

SENATE FILE NO. SF0042

County zoning authority-amendments.

Sponsored by: Senator(s) Gierau and Anderson and
Representative(s) Byron, Campbell, E and
Harshman

A BILL

for

1 AN ACT relating to counties; amending and clarifying the
2 authority for counties to implement zoning regulations for
3 specified purposes; amending the ability of counties to
4 enact zoning resolutions associated to the extraction and
5 production of specified minerals; making conforming
6 amendments; specifying applicability; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 18-5-201(a) and 36-5-114(d) (intro)

12 are amended to read:

13

1 18-5-201. Authority vested in board of county
2 commissioners; inapplicability of chapter to incorporated
3 cities and towns; mineral resources; private schools.
4

5 (a) To promote the public health, safety, morals and
6 general welfare of the county, each board of county
7 commissioners may regulate and restrict the location and
8 use of buildings and structures and the use, condition of
9 use or occupancy of lands for residence, recreation,
10 agriculture, industry, commerce, ~~public use~~ and other
11 nongovernmental purposes in the unincorporated area of the
12 county, ~~.- However,~~ in accordance with all of the following:
13

14 (i) As used in this subsection:
15

16 (A) "Mineral resources" shall not include
17 sand, gravel or any other common rock used for construction
18 or similar uses;
19

20 (B) "Unincorporated area" includes
21 unincorporated areas owned or controlled by a governmental
22 entity or any lessee or permittee of a governmental entity.
23

1 (ii) Nothing in W.S. 18-5-201 through 18-5-208
2 shall be construed to contravene any zoning authority of
3 any incorporated city or town or any other federal or state
4 law prohibiting or limiting county regulation in the
5 unincorporated area of the county;

6
7 (iii) No zoning resolution or plan shall prevent
8 any use or occupancy reasonably necessary to the extraction
9 or production of the mineral resources in or under any
10 lands subject thereto. Nothing in this subsection shall
11 prevent a board of county commissioners from enacting a
12 zoning resolution or plan to prevent or limit any use or
13 occupancy related to the extraction or production of sand,
14 gravel or any other common rock used for construction or
15 similar uses;

16
17 (iv) No board of county commissioners shall
18 require that a land use or physical development be
19 consistent with a local land use plan unless the applicable
20 provisions of the local land use plan have been
21 incorporated into the local zoning regulations;

22

1 (v) Nothing in W.S. 18-5-201 through 18-5-208
2 shall be construed to allow any board of county
3 commissioners, through the establishment of minimum lot
4 size requirements or otherwise, to prevent residential or
5 agricultural uses authorized for land divisions that are
6 exempt from subdivision requirements pursuant to W.S.
7 18-5-303(a) (i) ~~;~~

8
9 (vi) No zoning resolution or plan shall regulate
10 and restrict the location and use of buildings and
11 structures and the use, condition of use or occupancy of
12 lands for the use of a private school as defined in W.S.
13 21-4-101(a) (iii) in any manner different from a public
14 school, provided that the private school:

15
16 ~~(i)~~ (A) Is certified by the professional
17 engineer or architect of record for the private school as
18 being substantially similar to school facility commission
19 guidelines for education buildings and siting and is
20 designed to be constructed with appropriate materials,
21 means and methods;
22

1 ~~(ii)~~ (B) Has capacity for fifty (50)
2 students or more; and

3
4 ~~(iii)~~ (C) Is owned and operated by a not for
5 profit entity.

6
7 **36-5-114. Leasing for industrial, commercial,**
8 **residential and recreational purposes; authority; rental**
9 **fees; rules and regulations.**

10

11 (d) The board shall promulgate rules and regulations
12 implementing policies, procedures and standards for the
13 long-term leasing of state lands for industrial, commercial
14 and recreational purposes under the provisions of W.S.
15 36-5-114 through 36-5-117, including provisions requiring
16 compliance with all applicable land use planning and zoning
17 laws, including compliance with any limitation on land use
18 imposed by a county under W.S. 18-5-201(a), and permitting
19 the board to terminate a lease for good cause shown. When
20 the office of state lands and investments initiates a
21 request for a proposed leasing of state lands, the office
22 shall require not less than thirty (30) days notice be
23 provided:

