

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Subdivisions-large acre parcels.

Sponsored by: Joint Corporations, Elections and Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to subdivisions; providing for regulation  
2 by counties of subdivisions of thirty-five to one hundred  
3 sixty acre parcels; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **\*\*\* Staff note: These are all the**  
8 **current requirements for small acre**  
9 **subdivisions under W.S. 18-5-306. The**  
10 **committee needs to decide what**  
11 **provisions should apply to large acre**  
12 **subdivisions. \*\*\***

13

14 **Section 1.** W.S. 18-5-316 is created to read:

15

1           **18-5-316.     Minimum requirements for large acreage**  
2 **subdivision permits.**

3  
4           (a) A county may, by resolution, elect to apply the  
5 provisions of this article to the sale or disposition of  
6 land where the subdivision creates parcels that are thirty-  
7 five (35) acres or larger and smaller than one hundred  
8 sixty (160) acres. If a county elects to apply this  
9 article to the sale or disposition of land where the  
10 subdivision creates parcels that are thirty-five (35) acres  
11 or larger and smaller than one hundred sixty (160) acres,  
12 the subdivider shall obtain a subdivision permit pursuant  
13 to this section.

14  
15           (b) The board may require the following information  
16 to be submitted with each application for a subdivision  
17 permit pursuant to this section, provided the board may by  
18 rule exempt from any of the following requirements of this  
19 subsection or subsection (d) of this section the  
20 subdivision of one (1) or more units of land into not more  
21 than a total of five (5) units of land:

22

1           (i) Evidence satisfactory to the board that the  
2 proposed subdivision complies with any applicable zoning or  
3 land use regulations;

4  
5           (ii) A survey plat submitted by the subdivider  
6 containing the following:

7  
8           (A) Date of preparation, scale and north  
9 arrow;

10  
11           (B) The location of the subdivision  
12 including the section, township and range;

13  
14           (C) The location and dimension of existing  
15 and proposed streets, alleys, roads, highways, public ways,  
16 utility rights-of-way, easements, parks and the location of  
17 proposed permanent buildings and structures if known.

18  
19           (iii) Evidence satisfactory to the board that:

20  
21           (A) The subdivider or his agent who offers  
22 any part of the subdivision for sale or who solicits any  
23 offers for the purchase thereof, may convey merchantable

1 title subject only to noted reservations or restrictions of  
2 record and subject only to a proportionate share of real  
3 property taxes or assessments charged or assessed for the  
4 year in which any such sale may be legally effected; or

5

6 (B) Binding arrangements have been made by  
7 the person or his agent who offers any part of the  
8 subdivision for sale, to assure purchasers of any part of  
9 the subdivision that upon full payment of the purchase  
10 price a deed can and will be delivered conveying  
11 merchantable title subject only to noted reservations or  
12 restrictions of record and subject only to a proportionate  
13 share of such taxes and assessments thereon as may be  
14 levied or assessed for the year in which the sale may be  
15 legally effected.

16

17 (iv) A study evaluating the sewage system  
18 proposed for the subdivision and the adequacy and safety of  
19 the system. The study shall, at a minimum, include the  
20 following:

21

22 (A) Identification of the type of sewage  
23 system to serve the subdivision and identification of the

1 entity or entities responsible for the design,  
2 construction, operation and maintenance of the proposed  
3 facility;

4

5 (B) For all types of sewage systems except  
6 individual on-lot sewage systems, a report submitted by the  
7 subdivider as to the adequacy and safety of the proposed  
8 sewage system. The report shall address, at a minimum, the  
9 following issues:

10

11 (I) An assessment of the adequacy of  
12 the proposed sewage system in relation to the proposed  
13 population density of the subdivision and any other  
14 existing or proposed land and water uses in the vicinity of  
15 the subdivision that may affect the adequacy of the system;

16

17 (II) An estimate of the total number  
18 of gallons per day of sewage generated by the proposed  
19 subdivision where a central sewage system is proposed;

