

HOUSE BILL NO. HB0196

Local regulation-subdivisions.

Sponsored by: Representative(s) Duncan, Hunt, Lindholm and
Sweeney and Senator(s) Boner, Coe, Driskill
and Scott

A BILL

for

1 AN ACT relating to real estate subdivisions; amending
2 exemptions for subdivisions; limiting the power of county
3 commissioners regarding subdivision exemptions; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 18-5-201, 18-5-303(a)(i)(C) and
9 18-5-315 are amended to read:

10

11 **18-5-201. Authority vested in board of county**
12 **commissioners; inapplicability of chapter to incorporated**
13 **cities and towns and mineral resources.**

14

1 To promote the public health, safety, morals and general
2 welfare of the county, each board of county commissioners may
3 regulate and restrict the location and use of buildings and
4 structures and the use, condition of use or occupancy of lands
5 for residence, recreation, agriculture, industry, commerce,
6 public use and other purposes in the unincorporated area of
7 the county. However, nothing in W.S. 18-5-201 through
8 18-5-208 shall be construed to contravene any zoning
9 authority of any incorporated city or town and no zoning
10 resolution or plan shall prevent any use or occupancy
11 reasonably necessary to the extraction or production of the
12 mineral resources in or under any lands subject thereto.
13 Nothing in W.S. 18-5-201 through 18-5-208 shall be construed
14 to allow any board of county commissioners, through the
15 establishment of minimum lot size requirements or otherwise,
16 to prevent residential or agricultural uses authorized for
17 land divisions that are exempt from subdivision requirements
18 pursuant to W.S. 18-5-303(a)(i).

19

20 **18-5-303. Exemptions from provisions.**

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22 (a) Unless the method of sale or other disposition is
23 adopted for the purpose of evading the provisions of this

1 article, this article shall not apply to the following
2 subdivisions of land however, the following subdivisions are
3 subject to requirements which may be adopted by the board of
4 county commissioners regarding documentation of the proper
5 use and implementation of the following exemptions:

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7 (i) A division of land made outside of platted
8 subdivisions for the purpose of a single gift or sale to a
9 member of the landowner's immediate family, subject to the
10 following requirements:

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12 (C) The land shall have been titled in the
13 name of the grantor, or in the name of a trust controlled by
14 the grantor, for a combined period of not less than ~~five (5)~~
15 ten (10) years prior to the division and parcels created under
16 this paragraph shall be titled in the name of the immediate
17 family member for whom the division is made for a period of
18 not less than ~~one (1) year~~ five (5) years unless such parcels
19 are subject to involuntary transfer including, but not
20 limited to, foreclosure, death, judicial sale, condemnation
21 or bankruptcy;

22

23 **18-5-315. Provisions minimum.**

1

2 If any board has or enacts resolutions or regulations which
3 impose requirements on subdividers or subdivisions which are
4 more restrictive than the provisions of this article, the
5 authority to enact such local resolutions or regulations
6 being hereby granted, the local provisions are not superseded
7 by the provisions of this article. Nothing in this section
8 shall be deemed to allow any board to impose requirements
9 that contravene the exemptions from this article as provided
10 in W.S. 18-5-303.

11

12 **Section 2.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law as
14 provided by Article 4, Section 8 of the Wyoming Constitution.

15

16

(END)