is made this _____ day of (Month, Year), by (property owner), hereinafter referred to as "declarant".

Recitals:

1. Declarant is the owner of that certain real property located within the City of Rock Springs, Sweetwater County, Wyoming, described as follows:
(legal descriptions of parcels)
2. Declarant desires to consolidate the above referenced parcels into a single consolidated parcel pursuant to City of Rock Springs code.
3. By executing this document, the declarant hereby consolidates said parcels into a single lot or parcel for building code, zoning code, and property transfer purposes.
4. Once executed, no portion of the consolidated parcel shall be individually conveyed or transferred without obtaining subdivision authorization from the City of Rock Springs pursuant to the subdivision requirements in the City of Rock Springs ordinances.
5. This declaration is binding on the owner, heirs, and devisees of said property.
Now therefore, the following real property is hereby consolidated into a single parcel/lot, as described herein.
(Consolidated legal description)
(Signature block)
(Notary Block)

(E) Review Procedures.

- (1) Pre-application Meeting. Persons desiring to obtain a parcel consolidation shall schedule a pre-application meeting with City staff, prior to submitting a Parcel Consolidation Application. The purpose of the meeting shall be to review the proposal and the Parcel Consolidation requirements and procedures.
- (2) Application Submission. Upon determination that the proposal meets the criteria for a Parcel Consolidation, the applicant shall submit the following:
 - (a) A completed application on a form provided by the city, which form shall include the name and address of the applicant and all property owners of record, the existing legal descriptions of the properties involved, and the reason for the Parcel Consolidation.
 - (b) Payment in the total amount of the Parcel Consolidation fee.
 - (c) Two copies, printed to scale, of the Record of Survey prepared in accordance with Section 16-506(C) of this Ordinance to serve as an exhibit attached to the Parcel Consolidation Declaration. In addition, the Record of Survey shall be provided to the City as a "pdf" at the time of the application submission.
 - (d) Draft Parcel Consolidation Declaration.
 - (e) Title Opinion. Evidence satisfactory to the City must be submitted showing all taxes and assessments due on the properties included in the Parcel Consolidation have been paid in full, and evidence that the parcels are under identical, common ownership and financing, if any. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence. Such an opinion or report shall also note any reservations for mineral rights and the existence of any mineral or oil and gas leases.
- (3) Review.
 - (a) Upon receiving a complete application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within seven (7) days. Members of the Utility Review Committee who do not return comments within seven (7)

- days will be considered to be in support of the application. A Utility Review Meeting may be held to discuss the Parcel Consolidation.
- (b) Following such review and the completion of any imposed conditions necessary to gain approval, the City Planner and City Engineer may approve the Parcel Consolidation. Such approval shall be denoted by the Certificates of Approval on the Record of Survey.
 - (c) If determined that the parcel consolidation, as proposed, may be detrimental to the public health, safety, or welfare, does not meet the applicability standards of a parcel consolidation, or involves factors which should be reviewed by the Planning and Zoning Commission and the City Council, the City Planner shall notify the applicant in writing.
 - (d) If the applicant is unable to obtain approval through the administrative Parcel Consolidation process, the applicant may withdraw the Parcel Consolidation Application and bring the matter before the Planning and Zoning Commission and City Council as a new application through the Minor Subdivision process.
- (4) Recording.
- (a) Within thirty (30) days of the approval of the Parcel Consolidation, as evidenced by the signature of the City Planner and City Engineer on the Record of Survey, the Parcel Consolidation Declaration, included the signed Record of Survey attached as an exhibit, shall be recorded with the Sweetwater County Clerk.
 - (b) If the Parcel Consolidation Declaration is not recorded within thirty (30) days, the authorization shall automatically become null and void.
 - (c) A copy of the recorded documents shall be provided to the City of Rock Springs within fifteen (15) days of the recording of the Parcel Consolidation.
- (5) Financing.
- (a) The Parcel Consolidation process does not include a review of financial interests in the properties. Modifications to financing such as mortgage releases and loan modifications may be needed to maintain compliance with lender requirements. It is the responsibility of the property owner to ensure that any financing companies are notified of the Parcel Consolidation and that their requirements are met.