20

21 (III) A demonstration that technical  
22 requirements and design standards of the department of

1 environmental quality applicable to central sewage systems  
2 can and will be met;

3

4 (IV) Where utilization of or  
5 connection to an existing private or public sewage system  
6 is proposed, documentation that application to such entity  
7 has been made and that the entity can and will provide  
8 service;

9

10 (V) A detailed demonstration that the  
11 proposed sewage system for the subdivision is compatible  
12 with the proposed water supply system for the subdivision.  
13 The study shall demonstrate that the operation of the  
14 sewage system will not affect the suitability or safety of  
15 the proposed water supply system and a determination of the  
16 potential impacts of downgradient use of groundwater;

17

18 (VI) Demonstration that the proposed  
19 sewage system will meet all county, state and federal  
20 standards. The demonstration shall address the  
21 relationship of the development to any local or state  
22 approved water quality management plans established  
23 pursuant to section 201 of the federal Clean Water Act, 33

1 U.S.C. section 1281 and demonstrate no conflict exists with  
2 any state approved local wellhead protection plan or local  
3 source water protection plan established pursuant to the  
4 federal Safe Drinking Water Act.

5

6 (C) Where individual on-lot sewage systems  
7 are proposed by the subdivider, a report submitted by the  
8 subdivider shall document the safety and adequacy of the  
9 proposed on-lot sewage systems including the following:

10

11 (I) Adequacy of separation distances;

12

13 (II) Separation of drainfield relative  
14 to groundwater and impervious soils;

15

16 (III) Suitability of the subdivision  
17 soil conditions;

18

19 (IV) Suitable topography;

20

21 (V) Proposed population density;

22

1 (VI) Protection of groundwater uses;  
2 and

3  
4 (VII) Watersheds located on or  
5 draining into, under or over the proposed subdivision.

6  
7 (D) Where individual on-lot sewage systems  
8 are proposed, the words "NO PROPOSED CENTRALIZED SEWAGE  
9 SYSTEM," in bold capital letters shall appear on all  
10 offers, solicitations, advertisements, contracts,  
11 agreements and plats relating to the subdivision.

12  
13 (v) If the subdivider proposes to utilize  
14 adjoining property for sewers, drainage, sewer lines, power  
15 lines or other utilities, the subdivider shall provide  
16 copies of binding easements of not less than twenty (20)  
17 feet in width for the proposed facilities from each  
18 property owner over whose land such services shall extend  
19 and shall provide a minimum access roadway right-of-way of  
20 sixty (60) feet to the subdivision for all public ways;

21  
22 (vi) A study evaluating the water supply system  
23 proposed for the subdivision and the adequacy and safety of



1 the system. The study shall, at a minimum, include the  
2 following:

3

4 (A) Identification of the type of water  
5 supply system proposed to serve the subdivision and  
6 identification of the entity or entities responsible for  
7 the design, construction, operation and maintenance of the  
8 proposed facility;

9

10 (B) For all water supply systems except  
11 individual on-lot wells, a report submitted by the  
12 subdivider demonstrating the adequacy and safety of the  
13 proposed water supply system. The report shall address, at  
14 a minimum, the following issues:

15

16 (I) The estimated total number of  
17 gallons per day for the subdivision water supply system;

18

19 (II) Documentation that the proposed  
20 water supply system will be compatible with and not  
21 adversely affected by the sewage system proposed for the  
22 subdivision or any other sources of pollution within a  
23 reasonable distance;

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2

(III) List of all surface and groundwater rights which will be used or which may be affected, including state engineer application and permit numbers and description of expected effects;

6

7

(IV) Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision;

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11

(V) When connecting to an existing water supply system, the report shall also contain:

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14

(1) Documentation that public or private water suppliers can and will supply water to the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;

19

20

(2) Documentation concerning the potability of the proposed water supply for the subdivision.

