

SENATE FILE NO. SF0011

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 forty acre parcels as specified; requiring recordation of
4 subdivided lots sold under contract for purchase; and
5 providing for an effective date.

6

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

8

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

11

12 **18-5-316. Requirements for large acreage subdivision**
13 **permits.**

14

15 (a) A county may, by resolution, elect to apply the
16 provisions of this article to the sale or disposition of
17 any individual piece of land where the subdivision creates

1 parcels that are thirty-five (35) acres or larger and up to
2 one hundred forty (140) acres. If a county elects to apply
3 this article to the sale or disposition of any individual
4 piece of land where the subdivision creates parcels that
5 are thirty-five (35) acres or larger and up to one hundred
6 forty (140) acres, the subdivider shall obtain a
7 subdivision permit pursuant to this section.

8
9 (b) The board may require the following information
10 to be submitted with each application for a subdivision
11 permit pursuant to this section, provided the board may by
12 rule exempt from any of the following requirements of this
13 subsection or subsection (d) of this section the
14 subdivision of one (1) or more units of land into not more
15 than a total of five (5) units of land:

16
17 (i) Evidence satisfactory to the board that the
18 proposed subdivision complies with any applicable zoning
19 regulations;

20
21 (ii) A survey plat submitted by the subdivider
22 containing the following:

23

1 (A) Date of preparation, scale and north
2 arrow;

3

4 (B) The location of the subdivision
5 including the section, township and range;

6

7 (C) The location and dimension of existing
8 and proposed streets, alleys, roads, highways, public ways,
9 utility rights-of-way, easements, parks and the location of
10 proposed permanent buildings and structures if known.

11

12 (iii) Evidence satisfactory to the board that:

13

14 (A) The subdivider or his agent who offers
15 any part of the subdivision for sale or who solicits any
16 offers for the purchase thereof, may convey merchantable
17 title subject only to noted reservations or restrictions of
18 record and subject only to a proportionate share of real
19 property taxes or assessments charged or assessed for the
20 year in which any such sale may be legally effected; or

21

22 (B) Binding arrangements have been made by
23 the person or his agent who offers any part of the
24 subdivision for sale, to assure purchasers of any part of

1 the subdivision that upon full payment of the purchase
2 price a deed can and will be delivered conveying
3 merchantable title subject only to noted reservations or
4 restrictions of record and subject only to a proportionate
5 share of such taxes and assessments thereon as may be
6 levied or assessed for the year in which the sale may be
7 legally effected.

8

9 (iv) A study evaluating the sewage system
10 proposed for the subdivision and the adequacy and safety of
11 the system. Where individual on-lot sewage systems are
12 proposed, the words "NO PROPOSED CENTRALIZED SEWAGE
13 SYSTEM," in bold capital letters shall appear on all
14 offers, solicitations, advertisements, contracts,
15 agreements and plats relating to the subdivision;

16

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

1 Where no or limited on-lot utility connections are
2 proposed, the words "NO PROPOSED UTILITY CONNECTIONS" or
3 "LIMITED UTILITY CONNECTIONS," as appropriate, in bold
4 capital letters shall appear on all offers, solicitations,
5 advertisements, contracts, agreements and plats relating to
6 the subdivision. A permit shall not be denied for failure
7 to provide on-lot utility connections;

8

9 (vi) A study evaluating the water supply system
10 proposed for the subdivision and the adequacy and safety of
11 the system. The study shall include information relative
12 to the potential availability and quality of groundwater
13 proposed within the subdivision which may consist of new
14 data, existing data on other working wells in the area, or
15 other data, including drilling logs, from a test well
16 drilled within the proposed subdivision indicating soil
17 types, depth, quantity and quality of water produced in the
18 test well. Where individual on-lot wells are proposed, the
19 words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold
20 capital letters shall appear on all offers, solicitations,
21 advertisements, contracts, agreements and plats relating to
22 the subdivision;

23

1 (vii) Documentation satisfactory to the board
2 that adequate access has been provided and that all
3 proposed streets, alleys and roadways within the
4 subdivision conform to the minimum standards adopted by the
5 board and applied uniformly throughout the county which
6 shall not in itself constitute consent of the board to
7 locate, repair or maintain roadways and facilities. If,
8 however, the subdivider proposes to make any streets,
9 alleys or roadways private, then the subdivider shall
10 submit to the board properly acknowledged written
11 certification that certain streets, alleys or roadways
12 within the subdivision shall remain private and the board
13 shall be under no obligation to repair, maintain or accept
14 any dedication of these roads to the public use. If no
15 such public maintenance is contemplated on any of the
16 roads, the subdivider shall put a legend on the plat of the
17 subdivision, on all advertisements and solicitations for
18 the subdivision and on all offers, contracts or agreements
19 for the sale and purchase of lots within the subdivision
20 showing the streets, alleys and roadways showing in capital
21 letters "NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR
22 ROADS";
23

