

WESTON COUNTY  
MINOR SUBDIVISION APPLICATION

Property Owner: \_\_\_\_\_  
(Print) (Sign)

Mailing Address of owner: \_\_\_\_\_

Telephone Number(s) of owner: \_\_\_\_\_

Property Owner: \_\_\_\_\_  
(Print) (Sign)

Mailing Address of owner: \_\_\_\_\_

Telephone Number(s) of owner: \_\_\_\_\_

(If subdivider/applicant is someone other than property owner)(The landowner must sign application also or provide proof to the county that the person below has permission to subdivide this property)

Name of subdivider: \_\_\_\_\_  
(Print) (Sign)

Mailing Address of subdivider: \_\_\_\_\_

Telephone Numbers of subdivider: \_\_\_\_\_

- Description of land to be subdivided (Attach copy of deed)
- General Location of land to be divided (access roads/adjacent roads): \_\_\_\_\_
- Total acreage of land to be divided: \_\_\_\_\_
- Application Fee (\$20/lot, minimum of \$200, no maximum) \_\_\_\_\_
- Requested variances (Describe in detail the variance(s) you are requesting):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>OFFICE USE ONLY:</b>	
<i>Received By:</i> _____	<i>Title:</i> _____
<i>Date Received:</i> _____	

## MINOR SUBDIVISION CHECKLIST

When a tract of land is to be divided into **three to five lots** where no new improvements or street dedications would be required to comply with these rules, the subdivider may proceed directly with the Final Plat. This procedure is also applicable for further subdivisions (3-5 lots) of land previously divided under Chapter II. The Final Plat and required supporting material(s) shall conform to the design and engineering standards as set forth in Chapter IV.

Upon receipt of all Supporting Materials, the Weston County Clerk shall schedule the Plat for consideration at the next possible Weston County Planning and Zoning Commission meeting.

It is recommended that applicants visit with the Planning Coordinator prior to publishing notice of their intent to subdivide land in order to coordinate the scheduling of upcoming meetings. Also, the Planning Coordinator will need to review all submitted materials and forward copies of the materials to the Planning Commission and/or Board of Commissioners at least a week before the scheduled meeting.

---

### Procedures

- (1) Submit a Minor Subdivision Application Form,
- (2) Pay statutory fees,
- (3) Submit an original mylar and two (2) copies of the Final Plat and all required supporting material,
- (4) The applicant shall publish notice of his intent to apply for a subdivision permit once each week for two (2) weeks within thirty (30) days before filing the application in the Official Newspaper of Weston County and any other paper which is the official paper of the nearest incorporated town within the county. The notice shall include the name of the subdivider, the general location of the land to be subdivided, and the date, time, and place of review of the Final Plat by the Weston County Planning and Zoning Commission.
- (5) A notice shall be mailed to any property owner within one thousand (1000) feet of the proposed subdivision property lines, by certified return receipt mail at least 14 days before the hearing. Proof of mailing shall be filed with the subdivision materials at the hearing.
- (6) The subdivider or his representative and all other interested parties shall be provided the opportunity to present comments on the Final Plat at the Weston County Planning and Zoning Commission meeting. After evaluation of the application, the Weston County Planning and Zoning Commission shall make findings and recommendations to the Weston County Commissioners for approval or disapproval of the Final Plat.
- (7) After evaluation of the application, the Weston County Commissioners shall approve or disapprove the subdivision application and issue a subdivision permit or ruling within forty-five (45) days after receiving the report from the Weston County Planning and Zoning Commission.

- (8) Upon approval of the Subdivision Permit by the Weston County Commissioners, the appropriate signatures may be obtained for the Final Plat from the Weston County Commissioners.
- (9) The original Mylar Final Plat and other documents prepared for recordation, along with the recording fees, shall be submitted to the Office of the Weston County Clerk for recordation. The subdivider shall file approval of a Final Plat by the Weston County Commissioners within 60 days. If not filed within 60 days, the subdivision permit approval is rescinded.
- (10) Upon approval of the Plat, the subdivider shall deliver a copy of the Subdivision Plat to the Sheriff's Office, nearest Fire Department and Planning Coordinator.
- (11) If any part of the subdivision lies within one (1) mile of the boundaries of an incorporated city or town the approval of the governing body of the city or town must also be obtained