23

1                   (VI)   Where a centralized water supply  
2 system is proposed containing a new source of water supply  
3 to be developed, the report shall also demonstrate that the  
4 water supply system is sufficient in terms of quality,  
5 quantity and dependability and will be available to ensure  
6 an adequate water supply system for the type of subdivision  
7 proposed. The report shall include a narrative summary of:

8

9                   (1)   Where the water supply system  
10 source is derived from groundwater, the geologic setting of  
11 the water supply system source and the area of influence  
12 such as nearby communities, sources of pollution, surface  
13 water bodies and aquifers described by a Wyoming registered  
14 professional geologist;

15

16                   (2)   The quantity, quality and  
17 source of the water to be used including proposed and  
18 existing surface and groundwater facilities and their  
19 locations. Where the proposed water supply system for the  
20 subdivision is from a groundwater source, a written report  
21 submitted by the subdivider demonstrating that the proposed  
22 source is sufficient in terms of quality, quantity and  
23 dependability for the type of subdivision proposed;

1

2

(3) The proposed disposal of water not consumed, including water obtained under permits, storm drainage, dewatering, sewage and other wastewater sources;

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7

(4) A delineation of primary sources of water, secondary sources and occasional or seasonal sources;

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11

(5) Graphic location of all water supply sources including wells, raw water intakes, treatment facilities, treated water storage facilities and ponds;

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(6) Documentation of all data sources on the occurrence and availability of surface and groundwater;

19

20

(7) Historic stream flows and well levels;

22

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(8) Senior water rights;

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(9) Flood damage and flood

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protection;

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(10) Impact of and protection

6

from supply shortages.

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8

(C) Where individual on-lot wells are

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proposed as the water supply system, a report submitted by

10

the subdivider demonstrating the safety and adequacy of the

11

water supply system shall address, at a minimum, the

12

following:

13

14

(I) The estimated total number of

15

gallons per day for the subdivision;

16

17

(II) Information relative to the

18

potential availability and quality of groundwater proposed

19

within the subdivision which may consist of new data,

20

existing data on other working wells in the area, or other

21

data, including drilling logs, from a test well drilled

22

within the proposed subdivision indicating soil types,

1 depth, quantity and quality of water produced in the test  
2 well;

3

4 (III) Documentation that the proposed  
5 water supply system will be compatible with and not  
6 adversely affected by the sewage system proposed for the  
7 subdivision or any other sources of pollution within a  
8 reasonable distance;

9

10 (IV) List of all surface and  
11 groundwater rights which will be used or which may be  
12 affected, including state engineer application and permit  
13 numbers, and description of expected effects; and

14

15 (V) Plans for the mitigation of water  
16 right conflicts resulting from the use of water within the  
17 proposed subdivision.

18

19 (D) Where individual on-lot wells are  
20 proposed, the words "NO PROPOSED CENTRAL WATER SUPPLY  
21 SYSTEM," in bold capital letters shall appear on all  
22 offers, solicitations, advertisements, contracts,  
23 agreements and plats relating to the subdivision.

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(vii) Documentation satisfactory to the board that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the board and applied uniformly throughout the county which shall not in itself constitute consent of the board to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the board properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the board shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on all advertisements and solicitations for the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF STREETS OR ROADS";

1           (viii) Documentation satisfactory to the board  
2 that the subdivider has adequate financial resources to  
3 develop and complete any facility proposed or represented  
4 to be the responsibility of the subdivider, including but  
5 not limited to water supply systems, sewage systems,  
6 streets and roadways. The applicant shall provide a  
7 performance bond, acceptable letter of credit or other  
8 sufficient financial commitment to assure that any  
9 facilities proposed or represented to be part of the  
10 subdivision will in fact be completed as proposed, or  
11 escrow sufficient monies out of land sales to guarantee  
12 that the above facilities are installed. The amount of any  
13 bond or other financial commitment or escrow required under  
14 this paragraph shall reflect the estimated costs of  
15 providing the facilities;

