

## CHAPTER IV – ADMINISTRATION

### Section 1. Application Process of Land Use Permits

- a. Purpose. This section describes the general procedures that apply to all applications submitted under these Regulations and describes the procedure governing all permits issued under these Regulations.
- b. Who may apply. Land use permit applications may be initiated by the following:
  1. All owners and contract purchasers of the subject property, or any person authorized in writing to act as agent of the owner or contract purchasers, as evidenced by a document of title or agency supplied with the application;
  2. Public agencies or utilities that have statutory rights eminent domain for projects that have the authority to construct.
- c. Pre-Application Conference
  1. Pre-application conferences are to familiarize applicants with the requirements of the Regulations and other relevant information. To schedule a pre-application conference, the applicant shall contact the Sublette County Planning and Zoning Office with preliminary materials as described in the corresponding application. Information provided by the County at a pre-application conference is not binding and may be modified as the development review progresses. Pre-application conferences are generally not required but are highly encouraged. However, for certain complex applications such as change of zoning, variance, conditional use, major & minor subdivision, and a request for amendment change, the Planning & Zoning Administrator may require the applicant to attend a pre-application conference.
  2. Application Requirements. To ensure timely review and approval, all applications for Land Use Permits shall include the following materials and be submitted to the Planning and Zoning Department:
    - a. **Application Submittal**. Applications will be received in the Planning and Zoning office during regular business hours, Monday through Friday from 8:00 am to 5:00 pm. Applications may also be accepted via email or regular mail by contacting the Planning and Zoning office.

- b. **Application.** Completed application form including applicant signature(s), agent authorization (as appropriate), and proof of ownership or copy of contract-for-purchase.
- 3. **Required Fees.** The application shall be accompanied by applicable fees.
- 4. **Plans, maps, legal description,** and any other information described in the application or deemed necessary by the Planning and Zoning Office to provide the approving authority with adequate information to make informed decisions.
- 5. **A Conservation district review** shall be required for all minor and major subdivision permits pursuant to *Wy. St. Statute 18-5-306 (b)*. (See Ch. XII & Sub. Ch. V: Minor Subdivision for a detailed outline of the permitting process & requirements.)
- 6. **Site/Master Plans:** Unless otherwise determined by the Planning & Zoning Administrator, a site plan is required for all new construction, changes in zoning, conditional use, and variances applications. Site plans are also required for all multi-family, commercial, and industrial construction and other complex developments unless otherwise determined by the Administrator. A site plan shall include;
  - a. General layout of the lot(s), applicable zoning districts, parking areas, septic, water well(s), and images of the property.
  - b. A description of the proposed project and phasing site plans with details of all development on the project site, roadways, and circulation patterns may be required.
  - c. Other materials listed on the application form or requested by the Planning and Zoning Department may be required.
  - d. A site/master plan shall show the following applicable information: Name of the property owner and applicant; property description and boundaries; floodplain; wetlands as defined by the United States Army Corp. of Engineers or as determined by a wetlands delineation; location of open spaces; size and location of the proposed use; roadways and circulation patterns, and any other materials required by the specific application.

## Section 2. Determination of Completeness.

- a. Within twenty-one (21) days of receipt of an application, the applicant shall be notified if additional information is necessary to complete the application. The correspondence may identify preliminary information regarding the areas in which the submitted materials are not in compliance with the County standards and requirements.
- b. Rejection by the Administrator at this time shall be based solely on the completeness of the application.
- c. Acceptance of an application as complete indicates only that the application contains the minimum required information and is ready for review.
- d. Information submitted by the applicant to the County after the final submittal date may be considered, and amended to the application. If significant changes are made to the original application, a second review will be required for the new application. The Planning and Zoning Administrator shall determine, in its sole discretion, whether a substantial change from the original application is being proposed.
- e. Following the final review process and the determination that the applicant has provided a complete application, the application will be scheduled for the next public hearing of the Planning and Zoning Commission.

## Section 3. Legal Notice Requirements.

Applications that require the following legal notice procedure as adopted by Sublette County Planning and Zoning Regulations are;

- Change of Zoning District Boundary
  - Variance
  - Conditional Use
  - Minor Subdivision
  - Major Subdivision
  - Zoning & Development Regulation Amendments
  - Plat Vacation
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- a. Such applications require a public hearing and such hearing shall be advertised in the legal notice section of a newspaper of general circulation in the County. Such notices shall require publication in a newspaper of general circulation in the County at least thirty (30) days prior to the Planning Commissioners' public hearing. The legal notice shall include the type of application proposed, a short description of the action requested, address and legal description of the land subject to the application, location, date, time of the public hearing(s), and where additional information may be obtained.

