

**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 as specified; requiring recordation of
4 subdivided lots sold under contract for purchase; providing
5 for assessment of impact fees as specified; and providing
6 for an effective date.

7

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

9

10 **Section 1.** W.S. 18-5-316 and 18-5-317 are created to
11 read:

12

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 any individual piece of land where the subdivision creates
7 parcels that are thirty-five (35) acres or larger and up to
8 one hundred sixty (160) acres. If a county elects to apply
9 this article to the sale or disposition of any individual
10 piece of land where the subdivision creates parcels that
11 are thirty-five (35) acres or larger and up to one hundred
12 sixty (160) acres, the subdivider shall obtain a
13 subdivision permit pursuant 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:

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. Where individual on-lot sewage systems are
20 proposed, the words "NO PROPOSED CENTRALIZED SEWAGE
21 SYSTEM," in bold capital letters shall appear on all
22 offers, solicitations, advertisements, contracts,
23 agreements and plats relating to the subdivision;

1
2 (v) If the subdivider proposes to utilize
3 adjoining property for sewers, drainage, sewer lines, power
4 lines or other utilities, the subdivider shall provide
5 copies of binding easements of not less than twenty (20)
6 feet in width for the proposed facilities from each
7 property owner over whose land such services shall extend
8 and shall provide a minimum access roadway right-of-way of
9 sixty (60) feet to the subdivision for all public ways.
10 Where no on-lot utility connections are proposed, the words
11 "NO PROPOSED UTILITY CONNECTIONS," in bold capital letters
12 shall appear on all offers, solicitations, advertisements,
13 contracts, agreements and plats relating to the
14 subdivision. A permit shall not be denied for failure to
15 provide on-lot utility connections;

16
17 (vi) A study evaluating the water supply system
18 proposed for the subdivision and the adequacy and safety of
19 the system. The study shall include information relative
20 to the potential availability and quality of groundwater
21 proposed within the subdivision which may consist of new
22 data, existing data on other working wells in the area, or
23 other data, including drilling logs, from a test well

1 drilled within the proposed subdivision indicating soil
2 types, depth, quantity and quality of water produced in the
3 test well. Where individual on-lot wells are proposed, the
4 words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold
5 capital letters shall appear on all offers, solicitations,
6 advertisements, contracts, agreements and plats relating to
7 the subdivision;

8
9 (vii) Documentation satisfactory to the board
10 that adequate access has been provided and that all
11 proposed streets, alleys and roadways within the
12 subdivision conform to the minimum standards adopted by the
13 board and applied uniformly throughout the county which
14 shall not in itself constitute consent of the board to
15 locate, repair or maintain roadways and facilities. If,
16 however, the subdivider proposes to make any streets,
17 alleys or roadways private, then the subdivider shall
18 submit to the board properly acknowledged written
19 certification that certain streets, alleys or roadways
20 within the subdivision shall remain private and the board
21 shall be under no obligation to repair, maintain or accept
22 any dedication of such roads to the public use. If no such
23 public maintenance is contemplated on any of the roads, the

1 subdivider shall put a legend on the plat of the
2 subdivision, on all advertisements and solicitations for
3 the subdivision and on all offers, contracts or agreements
4 for the sale and purchase of lots within the subdivision
5 showing the streets, alleys and roadways showing in capital
6 letters "NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR
7 ROADS";

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

1

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

6

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

11

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

16

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

22

1 (C) A plan, a copy of which was submitted
2 to and approved by the state engineer prior to the final
3 approval of the subdivision application, for the
4 distribution of the water rights appurtenant to the land to
5 be subdivided. The plan shall specify the distribution of
6 the water to the lots within the subdivision and shall
7 include all appropriate applications for change of use,
8 change of place of use or change in point of diversion or
9 means of conveyance in accordance with W.S. 41-3-103, 41-3-
10 104 or 41-3-114;

11

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

19

20 (E) Evidence that the subdivider will
21 specifically state on all offers and solicitations relative
22 to the subdivision his intent to comply with this paragraph
23 and that the seller does not warrant to a purchaser that he

1 shall have any rights to the natural flow of any stream
2 within or adjacent to the proposed subdivision. He shall
3 further state that the Wyoming law does not recognize any
4 riparian rights to the continued natural flow of a stream
5 or river for persons living on the banks of the stream or
6 river.

7
8 (c) The board shall require the applicant to obtain
9 review and recommendations from the local conservation
10 district regarding soil suitability, erosion control,
11 sedimentation and flooding problems. The review and
12 recommendations shall be completed within sixty (60) days.

13
14 (d) The board shall require the applicant to obtain
15 review and recommendations from a fire protection district
16 in which any portion of the subdivision lies, or from the
17 nearest fire protection district if no part of the
18 subdivision lies within a fire protection district,
19 regarding adequacy of fire protection measures. If the
20 entire subdivision does not lie within a fire protection
21 district and no city, town or fire protection district is
22 obligated to provide fire protection pursuant to an
23 agreement authorized by law the subdivider shall put a

1 legend on the plat of the subdivision, on all
2 advertisements and solicitations for the subdivision and on
3 all offers, contracts or agreements for the sale and
4 purchase of lots within the subdivision showing in capital
5 letters "LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT
6 AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED".

7
8 (e) The board may, by resolution, require the payment
9 of impact fees in anticipation of the needs to provide
10 governmental services to the subdivision. Impact fees
11 shall be determined in a manner that demonstrates the need
12 for additional services to the subdivision and shall be
13 based on the estimated costs to provide those additional
14 services for a defined period of time.

15
16 (f) If the lots created pursuant to a permit issued
17 under this section are used for agricultural purposes and
18 otherwise qualify as agricultural land for purposes of W.S.
19 39-13-103(b)(x), the lots shall be deemed not to be part of
20 a platted subdivision for purposes of W.S. 39-13-
21 103(b)(x)(B)(II).

1 (g) Nothing in this section shall require the
2 acquisition of a permit for the sale or disposition of
3 lands that on or before July 1, 2008 have been developed
4 and promoted as part of a large acre subdivision as
5 evidenced by dated plat maps, sales brochures or other
6 evidence acceptable to the board.

7
8 **18-5-317. Subsequent sale of subdivided lots.**

9
10 If any lot is created pursuant to a subdivision and the lot
11 is sold pursuant to a contract for purchase, notice of the
12 contract for purchase shall be recorded with the county
13 clerk within ten (10) days of entering the contract.

14
15 **Section 2.** W.S. 18-5-302(a)(i), 18-5-303(b), 18-5-304
16 and 18-5-307 are amended to read:

17
18 **18-5-302. Definitions.**

19
20 (a) As used in this article:

21
22 (i) "This article" means W.S. 18-5-301 through
23 ~~18-5-315~~ 18-5-317;

1

2 **18-5-303. Exemptions from provisions.**

3

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

13

14 **18-5-304. Subdivision permit required.**

15

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

21

22 **18-5-307. Planning commission may receive**
23 **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. If so
6 authorized the planning commission shall receive the
7 materials required by this article and shall submit a copy
8 of the application to the department of environmental
9 quality for review as provided by W.S. 18-5-306(c) and, if
10 applicable, W.S. 18-5-316(d). After completing its
11 evaluation, the commission shall make findings and
12 recommendations to the board concerning an application
13 within forty-five (45) days from the date the department of
14 environmental quality submits its recommendation to the
15 commission or from the date when the recommendation is due
16 if no recommendation is made, whichever is earlier. If no
17 action is taken by the planning commission within that time
18 the plat is deemed to be approved by the planning
19 commission.

20

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

22

23

(END)