16

17           (ix) Proof that the applicant has published  
18 notice of his intent to apply for a permit once each week  
19 for two (2) weeks within thirty (30) days prior to filing  
20 his application. The notice shall include the name of the  
21 subdivider and the general location of the land to be  
22 subdivided;

23



1           (x) Any other information consistent with this  
2 article and the board's published rules and regulations  
3 which the board deems pertinent or relevant to the  
4 evaluation of the application;

5

6           (xi) With respect to any water rights  
7 appurtenant to lands to be subdivided in accordance with  
8 this chapter and prior to final approval of the subdivision  
9 the subdivider shall provide:

10

11           (A) Evidence that the subdivider has  
12 submitted to the state engineer the documentation necessary  
13 to relinquish the water rights and has notified purchasers  
14 and the board of this action; or

15

16           (B) Evidence that the subdivider has  
17 submitted to the state engineer the documentation necessary  
18 to change the use, place of use or point of diversion to  
19 provide for beneficial use of the water rights outside the  
20 subdivision; or

21

22           (C) A plan, a copy of which was submitted  
23 to and approved by the state engineer prior to the final

1 approval of the subdivision application, for the  
2 distribution of the water rights appurtenant to the land to  
3 be subdivided. The plan shall specify the distribution of  
4 the water to the lots within the subdivision and shall  
5 include all appropriate applications for change of use,  
6 change of place of use or change in point of diversion or  
7 means of conveyance in accordance with W.S. 41-3-103, 41-3-  
8 104 or 41-3-114; and

9

10 (D) If the subdivision is located within an  
11 irrigation district or within lands, served by a ditch,  
12 irrigation company or association or by an unorganized  
13 ditch, evidence that the plan has been submitted to the  
14 district board company, or association, or the remaining  
15 appropriators in the case of an unorganized ditch for their  
16 review and recommendations; and

17

18 (E) Evidence that the subdivider will  
19 specifically state on all offers and solicitations relative  
20 to the subdivision his intent to comply with this paragraph  
21 and that the seller does not warrant to a purchaser that he  
22 shall have any rights to the natural flow of any stream  
23 within or adjacent to the proposed subdivision. He shall

1 further state that the Wyoming law does not recognize any  
2 riparian rights to the continued natural flow of a stream  
3 or river for persons living on the banks of the stream or  
4 river.

5

6 **\*\*\* Staff note: The following**  
7 **subsection cannot be exempted for small**  
8 **acre lots. The committee needs to**  
9 **decide if that limitation should also**  
10 **apply to large acreages. \*\*\***  
11

12 (c) The board shall require the applicant to obtain  
13 review and recommendations from the local conservation  
14 district regarding soil suitability, erosion control,  
15 sedimentation and flooding problems. The review and  
16 recommendations shall be completed within sixty (60) days.

17

18 (d) Upon receipt of a subdivision permit application  
19 filed with a county and prior to subdivision permit  
20 approval, the county or subdivider shall send three (3)  
21 copies of the portions of the application prepared under  
22 this section to the department of environmental quality for  
23 review of the safety and adequacy of the proposed sewage  
24 system and proposed water supply system. The review shall  
25 be conducted in accordance with the following guidelines:

26

1           (i)     The department may request assistance from  
2 the state engineer, the Wyoming water development office  
3 and any other state agency or local governmental entity in  
4 preparing its review. Any agency or entity requested to  
5 assist in the review shall fully cooperate to the extent  
6 possible with the department and shall furnish the  
7 information or recommendations requested within the time  
8 period specified by the department;

9

10           (ii)    To the extent requested by a county  
11 government, the administrator of the water quality  
12 division, with the approval of the director of the  
13 department of environmental quality, shall delegate  
14 authority to the county to review any reports or studies  
15 required by this section directed at determining the safety  
16 and adequacy of the proposed sewage or water supply system  
17 contained as part of a subdivision application. Any  
18 authority delegated under this section shall be subject to  
19 the following conditions:

20

21           (A)     The county entity shall demonstrate to  
22 the administrator of the water quality division that all  
23 sewage or water supply systems will be reviewed by a