---

### Final Plat Contents

- \_\_\_ Name of the subdivision at the top of each sheet
- \_\_\_ General location of the subdivision by section, township, range, county and state, entered under the subdivision name
- \_\_\_ North arrow and date of preparation
- \_\_\_ Scale, scale shall be 1"=100' or larger for a subdivision where the majority of the lots are less than five acres in size. The scale may be reduced to 1"=200' for subdivisions in which the majority of the lots are five acres or more.
- \_\_\_ Name of owner or owners of record
- \_\_\_ Boundary lines of the subdivision in heavy solid line
- \_\_\_ Acreage to nearest one-one hundredth acre of each lot or tract
- \_\_\_ A notation of the total acreage of the subdivision and the total number of lots
- \_\_\_ Parcels not contiguous shall not be included in one Plat nor shall more than one Plat be made on the same sheet. In the case of non-contiguous parcels, a supplemental document showing the overall subdivision shall be submitted along with the Final Plat.
- \_\_\_ Excluded parcels shall be labeled "**NOT INCLUDED IN THIS SUBDIVISION**" and the boundary indicated by bearings and distances.
- \_\_\_ If no public sewage disposal system is proposed by the subdivider, the words, "**NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM**", in bold capital letters shall appear on the plat.
- \_\_\_ If no domestic water source is proposed by the subdivider, the words, "**NO PROPOSED DOMESTIC WATER SOURCE**", in bold capital letters, shall appear upon the plat.
- \_\_\_ If no public maintenance is proposed for streets, alleys and roadways, the words, "**NO PUBLIC MAINTENANCE OF STREETS OR ROADS**", in bold capital letters shall appear upon the plat.
- \_\_\_ If no public garbage disposal is proposed, the words, "**NO PROPOSED PUBLIC DISPOSAL OF GARBAGE**", in bold capital letters shall appear upon the plat.

- \_\_\_ Informational notes by the County Engineer or County Commissioners and any City requirements as applicable
- \_\_\_ A legal description of the subdivision boundary based on accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of one pat in 5,000.
- \_\_\_ Basis of bearings
- \_\_\_ A tie to an established land corner monument.
- \_\_\_ The bearings, distance and curve data of all perimeter boundary lines shall be indicated outside the boundary line, and lot dimensions shall be indicated inside perimeter boundary lines.
- \_\_\_ On curved boundaries and on all curves within the subdivision, sufficient data shall be provided to allow the re-establishment of the curves on the ground
- \_\_\_ The location and layout of lots, blocks, tracts county roads, roads streets, alleys, easements, and other public grounds within the subdivision, with accurate dimensions in feet and one-hundredths of feet, bearings of all lines, length of radii and/or arcs of all curves. Bearing and lengths need not be given for interior lot lines where they are the same as both end lot lines.
- \_\_\_ All lots and blocks consecutively numbered in the center of the lot or block.
- \_\_\_ A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the Plat and the dedication of public ways, grounds and easements. (Exhibit C)
- \_\_\_ Certificate of registered land surveyor. (Exhibit D)
- \_\_\_ Certificate of approval by Weston County Contract Engineer (Exhibit E)
- \_\_\_ Certificate of approval by an incorporated city or town within one mile of the subdivision. (Exhibit F)
- \_\_\_ Certificate of approval by the Weston County Commissioners (Exhibit G), certificate of recording by the County Clerk and Recorder (Exhibit H)
- \_\_\_ Certificate of approval recommendations from the Weston County Planning & Zoning Commission (Exhibit I)
- \_\_\_ Areas shall be identified on the plat where improvements will be restricted, such as in flood plains, wetlands, areas of high ground water and soil problems or types.
- \_\_\_ Permit numbers for surface and ground water rights registered with the State Engineer's Office and identifying the land area affected by the permits for each lot within the subdivision shall be indicated on the plat or included with supporting materials.
- \_\_\_ Reference on the Plat indicating where any restrictions and other items affecting the use of the subdivision shall be noted and recorded with the County Clerk's Office.