Section 17. That Section 16-507 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by strikethrough and additions are denoted by underline):

6-507 Approval of Minor Subdivisions.

- (A) A Sketch Plat of the Minor Subdivision shall be submitted and reviewed in conformance with Section 16-501. The purpose of the Minor Subdivision Sketch Plat review is to determine the submission requirements for the Preliminary and/or Final Plat.
- (B) If a Preliminary Plat is required, the~~The~~ Preliminary Plat and the Final Plat shall be submitted and reviewed simultaneously as outlined in Sections 16-502 and 16-503. The City Planner and City Engineer shall determine which supporting documentation listed in Section 16-503.G. must be submitted. It is possible for Preliminary and Final Plats to be one and the same instrument.

Section 18. That Section 16-601 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

16-601 Sketch Plat and Preliminary Plat.

Each Sketch Plat submittal (including submittal for a Minor Subdivision) shall be accompanied by a fee of \$50.00 payable to the City of Rock Springs. Each Preliminary Plat submittal (~~including submittal for a Minor Subdivision~~) shall be accompanied by a fee of \$350.00 payable to the City of Rock Springs. Minor Subdivisions shall not be required to pay a Preliminary Plat fee.

Section 19. That Section 16-609 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

16-609 ~~Replats~~ Boundary Line Adjustments and Parcel Consolidations.

Each ~~Replat~~ Boundary Line Adjustment and Parcel Consolidation application shall be accompanied by a fee of ~~\$350.00~~ \$50.00 payable to the City of Rock Springs.

Section 20. That Section 16-703 of the City of Rock Springs Ordinances, be amended as follows (deletions are denoted by ~~striketrough~~ and additions are denoted by underline):

16-703 Vacations.

- (A) ~~All or part of a~~ Any plat may be vacated by submitting an application for vacation. The application shall be signed by all of the owners of lots within the plat and all of the holders of any interest in the easements and public dedications contained on the Plat. The Commission shall make a recommendation on the vacation to the Council, and the Council shall approve or disapprove the vacation, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law.
- (B) ~~Deleted.~~ Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the State of Wyoming may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.
- (C) Deleted.
- (D) When any part of a plat shall be vacated, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions unless waived by an adjacent property owner. When any part of a plat shall be vacated, the part vacated shall remain inside of the plat so vacated.
- (E) The Sweetwater County Clerk shall write in plain, legible letters across that part of said plat so vacated, the word "vacated" and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.
- (F) Land covered by a vacated plat may subsequently be subdivided in accordance with these regulations.
- (G) Resubdivision.
 - (1) When vacating all or part of a recorded subdivision by ~~replatting, a depiction of the area being~~ resubdivision, the vacation shall be accomplished through the appropriate subdivision application process based on the number of lots involved. As noted in Section 16-503(F), the plat shall be marked "A RESUBDIVISION OF _____" under the subdivision name and a Declaration Vacating Previous Platting shall be provided on the plat in accordance with Section 16-503(F)(26).

~~vacated shall be shown on the face of the Replat which vacates the original subdivision with a notation that it is being vacated. In addition, the following declaration shall appear at the top of the Replat under the general location information beneath the name of the subdivision:~~

~~DECLARATION VACATING PREVIOUS PLATTING~~

~~All earlier plats, or portions thereof, as noted on this Replat are hereby vacated.~~

- (2) ~~Once approved and recorded~~ With the recording of the resubdivision, the County Clerk will write or cause to be written in plain legible letters across that part of said original plat so affected by the vacation "Vacated by and Subject of a Replat Resubdivision recorded on Page ____ in the Book of Plats in the records of the Sweetwater County Clerk."

(H) Review.