- b. Mailed neighborhood notices, containing the information of the proposed application and the scheduled public hearing shall be sent by mail to all applicable landowners within 1,000 feet of the land subject to the application, or greater area if determined reasonable by the County Planning and Zoning Administrator. All mailed notices shall be sent no less than fifteen (15) calendar days prior to the first public hearing.

\*The following applications do not require legal notice, and will be reviewed administratively in the Planning & Zoning Office;

- Building Permits
- Septic Permits
- Short-Term Rental Permit
- Family Division

Section 4. Withdrawal. The following procedure allows for the withdrawal of the Land Use Permit applications:

a. **Request.** The applicant may withdraw an application, in writing or verbally, at any time prior to the final decision by the Board of County Commissioners. **Upon withdrawing an application, the same or similar application will not be accepted or considered for a period of three (3) months from the date of withdrawal. Fees will not be reimbursed prior to or after withdrawing an application.**

b. **Incomplete Applications.** An application determined to be incomplete for a period longer than six (6) months from the date of receipt shall be deemed denied unless an extension is granted by the Planning and Zoning Administrator.

Section 5. Similar Application. When an application has been denied, no application for the same or similar proposal shall be accepted or considered for all or part of the same or substantially the same proposal for a period of one (1) year after the date of the final decision by the County Commissioners. These applications include; change of zoning, variance, conditional use, minor subdivision, and major subdivision and proposed amendment to the Zoning & Development Regulations.

Section 9. Lapse. Within a Land Use Permit's initial given time period, if the permitted use has not commenced, if any required development has not commenced, or if any additional required submittals have not been made, the Land Use Permit will be subject to revocation. The Board of County Commissioners may extend a Land Use Permit's authorization if the applicant provides sufficient reasoning for an extension.

Section 6. Revocation. All Land Use permits issued pursuant to these Zoning and Development Regulations shall be enforced under WYO. STAT. ANN. §§ 18-5-204 through 18-5-207 and shall be subject to the Sublette County Planning & Zoning Enforcement procedures (CH. XI Enforcement)

## Section 7. Appeals.

### **Planning and Zoning Department**

- a. An appeal may be made by any person aggrieved by a decision of the Planning Administrator to the Board of County Commissioners. Such an appeal shall be filed in writing with the County Clerk within thirty (30) days of the decision of the decision of the Planning Administrator.
  1. The appeal shall consist of a statement of the decision being appealed, the date of the decision, the basis for the appeal, and all supporting materials related to the appeal. The Board of County Commissioners shall hold a public hearing on the appeal within forty-five (45) days following receipt of the notice of appeal by the County Clerk. At the public hearing, the appellant may state the grounds for the appeal and provide any information to support the appeal.
  2. The Planning Administrator or any other County employee shall be provided the opportunity to respond, as well as any other person the Board of County Commissioners deems necessary.
  3. The Board of County Commissioners shall either affirm, affirm with modifications, or reverse the decision of the Planning Administrator within thirty (30) days of the public hearing. Written notice of the decision of the County Commissioners shall be provided to the appellant and the planning administrator.

### **Board of County Commissioners**

- a. Any permit holder who is issued a warning, a fine, or whose permit has been revoked may request a hearing before the Board of County Commissioners to be held at the next regularly scheduled meeting. Notice of a permit holder's desire to appeal to the Board of County Commissioner must be in writing, signed by the permit holder, and provided to the Planning & Zoning Administrator within ten (10) business days of issuance of a warning, fine, or revocation of a permit. Imposition of the fine shall be stayed during any appeals process. Failure to provide timely written notice of appeal is a waiver of a permit holders right to appeal.

Section 8. Interpretations. The Planning Administrator shall be responsible for interpreting the Zoning and Development Regulations, based upon the legislative intent of the Board of County Commissioners in its adoption.

- a. A written interpretation may be requested by any landowner with respect to the application of the Zoning and Development Regulations to their land or by any person that has submitted or intends to submit an application for a development permit. Within thirty (30) days of receipt of a request for interpretation, the Planning Administrator shall evaluate the request in light of the Comprehensive Plan, Zoning and Development Regulations, and Zoning Map, whichever is appropriate, and consult with the County Attorney and then render an interpretation.
- b. The interpretation of the Planning Administrator may be appealed to the Board of County Commissioners within thirty (30) days after the interpretation is rendered by submitting a written appeal to the County Clerk. The Board of County Commissioners shall render a decision affirming, modifying, or reversing the interpretation within thirty (30) days after receipt of such written appeal.