---

**Supporting Materials**

- \_\_\_ DEQ's evaluation, comments and recommendations of the proposed sewage system and water system
- \_\_\_ A copy of all finalized, recordable instruments relating to the proposed subdivision including any restrictive covenants, Homeowner's Association documents, and documents pertaining to an Improvement and Service District or a Water and Sewer District.
- \_\_\_ Evidence that the subdivided land is free of all encumbrances and that the person or his agent who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, may convey merchantable title subject only to noted reservations or restrictions of record, but free of encumbrances and subject only to proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale be legally effected or binding arrangements have been made by the person or his agent who offers any part of the subdivision for sale, to assure purchasers of any part of the subdivision that upon full payment of the purchase proceed a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and free of encumbrances not specially assumed by the purchaser, subject only to the proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which the sale may be legally effected.
- \_\_\_ Engineering drawings for all proposed streets, alleyways
- \_\_\_ Copies of all necessary easements, or right-of-way crossings adjoining properties, including all easements or rights of way access to and from the subdivision to a public road.
- \_\_\_ When a new street will intersect with a State Highway, a copy of the State Highway Permit. When a new street will intersect with a Weston County road, a cop of the County Permit.
- \_\_\_ Plans, drawings and specifications for any other improvement required by these rules.
- \_\_\_ When applicable, a warranty deed conveying common land to a homeowner's association or similar body.
- \_\_\_ Review and recommendations from the Weston County Natural Resource District (WCNRD) regarding soil suitability for construction, erosion control, sedimentation, flooding problems and wetlands
- \_\_\_ Where the proposed subdivision would alter any lot line or any portion of a recorded plat, a copy of the proper legal instrument vacating the affected portion of the original plat.
- \_\_\_ A copy of the agreement between the subdivider and the utility companies such as electrical, gas and telephone outlining the financial arrangements that have been made to install the utilities. If there is no agreement, this must be noted on the Disclosure Statement. All utility easements shall be listed on the Final Plat.
- \_\_\_ Payment of the following if applicable:
  - \_\_\_ Subdivision fee
  - \_\_\_ Fire District fee

- \_\_\_ Natural Resource District fee
- \_\_\_ City fee

- \_\_\_ Evidence that all fees have been paid to the appropriate governing body for any other service not herein specifically addressed, such as fees for Water Districts, Irrigation Districts, Improvement and Service Districts, etc...
- \_\_\_ Where the proposed improvements would encroach upon any waterways, wetlands, or flood plains, evidence that the proper permits have been received from the Army Corps of Engineers or any other governing authority.
- \_\_\_ If a homeowners or landowners association or equivalent is formed, then as a minimum the subdivider shall provide adequate funding and a means for enforcement of the by-laws of the association, continuous health and safety inspections, procedures for immediate maintenance to correct unsafe conditions by appropriate state and/or county personnel and for receiving and processing complaints.
- \_\_\_ Evidence of adequate financial resources and provisions of some sort of guarantee of completions, per state law.

***Disclosure Statement*** that clearly and concisely presents all the facts related to the following items.

- \_\_\_ Street construction and maintenance (including snow removal responsibility)
- \_\_\_ Water supply, design criteria and maintenance responsibility
- \_\_\_ Sewage disposal, criteria and maintenance responsibility
- \_\_\_ Restrictive Covenants, with a description of how they will be enforced
- \_\_\_ Association Fees – should be listed and described as to allocations of funds, penalties for non-payment, procedure for change in fees.
- \_\_\_ Garbage disposal statement to define financial and physical responsibilities
- \_\_\_ Telephone company construction charge, statement to define financial responsibility
- \_\_\_ Cable TV charges, statement to define financial responsibilities
- \_\_\_ Street and traffic control signs and devices, statements to define construction and maintenance responsibilities
- \_\_\_ Street lighting, define construction and maintenance responsibilities
- \_\_\_ Culverts, drainage, define construction and maintenance responsibilities
- \_\_\_ Fire protection, status and description
- \_\_\_ Building Codes, status of applicable codes which apply to construction within the subdivision
- \_\_\_ Electricity, statement to define financial responsibility for construction and connections
- \_\_\_ Postal Service, define level of service and responsibility of homeowners and the developer concerning mailbox construction and maintenance.