

Johnson County/City of Buffalo Growth Management Agreement and Memorandum of Understanding

This agreement and memorandum of understanding is entered into on the ____ day of 1997 by and between Johnson County, Wyoming (County hereinafter) and the Town of the City of Buffalo, Wyoming (City hereinafter) establishing an area called the Buffalo Urban Growth Area (BUGA hereinafter) designated on the “Area Boundary Map” and attached hereto as “Exhibit A”. The purpose of this agreement is to establish mechanisms for coordinated planning and regulation in those areas where jurisdiction overlaps and where coordination is necessary to ensure suitable development and cost efficient growth for the City. The means to accomplish this in principle are the subject of this agreement.

SECTION 1.0 PURPOSE

Johnson County, Wyoming, and the City of Buffalo, Wyoming, wish to identify areas surrounding the City and within the County where urban and suburban growth will occur and establish a growth management process for those areas to facilitate orderly growth. The growth management process, which is based on a cooperative effort among the parties, will accomplish the following.

Orderly Growth

- Manage the County’s resources to achieve the highest possible quality of life for the greatest number of Johnson County residents;
- Provide for a broad range of land uses necessary for the Buffalo Urban Growth Area to grow and prosper;
- Implement a coordinated development review process which guides growth in the area, minimizes land use conflicts and provides for the efficient delivery of utilities and public services;
- Encourage urban and suburban growth within the county to be located in the Buffalo Urban Growth Area;
- Require lot sizes to be based on location, zoning districts and provision of levels of improvements and services;
- Require that all developments meet the development criteria established by the City and County, and;
- Establish a city growth area that provides sufficient space for the City to grow in an orderly manner for the planning period of twenty years.

Utilities

- Coordinate provision and development of water and sewer service;
- Require that all lands within the Buffalo Urban Growth Area be developed with community water except as designated. These designated areas include lands where topographical and physical constraints make the delivery of public water impractical. All parcels shall have safe and sufficient potable water supplies;
- Encourage lands within the Buffalo Urban Growth Area to be developed with community sewer, except where topographical, physical constraints and distance make the delivery of public sewer impractical. All parcels shall have safe sewage disposal systems.
- The cost of urban and suburban community water and sewer systems and/or connections to the existing city system shall be financial responsibility of the developer or area that is to be served by such systems. Such connections shall only be made with the approval and under conditions set by the entity owning the community system.
- References in this agreement to community or public water or sewer refer to any jointly owned system operated by a municipality, service and improvement district, homeowners association, joint powers board or any other public entity. Connections to the City of Buffalo Water System require annexation by City policy and all costs are to be borne by the entity receiving services.

Intergovernmental Cooperation

- Establish a process by which Johnson County, Wyoming, and the City of Buffalo, Wyoming can coordinate land use decisions that mutually affect each other;
- Initiate a process through which the governmental entities involved in the distribution of public water and sewer services can coordinate the provision of these services.

SECTION 2.0 ADOPTIONS, AMENDMENT AND TERMINATION

2.1 Adoption

The County and City shall adopt this agreement by resolution. Initial review and adoption of this agreement shall be upon a recommendation from the statutorily designated planning commissions of the parties to their respective Council or Commission. Johnson County shall conduct a public hearing on the agreement prior to adoption.

2.2 Amendment

After adoption this agreement may be amended as follows: Proposed Amendments which affect the entire BUGA shall be made by written agreement of both the City Council and the County Commission.

The agreement may be amended after a public hearing in the affected jurisdiction.

2.3 Review and Update

The parties shall review and update the plan as an entire document within five years of this agreement or as the parties deem necessary.

2.4 Termination Clause

Any party to this agreement may be released from this agreement by providing 60 days written notice to the other. If the City is released from this agreement or a portion thereof; County regulations will solely control the affected area.

SECTION 3.0 COORDINATION

3.1 The County and the City Planning Commissioners shall coordinate all subject matter concerning the Buffalo Urban Growth Area Agreement for the Board of County Commissioners and City Councils with assistance of their planning staff.

3.2 With the approval and consent of the City Council and County Commission the City and County Planning Commissions may adopt specific procedures to facilitate the Implementation of this agreement.

SECTION 4.0 IMPLEMENTATION

The parties agree to implement this agreement as follows.

4.1 Subdivision Approval

Within the unincorporated BUGA, subdivisions shall be approved in the following manner:

- 1) Simultaneous submittal to the County and City
- 2) Approval by the County Planning Commission
- 3) Approval by the City Planning Commission
- 4) Approval by the City Council
- 5) Approval by the County Commissioners

4.2 Changes in Land Use Designation

Changes in previously designated land uses in the unincorporated BUGA shall be approved in the following manner.

- 1) Submittal to the County
- 2) Immediate submittal to the City Planning Commission for comment
- 3) City Planning Commission submits comments prior to a public hearing by the County
- 4) County Planning Commission receives comments and recommends approval or denial to the County Commissioners after a public hearing
- 5) The County Commissioners approve or deny the requested change
- 6) The County permits the change if approved.

4.3 Amendments

The parties agree generally not to allow property to be used in a manner contrary to the BUGA Land Use Plan unless agreed to by both parties.

4.4 City Jurisdiction

The City shall solely administer all land use regulations within its area of jurisdiction and areas immediately annexing to the City. This shall not be construed to affect subdivision approval by the City required by State Statute, within one (1) mile of the City.

4.5 County Jurisdiction

The County shall solely administer all land use regulation outside the designated BUGA shown in "Attachment A".

SECTION 5.0 PROVISIONS OF PUBLIC WATER AND SEWER

5.1 Water and sewer service and maintenance to be furnished by the city

The City may agree where economically practical to provide water and sewer service within the BUGA.

The City requires annexation and installation of water and sewer systems, paved streets, curb and gutter and other facilities at the developer's expense prior to provision of water and sewer service.