1 qualified professional with expertise in surface and  
2 groundwater protection from pollution and safe and adequate  
3 water supply systems;

4

5 (B) The local government shall demonstrate  
6 that the review of water supply and sewage systems will be  
7 in a manner as stringent as the department of environmental  
8 quality would require under this section;

9

10 (C) The review of subdivisions with a  
11 proposed sewage system consisting of wastes requiring an  
12 underground injection control permit under department of  
13 environmental quality regulations or sewage systems with a  
14 proposed surface water discharge shall not be delegated to  
15 the county; and

16

17 (D) The administrator shall periodically  
18 review the administrative programs of each county  
19 governmental entity receiving a delegation of authority  
20 under this section and may, with the consent of the  
21 director, revoke or temporarily suspend the delegation  
22 agreement entered into with any entity which has failed to

1 perform its delegated duties or has otherwise violated the  
2 terms of its agreement of delegation.

3

4 (iii) The department shall file its written  
5 comments and recommendations on the application with the  
6 commission or board within thirty (30) days after receipt  
7 of the application. The department may extend its review  
8 period for an additional thirty (30) days if an extension  
9 is necessary to complete the review.

10

11 **Section 2.** W.S. 18-5-302(a)(i), 18-5-303(b),  
12 18-5-304, 18-5-307 and 18-5-308(a)(intro) are amended to  
13 read:

14

15 **18-5-302. Definitions.**

16

17 (a) As used in this article:

18

19 (i) "This article" means W.S. 18-5-301 through  
20 ~~18-5-315~~ 18-5-316;

21

22 **18-5-303. Exemptions from provisions.**

23

1           (b) Except as provided in W.S. 18-5-316, this article  
2 shall not apply to the sale or other disposition of land  
3 where the parcels involved are thirty-five (35) acres or  
4 larger, subject to the requirement that ingress and egress  
5 and utility easements shall be provided to each parcel by  
6 binding and recordable easements of not less than forty  
7 (40) feet in width to a public road unless specifically  
8 waived by the grantee or transferee in a binding and  
9 recordable document.

10

11           **18-5-304. Subdivision permit required.**

12

13 No person shall subdivide land or commence the physical  
14 layout or construction of a subdivision without first  
15 obtaining a subdivision permit pursuant to W.S. 18-5-306  
16 or, if applicable, W.S. 18-5-316 from the board of the  
17 county in which the land is located.

18

19                   **\*\*\* Staff note: The committee needs to**  
20                   **decide if planning commissions should**  
21                   **be allowed to review large acre**  
22                   **subdivisions. \*\*\***

23

24           **18-5-307. Planning commission may receive**  
25 **applications and make recommendations.**

1

2 The board may allow the county planning and zoning  
3 commission authorized under the provisions of W.S. 18-5-201  
4 through 18-5-206 as the proper agency to receive and  
5 evaluate applications for subdivision permits pursuant to  
6 W.S. 18-5-306 or, if applicable, W.S. 18-5-316. If so  
7 authorized the planning commission shall receive the  
8 materials required by this article and shall submit a copy  
9 of the application to the department of environmental  
10 quality for review as provided by W.S. 18-5-306(c) and, if  
11 applicable, W.S. 18-5-316(d). After completing its  
12 evaluation, the commission shall make findings and  
13 recommendations to the board concerning an application  
14 within forty-five (45) days from the date the department of  
15 environmental quality submits its recommendation to the  
16 commission or from the date when the recommendation is due  
17 if no recommendation is made, whichever is earlier. If no  
18 action is taken by the planning commission within that time  
19 the plat is deemed to be approved by the planning  
20 commission.

21

22 **18-5-308. Approval by the board.**

23



1           (a) The board shall approve or disapprove the  
2 subdivision application under W.S. 18-5-306 or, if  
3 applicable, W.S. 18-5-316 and issue a subdivision permit or  
4 ruling:

5

6           **Section 3.** This act is effective July 1, 2008.

7

8

(END)