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) Any other information consistent with this
18 section and the board's published rules and regulations
19 which the board deems pertinent or relevant to the
20 evaluation of the application;

21

22 (x) With respect to any water rights appurtenant
23 to lands to be subdivided in accordance with this section

1 and prior to final approval of the subdivision the
2 subdivider shall provide:

3

4 (A) Evidence that the subdivider has
5 submitted to the state engineer the documentation necessary
6 to relinquish the water rights and has notified purchasers
7 and the board of this action; or

8

9 (B) Evidence that the subdivider has
10 submitted to the state engineer the documentation necessary
11 to change the use, place of use or point of diversion to
12 provide for beneficial use of the water rights outside the
13 subdivision; or

14

15 (C) A plan, a copy of which was submitted
16 to and approved by the state engineer prior to the final
17 approval of the subdivision application, for the
18 distribution of the water rights appurtenant to the land to
19 be subdivided. The plan shall specify the distribution of
20 the water to the lots within the subdivision and shall
21 include all appropriate applications for change of use,
22 change of place of use or change in point of diversion or
23 means of conveyance in accordance with W.S. 41-3-103,
24 41-3-104 or 41-3-114;

1

2 (D) If the subdivision is located within an
3 irrigation district or within lands, served by a ditch,
4 irrigation company or association or by an unorganized
5 ditch, evidence that the plan has been submitted to the
6 district board company, or association, or the remaining
7 appropriators in the case of an unorganized ditch for their
8 review and recommendations; and

9

10 (E) Evidence that the subdivider will
11 specifically state on all offers and solicitations relative
12 to the subdivision his intent to comply with this paragraph
13 and that the seller does not warrant to a purchaser that he
14 shall have any rights to the natural flow of any stream
15 within or adjacent to the proposed subdivision. He shall
16 further state that the Wyoming law does not recognize any
17 riparian rights to the continued natural flow of a stream
18 or river for persons living on the banks of the stream or
19 river.

20

21 (c) The board shall require the applicant to obtain
22 review and recommendations from the local conservation
23 district regarding soil suitability, erosion control,

1 sedimentation and flooding problems. The review and
2 recommendations shall be completed within sixty (60) days.

3
4 (d) The board shall require the applicant to obtain
5 review and recommendations from a fire protection district
6 in which any portion of the subdivision lies, from the
7 authority having jurisdiction over fire prevention and
8 protection in the area or from the nearest fire protection
9 district if no part of the subdivision lies within a fire
10 protection district, regarding adequacy of fire protection
11 measures. If the entire subdivision does not lie within a
12 fire protection district and no city, town or fire
13 protection district is obligated to provide fire protection
14 pursuant to an agreement authorized by law the subdivider
15 shall put a legend on the plat of the subdivision, on all
16 advertisements and solicitations for the subdivision and on
17 all offers, contracts or agreements for the sale and
18 purchase of lots within the subdivision showing in capital
19 letters "LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT
20 AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED".

21
22 (e) If the permit is approved the board shall require
23 the applicant to give notice on the plat that the surface
24 estate of the land to be subdivided is subject to full and

1 effective development of the mineral estate unless the
2 entire mineral estate is conveyed with the surface estate.

3

4 (f) If the lots created pursuant to a permit issued
5 under this section are used for agricultural purposes and
6 otherwise qualify as agricultural land for purposes of W.S.
7 39-13-103(b)(x), the lots shall be deemed not to be part of
8 a platted subdivision for purposes of W.S.
9 39-13-103(b)(x)(B)(II).

10

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

17

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

19

20 If any lot is created pursuant to a subdivision and the lot
21 is sold pursuant to a contract for purchase, notice of the
22 contract for purchase shall be recorded with the county
23 clerk within ten (10) days after the contract is no longer
24 voidable by the buyer.

1

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

4

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

6

7 (a) As used in this article:

8

9 (i) "This article" means W.S. 18-5-301 through
10 ~~18-5-315~~ 18-5-317;

11

12 **18-5-303. Exemptions from provisions.**

13

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

23

24 **18-5-304. Subdivision permit required.**

1

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

7

8 **18-5-307. Planning commission may receive**
9 **applications and make recommendations.**

10

11 The board may allow the county planning and zoning
12 commission authorized under the provisions of W.S. 18-5-201
13 through 18-5-206 as the proper agency to receive and
14 evaluate applications for subdivision permits. If so
15 authorized the planning commission shall receive the
16 materials required by this article and shall submit a copy
17 of the application to the department of environmental
18 quality for review as provided by W.S. 18-5-306(c) and, if
19 applicable, W.S. 18-5-316(d). After completing its
20 evaluation, the commission shall make findings and
21 recommendations to the board concerning an application
22 within forty-five (45) days from the date the department of
23 environmental quality submits its recommendation to the
24 commission or from the date when the recommendation is due

1 if no recommendation is made, whichever is earlier. If no
2 action is taken by the planning commission within that time
3 the plat is deemed to be approved by the planning
4 commission.

5

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

7

8 (END)