- (1) The City Planner and the City Engineer shall determine which of the required supporting documents shall be submitted with an application for vacation. After receipt of a complete application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within 10-7 days. Members of the Utility Review Committee who do not return comments within 10-7 days will be considered to be in supports of the vacation.
- (2) After receipt of comments from the Utility Review Committee, the vacation shall be scheduled for review and consideration at the next regular meeting of the Commission.
- (3) ~~A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least 15 days prior to the date of the hearing.~~ At least seven days prior to the date of the Commission meeting, the Planning Department shall notify the property owners within 200 feet of the proposed vacation of the time and date of the meeting.
- (4) In its deliberations, the Commission shall consider oral or written statements from the applicant, the public, City Staff, and its own members. The Commission may recommend approval, conditional approval, disapproval, or may table the application. The Commission shall notify the Council in writing of its recommendation.
- (5) The Council shall hold a public hearing on the application for vacation. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least 15 days prior to the date of the hearing. In its deliberations, the Council shall consider oral or written statements from the subdivider, the public, City staff, and its own members. The Council may approve, deny, or table the application request to vacate property. Upon approval, the applicant shall prepare and record the documents required to complete the vacation.

PASSED AND APPROVED this _____ day of _____, 2020.

President of the Council

Mayor

ATTEST:

City Clerk

1st Reading: _____

2nd Reading: _____

3rd Reading: _____



Department of Public Services

212 D Street, Rock Springs, WY 82901

Tel: 307-352-1540 Fax: 307-352-1545

www.rswy.net

April 2, 2020

Honorable Mayor Timothy A. Kaumo
and City Councilors
City of Rock Springs
212 'D' Street
Rock Springs, WY 82901

City Council Meeting Date: **April 7, 2020**

Re: Petition to Amend the City of Rock Springs Subdivision Ordinance

Dear Mayor Kaumo and City Councilors:

In 2019, multiple amendments were made to the Rock Springs Subdivision Ordinance "in order to clarify regulatory requirements and streamline processes". The amendments received final approval on July 16, 2019.

In particular, these amendments included the creation of an administrative procedure for "replatting". "Replat" became defined as "an administrative process which allows the reconfiguration of lots in a platted subdivision." Based on the new language, an administrative process, that did not include P&Z Commission recommendation or City Council approval, would be used whether it was a simple lot split, or the reconfiguration of any number of lots.

Although it was with good intentions to streamline processes, the amended language actually created substantial procedural conflicts in addition to ambiguities between the City's new administrative replatting process and with platting requirements outlined within Wyoming State Statutes.

Attached, you will find the Ordinance for your approval, showing the redlined changes to Article 16-3 (Definitions), Article 16-5 (Platting Procedures and Requirements), Article 16-6 (Fees), and Article 16-7 (Administration and Enforcement). Text that is underlined in BLUE is added text. Text that is crossed out in RED is deleted text.

Additionally, in the City Council Office, I have placed a copy of these Articles in their entirety, both a redlined copy and a copy with the changes incorporated.

These proposed amendments will be reviewed in more detail during the City Council public hearing.

Planning and Zoning Commission - Public Hearing and Action

On March 11, 2020 the Rock Springs Planning and Zoning Commission held a Public Hearing to consider these amendments to Chapter 16 (Subdivision) of the Ordinances of the City of Rock Springs.

After the staff presentation of the amendments, Vice-Chairperson Lozier then opened the Public Hearing and asked for anyone who would like to speak on the proposal to come forward. Mayor Kaumo spoke in favor in the amendments. There were no other comments from the public. Vice-Chairperson Lozier then closed the public hearing and called for a motion on the amendments.

Commissioner Fortuna motioned for approval as recommended by staff. Commissioner Collins seconded the motion. The vote was unanimous in favor of the amendments.

City Council – Public Notification

A Public Hearing Notice advertising this item for City Council was published in the Rock Springs *Rocket Miner* on 3/21/2020 and on 3/25/2020. No additional comments have been received at this time, and this item is now ready for City Council consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Leigh".

Laura Leigh, AICP, CFM
City Planner

cc: Paul Kauchich, Director of Engineering/Operations & Public Services

Enc.