

ENROLLED ACT NO. 92, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to land use planning; prohibiting zoning resolutions, ordinances and plans from requiring compliance with local land use plans as specified; modifying the definition of local land use plans; specifying requirements for, restrictions on and implementation of local land use plans; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-8-301(d)(i) and by creating new subsections (e) and (f), 15-1-602(a) and 18-5-201(a)(intro) are amended to read:

9-8-301. Development of plans.

(d) As used in this article:

(i) "Local land use plan" means any written statement of land use policies, visions, goals and objectives adopted by local governments. Such Local land use plans shall relate to provide an explanation of the methods for implementation of the plan, however, these plans shall not require any provisions for zoning and implementation of the plan shall be subject to the provisions of this article. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication;

(e) Local land use plans may guide local governments in adopting or amending local zoning regulations, however, such plans shall not be construed as a substitute for, or equivalent to, duly enacted local zoning regulations, which have the force and effect of law. Local land use plans shall be implemented in accordance with the following:

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(i) In the event of a conflict between a duly enacted local zoning regulation and a local land use plan the local zoning regulation shall control;

(ii) No local government shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations.

(f) Nothing in this article shall allow any local government to use a local land use plan as authority to deny or restrict a permissible land use or physical development which is not restricted or prohibited under existing zoning regulations.

15-1-602. Regulations; powers of governing body; public hearing; notice.

(a) The governing body shall specify how regulations, restrictions and the district boundaries are to be determined, established, enforced, amended, supplemented or otherwise changed. No governing body shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations.

18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns; mineral resources; private schools.

(a) To promote the public health, safety, morals and general welfare of the county, each board of county

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commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town. No zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. No board of county commissioners shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations. Nothing in W.S. 18-5-201 through 18-5-208 shall be construed to allow any board of county commissioners, through the establishment of minimum lot size requirements or otherwise, to prevent residential or agricultural uses authorized for land divisions that are exempt from subdivision requirements pursuant to W.S. 18-5-303(a)(i). No zoning resolution or plan shall regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for the use of a private school as defined in W.S. 21-4-101(a)(iii) in any manner different from a public school, provided that the private school:

ORIGINAL HOUSE
BILL NO. HB0158

ENGROSSED

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Section 2. This act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk