



THE COSTS OF OVER-REGULATION IN WYOMING

How Over-Regulation Affects Housing Affordability, Limits Supply, and Creates Barriers to Investment



FREEDOM
PATH307

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EXECUTIVE SUMMARY

Shortages of housing in Wyoming – entry-level rentals or homes that average Wyoming families can afford – are widespread. The lack of housing availability impacts communities across the state, limiting individuals' and families' ability to stay in the state, employers' ability to hire, and potential economic expansions in critical industries. The 'market,' inflation, construction prices, and interest rates are the prevailing "default arguments" explaining why housing shortages exist. While these default arguments are factors, they are not the whole truth.

Central to housing affordability is the added cost of over-regulation; in some cases, it is hyper-regulation by state and local governments. It has been shown that, on average, for every dollar of investment in apartment development, more than 40% of that dollar is consumed by local/state regulations. The National Apartment Association and Multifamily Housing Council's study estimated regulations add an astounding additional 40.6 percent to the cost of a multi-family development. Keep in mind that these are local and state regulations that are unrelated to health and safety standards. These non-life and safety regulations are added layers of regulation and produce a pronounced negative effect on the affordability of a home.

Over-regulation is both a barrier and disincentive to producing entry-level and middle-income homes and apartments. Looking at the handful of Wyoming-specific communities considered in this report, those jurisdictions with the most vigorous regulatory environments are not surprisingly struggling with the most acute lack of housing. Rents and home prices skyrocket with these shortages, creating a cycle of price escalation and further shortages in affordable options.

Highly regulated communities have also sought additional state and local tax dollars to address the housing supply instead of addressing the regulatory environment that disincentivizes and frustrates housing creation. It is an endless loop of overregulation and overspending, driving up the cost of housing, not lowering it. The layers of regulations add up, and costs incentivize higher square footage development resulting in larger single-family homes. A developer is more likely to build a higher square footage home to return a higher margin, given the percentage of the investment that is eaten away by regulatory costs. A shortage of supply causes prices to increase. If Wyoming wants home prices to decline, increasing supply is an obvious solution and can happen when governments reduce the regulatory environment suppressing new housing creation.

This report focuses on one area affecting current supply, the new construction of a prototypical 10-lot subdivision that requires converting pastureland to a plat in a handful of Wyoming communities. The case study showed a mix of reasonable timelines and fees and others that were unpredictable and heavily regulated. Additionally, the results indicate that the likelihood of developers engaging in the entitlement process depends on the jurisdictions where the land use review and approval processes are predictable, timely, and have reasonable associated costs. Conversely, uncertainty is a barrier for developers, investors, and lenders.

BACKGROUND

Often overlooked factors driving the lack of housing for entry-level and middle-income buyers include coding, over-regulation, zoning, and uncertain or unpredictable discretionary review processes. It is not uncommon for approvals to languish for months or even years.

The Costs

Delays and Uncertainty: Hyper-regulation has a pronounced chilling effect on investors, landowners, and developers by creating uncertainty and unnecessary delays in the development approval process. If a developer or investor does not know when or if approval can be expected, they are less likely to try to engage in the development process. Over-regulation and unpredictable processes discourage investments in starter homes, middle-level housing stock, and apartments. Some communities are seeing delays in even processing permits of over a year despite deadlines specified in land development regulations.

Application costs: The expenses applicants incur in fees, exactions, or other fiscal impacts by having the jurisdiction accept and review the development proposal. These can be very high in some areas of Wyoming. Many jurisdictions require layers of studies that prove extraordinarily expensive to any applicant. Furthermore, the application process in some jurisdictions takes years to navigate – a time/cost of money factor that only the intrepid or well-financed can afford.

Administration costs: A public official or department must administer and enforce every land development regulation and code adopted. Additionally, someone must pay the cost of that administrator. Typically, either the applicant or, less often, taxpayers are asked to bear the cost. Thus, every code has an administrative cost for the applicant. When imposed on the applicant, these costs are ultimately passed on to the buyer by adding them to the purchase price of a unit.

Compliance cost: Refers to the expense incurred by the applicant endeavoring to comply with a regulatory requirement imposed by the jurisdiction. Examples include a dedication of land for pocket parks, mitigation requirements for natural resource impacts, enhancements to the thermal envelope to comply with energy codes, costs associated with fire sprinklers versus smoke alarms, the exclusion of certain roofing materials, etc. These costs are ultimately passed along to the buyer as a part of the purchase price.

It is worth noting that the profit margins on entry-level products are thin when compared to higher-end products. The elasticity of the entry-level buyer is firmly limited by a fixed debt-to-income ratio set forth by the lender. Moreover, the thin margin of the developer limits price flexibility. In cases involving mid to high-cost products, the buyer has more elasticity to bear higher costs, and the developer has more flexibility within the margin to negotiate.

Certainly, many of these codes, programs, and development review processes are intended to address a compelling community character interest or life safety objective. In a vacuum, most of these codes would be found to be of noble regulatory intent. However, the costs are staggering once the aggregated effect of the many programs and requirements when collectively implemented are considered. The review times can, and do, take months and often years to process to completion. These factors culminate in a barrier to the delivery of affordable housing for the Wyoming workforce.

Responses to Housing Shortages: Certain Wyoming communities have invested astonishing amounts of time, effort, and money in developing myriad strategies targeting the provision of affordable housing stocks. Yet the problem persists and worsens year after year. In short, as regulation increases, so too does cost, process, and unpredictability.

The recent Wyoming budget proposal of \$25 million to be granted to local governments for affordable housing gives a valuable calculation illustrating the cost of regulations. If the 40% national value proves true for Wyoming, then only \$15 million of that \$25 million would go toward constructing the affordable units. The remaining \$10 million would be consumed as fees to local jurisdictions or be expended by non-profit applicants trying to comply with applicable code provisions.

Wyoming Case Study

As previously mentioned, national data indicate that approximately 40% of the cost of multifamily housing is attributable to coding and compliance. It is interesting to understand comparative examples around Wyoming when considering regulatory costs and timelines as a factor in housing delivery.

Five jurisdictions were interviewed - Cheyenne, Jackson, Teton County, Casper, and Sheridan. Each was presented with the same prototypical 10-lot subdivision that required converting pastureland to a plat. These jurisdictions were asked to price and provide a timeline for a prototypical rezone plat and building permit based on entry-level construction in the area. Jurisdictions were advised that the home featured modest finishes typical of an entry-level housing unit. Construction costs varied among jurisdictions. Typically, they ranged between \$200-\$350 a square foot, except for Teton County, where the Housing Department is building at more than \$700 per square foot. Both cost and time were evaluated. Local land use professionals were interviewed when the jurisdiction could not provide the requested information.

The costs reflected below are based on jurisdictional costs (application fees). Other costs required by the application process (engineering, private planners, surveyors, etc) are in addition to the costs shown in the tables found in the Appendix. Similarly, costs associated with required land dedication, subdivision improvement costs, off-site costs, etc., are in addition to what is detailed in the table below.

A developer bears off-site costs to bring sewer, water, roads, storm drains, traffic signals, etc, to the project site. The costs of offsite requirements can vary wildly depending on the location of the proposed subdivision relative to the terminus of existing improvements. Some jurisdictions allow developers to recapture some off-site costs from subsequent developers, while others do not. These costs are referenced but not evaluated.

Finally, some jurisdictions may require additional studies to approve the plat. These may include traffic, drainage, environmental studies, etc. Those costs are in addition to the costs detailed in the charts below.

Overview of Case Study

Location	Price Per Unit	Timeline
Casper	\$4,290-\$5,290	123-125 days
Cheyenne	\$58,637	120-225 days
Jackson	\$49,300	450-660 days
Sheridan	\$3,150-\$6,150	141-215 days
Teton County	\$63,559.00	1,034 days min, no established maximum

**Complete description of application types, fees, and timelines are in the appendix below.*

Conclusions

Some of the jurisdictions surveyed endeavor to have reasonable codes and project approval timelines for building and land use codes. Some jurisdictions can provide land use approval in 3-6 months. Two jurisdictions can provide a platted lot for the prototypical subdivisions for under \$200.00 per lot in fees.

Other jurisdictions, however, offer review processes that are unpredictable and heavily regulated. Approvals can take years to occur, and costs are significant. Of concern is that there do not appear to be limits for jurisdictional review timelines. This creates a barrier to investment, given that neither the applicant nor the investor knows if or when a decision will be rendered or when a return on investment will occur.

There are three jurisdictions with high permitting costs per lot. However, Cheyenne has a significantly faster and more predictable approval process than the other two. It follows that more units are produced in this jurisdiction when compared to the other two. Many of these units are within financial reach for the workforce regarding entry and mid-level products. However, adding \$40,000-\$60,000 in fees when compared to \$3,000 to \$6,000 in fees is the difference between a mortgage a member of the workforce can afford versus one that is out of reach.

Land values are indeed vastly different between Cheyenne and Jackson/Teton County. However, as the supply and demand theory would hold, scarcity drives price increases. Thus, the question may be asked, is it the case that the latter has a housing problem, or is it a zoning problem? Is the government adding to the costs of housing by the layers of required spending on housing that are beyond health and safety?

To the point of shortages, no entry-level lots were available for purchase in Teton County at the time of this writing. The last small lot subdivision of more than 50 lots approved in Jackson/Teton County was in 1985. The best opportunity for entry-level lot production in the county lies with a proposal that has languished for 3-years working for a rezone. Indeed a tribute to the tenacity of the applicant, though also an exhibit as to why others simply give up or never even attempt to provide the units.

Moreover, approval delays exacerbate costs in high inflationary environments. Delays can increase the cost to produce the lots by 10%-30% or more due to inflationary factors and higher interest rates. For entry-level products, these costs are not easily passed on to the buyer as lending requirements limit the buyer/borrower to a fixed debt-to-income ratio. The result is that first-time buyers cannot qualify.

The answer is simple in the question of why there is no shortage of high-end housing products compared to entry-level products. When profit margins are narrow, over-regulation damages margins and timelines. Conversely, high-end products benefit from more significant margins thus, the costs of over-regulation do not present similar threats to investment. Further, for entry-level products, where market conditions shift downward from the pro forma anticipated, the project's viability ceases as there is very little room within the margin to accept losses. A rationally self-interested developer would not be faulted for pursuing the product with the lowest risk and highest return.

Fees that are based on construction value also adversely impact affordability. When construction prices increase, so does the cost of the permit - even though the cost of the review by the jurisdiction has not increased. While this benefits revenues to the jurisdiction, it is a barrier to affordability.

It is not surprising that both Jackson and Teton County demonstrate significantly higher pricing and exponentially longer approval timelines. Teton County and Jackson have the most robust, complex, and formidable body of regulation in the state. Partially, this is because of the many natural resources the community endeavors to protect from development. The Teton County/Jackson community also aspires to keep 65% of the workforce living locally. Their own Housing Supply Board reports that 2,000 new units are required to achieve that 65% benchmark. For comparison, that delta was around 400 units in 2007. Over the years, the jurisdictions have added meaningful housing mitigation requirements that significantly cost most residential or commercial projects. The housing delta in these jurisdictions is growing despite the aggressive regulatory actions intended to provide housing for the workforce. Finally, these communities desire to demonstrate leadership in carbon reduction and have added substantial code requirements and costs to encourage the construction of houses that meet a specific thermal envelope.

Frivolous appeals were also frequently identified as a barrier to investment. Appellants have learned they needn't win the appeal to frustrate development. If the appeal can create sufficient cost or delay, the applicant may forfeit land options, lose financing, or simply give up. Appeals are costly to defend and can take months or years to conclude.

This case study indicates that the likelihood of developers engaging in the entitlement process depends on the jurisdictions where the land use review and approval processes are predictable, timely, and have reasonable associated costs. Conversely, uncertainty is a barrier for developers, investors, and lenders.

CONSIDERATIONS

Wyoming must consider the impact that applicable coding imposes in terms of cost and timeline impacts that diminish housing affordability. Based on examining the jurisdictions surveyed, the communities with the most robust programs targeting housing affordability also have the most pronounced affordability gap. It would logically follow an inquiry into whether deregulation might better pave the way for market-based solutions and whether this approach is more productive than expanding the footprint of government-based regulations and programs.

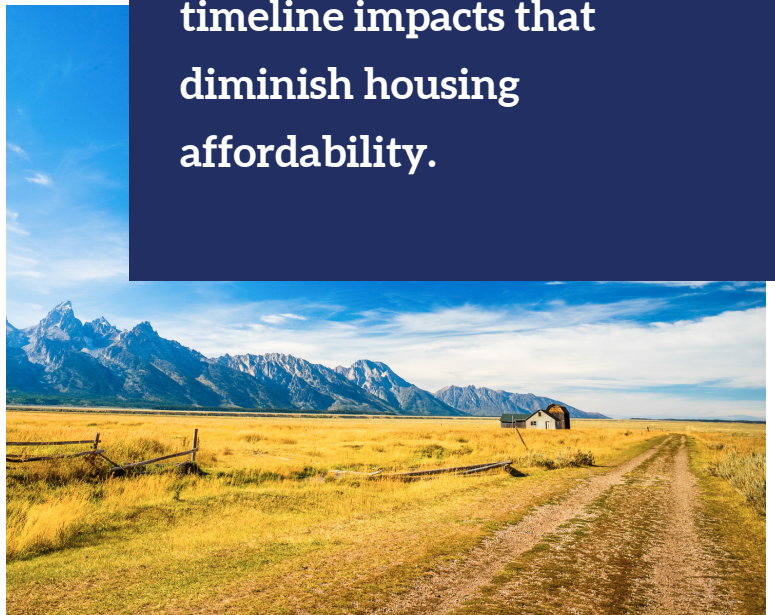
Most jurisdictions in Wyoming did not set out to create costly codes, circuitous or discretionary processes, or disincentivize affordable housing. It happened slowly over time. Certainly, codes are easier to adopt than to repeal - given that most codes have a constituency behind them.

There are some options for Wyoming to consider:

1. State & Local Work

- Educate local and state elected officials and staff who oversee code adoptions regarding coding costs. Provide an understanding of the adoption process. Guide how codes can be evaluated to determine the least burdensome means and methods to achieve regulatory objectives at the lowest cost and impact on applicants.
- During code adoption cycles, encourage cities, counties, and the State to partner with stakeholder organizations and consider adding them to review boards. These organizations can simultaneously serve two functions; stand as a resource to elected officials and staff for considering code adoptions to clarify the practical impacts of codes on housing costs or timelines and serve as a government watchdog.
- Encourage elected officials to require staff to provide a fiscal impact statement for each code in terms of financial impact and timeline. The ICC can provide helpful cost information. Additionally, the jurisdiction should articulate how revenues from permit fees will be expended. This will help assure the fee balances with the cost to provide the service.

Wyoming must consider the impact that applicable coding imposes in terms of cost and timeline impacts that diminish housing affordability.



2. State Fire Marshal Code Adoptions

Two ways exist to achieve these efforts. First, the Legislature could amend Section 35-9-107 to include the provisions below. Second, the Governor could encourage the Fire Marshal to address them through administrative rulemaking changes as the Fire Marshal is granted broad rulemaking authority under the above citation.

- Consider providing a 1-2 day summit hosted by the State Fire Marshal. Invite all building officials from the local jurisdictions and representatives of the Home Builders Association to review and comment on new codes. All comments should be cataloged. Comments rejected must have an attending rationale. The goal is to get life/safety codes adopted that are not a cost barrier to entry and mid-income housing.
- Consider requiring the State Fire Marshal to produce a fiscal note to attend to new code requirements for articulating individual homeowners' costs. The fiscal note will show a low and high anticipated cost for each element and an aggregated cost for the new code as applied to a homeowner. The National Home Builders Association prepares a similar report that could serve as an example/template. The ICC frequently maintains a cost analysis for new codes. This requirement would generate work but not be overly burdensome for the department to prepare the report.

3. Legislation

- Applicants' Bill of Rights:
 - Due Process: Set limits on review and decision times by jurisdictions, a defacto approval, or another form of due process relief.
 - Require fiscal notes to accompany every land use or building code adoption showing the cost impact to each home, unit, or applicant. Require the jurisdiction to annually show the collective cost of all land development regulations as a percentage of the home cost.
 - Limit the fees local governments can charge for building and land use applications to a reasonable number that approximates the cost of the service provided by the jurisdiction.
 - Require jurisdictions to provide a hearing officer or ombudsman to adjudicate zoning appeals within 30 days.
 - Permit block grant allocations for housing mitigation to communities only in instances where the community has demonstrated:
 - An effort to meaningfully deregulate for entry-level housing.
 - That all discretionary requirements that would prevent the production of entry-level housing are removed from the development approval process for entry-level housing.
 - That it has zoned sufficient areas for development as entry and mid-level housing.
 - That upon submission of a sufficient application, a rezone and final plat can occur within 120-days and; that a grading permit to build the subdivision can occur within 30-days of a sufficient application, and; that a building permit for a home can be issued within 30-45 days of submittal of a sufficient application.
 - Require the community to provide a full and complete fiscal impact statement articulating the cost of its current codes as they impact the entry-level applicant. This report should describe a prototypical subdivision, home, and apartment unit and be available to the public for inspection.
- The State Legislature generally tends to respect local control and home rule. While there are legislative means of implementing the following initiatives, the most productive course would focus on educating local elected officials. The State could incentivize the implementation of these efforts by tying block grant funding to them.

- Other Opportunities:
 - Waive impact fees for entry/affordable housing.
 - Waive permit fees for entry/affordable housing.
 - Waive exactions for entry-level/affordable housing.
 - Waive energy code requirements for entry-level/affordable housing.
 - Allow applicants proposing entry-level/affordable housing to skip the preliminary plat process and proceed directly to the final plat. This will produce considerable time and cost savings. Perhaps as high as 50%.
 - Allow on-street parking for entry-level products.
 - Allow higher density and apartments for entry-level products.
 - Many jurisdictions rely on the AASHTO Standards for roadway improvements. Developers believe this results in certain roads being unnecessarily large, increasing costs passed on to lot buyers. Consider developing modified standards for roadways in entry-level projects.
 - Add sunset provisions to development codes. This requires elected officials to assess codes at fixed intervals and, if desired, reauthorize code provisions if they are still found to provide value.
 - Consider a 5 x 5 Code Reduction Initiative. This would seek to reduce regulation by 5% per year for 5 years. This could be measured by cost reduction and decreases in the overall regulation body. At a minimum, eliminate one regulation for every added regulation. This is politically popular but a blunt instrument. It can also be easily gamed. For instance, one end-around effort is to consolidate two code sections into one.
 - Require balanced coding cost. If, for example, a new provision adds \$4,000.00 to the cost of a home, then direct staff to identify other provisions that may be eliminated to create a commensurate cost reduction. This will assure a steady state of code costs to the applicant.

APPENDIX 1

Cheyenne

Application Type	Fee	Min. Review Time	Max Review Time	Notes
Pre-Application	\$0	30 days	45 days	
Rezone	\$850	90 Days	120-Days	Can run concurrent with Plat
Environmental Analysis	N/A			
Expedited Plat	\$2,100.00	90 Days	180 Days	Can run concurrent with Rezone
Final Plat	N/A			
Exaction Fee - Parks/Public Safety	\$16,219.00 or 8% of the subdivision area is required to be dedicated for open space			
Off-site Costs	Yes			Developers are required to complete transportation infrastructure, sewer, and water to the development site.
Engineering Review	Included in subdivision	60 Days	90-Days	
Building Permit	\$40,829.00	30-days	45 Days	
Grading Pre-application	\$0			
Impact Fees/ Tap Fees: BOPU, water, sewer, etc	\$118,100.00			
Totals:	Subdivision: \$178,098.40 Per Lot: \$17,809.84 Building Permit: \$40,828.00 Total: \$58,637.00	Subdivision = 90-days BP = 30-Days Total: 120 Days	Subdivision = 180 days BP = 45 Days Total: 225 Days	

Sheridan County

Application Type	Fee	Min. Review Time	Max Review Time	Notes
Pre-Application	N/A	1-week	2-weeks	
Rezone	\$600	90 days		Can run concurrent with plat
Environmental Analysis	N/A			
Prelim Plat	\$400	90 days	120 days	Can run concurrent
Final Plat	\$550 plus 50/lot	30-days	60-days	
Exaction Fee - Parks/Public Safety	N/A			
Off-site Costs	Yes			Developer required to complete infrastructure to subdivision.
Building Permit	\$3,000-\$6,000	2-weeks	3-weeks	
Grading Pre-application	N/A			
Impact Fees/ Tap Fees: BOPU, water, sewer, etc	Sheridan Water			Jurisdiction built sewer systems as incentive to entry housing
Totals:	\$1,550.00 subdivision or \$150/lot plus \$3,000.00 - \$6,000.00 building permit fee. Total: \$3,150-\$6,150	Total: 141 Days	Total: 215 Days	Very low code costs. Reasonable review times. High predictability for applicants.

Casper

Application Type	Fee	Min. Review Time	Max Review Time	Notes
Pre-Application	Voluntary			
Rezone	\$750	120 Days	Few cases where more than 120 days needed	Concurrent with plat
Environmental Analysis	N/A			
Expedited Plat	N/A			
Final Plat	\$1,200	120 Days	Few cases where more than 120 days needed.	Concurrent with rezone
Exaction Fee - Parks/Public Safety	N/A			
Off-site Costs	Yes			Developers are required to complete improvements to the site.
Building Permit	\$2,100	3 days	5 Days	
Grading Application	N/A			
Impact Fees/ Tap Fees: BOPU, water, sewer, etc	\$2,000-\$3,000 per unit	N/A		
Total Cost	Subdivision = \$1,950 or \$190/lot plus \$2,100 BP fee plus \$2,000-\$3,000 per unit utility tap fee. Total: \$4,290 - \$5,290	Total: 123 Days	Total: 125 Days	Low code costs. Reasonable review times. High predictability for applicants.

Jackson

Application Type	Fee	Min. Review Time	Max Review Time	Notes
Pre-Application	\$721	40 Days	60 Days	
Rezone	\$1,800	120 Days	150 Days	Cannot run concurrent
Environmental Analysis	\$600	90 Days	120 Days	Can run concurrent with Pre-App.
Development Plan	\$3,000	120 Days	150 Days	
Final Plat	~\$2,300	90 Days	120 Days	
Exaction Fee - Schools/Parks	\$44,300 per lot	N/A		Assessed at Building Permit
Building Permit	\$5,000	30 Days	60 Days	
Grading Pre-application	\$1,800 or \$180/lot			
Impact Fees: Housing Mitigation, water, sewer, etc	\$30,000	N/A		Assessed at Building Permit
Total:	\$49,300.00 per home.	Total: 450 Days	Total: 660 Days	Moderate to high code cost. High review time. Moderate predictability for applicants.

Teton County

Application Type	Fee	Min. Review Time	Max Review Time	Notes
Pre-Application	\$600+\$150+900= \$1,650	60 days	105 days	
Rezone	\$1,500	6 months	12 months	Planning Staff could not provide min/max timelines or exact fees. Timelines and fees provided here were curated by LDR review and interviewing land use professionals in the area. Not concurrent with plat.
Environmental Analysis	\$1,500	6 months	9 months	Fee shown is min. If the county provides the consultant, fee may reach \$50-80K.
Sketch Plan	\$2,500	6 months	12 months	Land use consultants would typically charge \$100K. If rezone is needed, another \$50-100K may be charged depending on the time needed to gain approval.
Development Plan	\$2,500+\$3,500 engineering review	9 months	No max	Development Plan
Final Plat	N/A	N/A	N/A	
Exaction Fee - Schools/Parks	.03 acres per lot or value thereof: ~\$30,000 per lot.			
Building Permit	\$3,870	3.5 Months	9 Months	
Planning BP Review Fee	\$2,000			
Energy Mitigation	\$2,000			
Grading Permit	\$35,000/\$3,500 per lot	60 Days		
Impact Fees/connection fees: water, sewer, affordable housing, etc	Sewer: \$100+\$350 Affordable Fee: \$16,724.00			
Totals	Sub: \$348,150. Per Lot: \$34,815. BP = \$28,094 Total:\$63,359.00 per unit.	1,034 Days	No established maximum	Moderate to high code cost. Timeline is significant. Process not predictable for applicant.

Note: These tables do not address the cost to the applicant for complying with other codes such as landscaping requirements, fire sprinklers, Wildland Urban Interface, fencing permits, etc. Additionally, off-site costs for sewer, water, and roadway improvements can be considerable and vary wildly based on the situation of the developing property relative to the connection point of existing improvements. Further, subdivisions are required to install public improvements on-site in the form of roads, sidewalks, storm drains, sanitary sewers, water, etc. Finally, these tables do not address costs to the developer, such as engineering, survey, and architectural fees necessary to complete the development approval process. These costs are roughly \$150,000 for the prototypical subdivision.

APPENDIX 2

Types of Coding

Coding may be broken down into two main categories: life/safety and community character. The life/safety regulations aspire to protect building inhabitants and the community from threats typical to the area, like fire, earthquakes, severe weather, etc. Codes are also used to protect against discordant land uses, such as locating a chemical plant near a school.

Community character regulations govern bulk and scale, density, visual impacts/aesthetics, the built form, etc. They may also be used to engineer a community to achieve specific demographic aspirations socially. Typically, these regulations do not venture too far into life/safety, but there is an overlap. Mainly they are used as a zoning tool to protect existing private property.

The building codes primarily govern life/safety objectives. Planning codes typically deal with character regulations but can address life/safety. In the early days of land use coding, police powers were limited to health safety and welfare objectives. They focused on separating land uses - e.g. where industrial uses occur versus where residential uses could occur. Several decades ago, the courts held that community character fell within the scope of health, safety, and welfare. This change substantially expanded the scope of regulations communities could lawfully adopt.

The building codes are designed to provide broad discretion to the building official to approve alternate means and methods that meet or exceed the intent of the code. This is because the codes cannot be crafted to address every scenario. Thus, the building official is granted extensive latitude in approving alternate approaches that maintain fidelity to the life/safety interests of the occupant of the building.

Adoption Process

Land Use Regulation: Planning departments will typically first adopt a comprehensive plan. This is usually an aspirational document that does not possess the force of law. It does lay out the goals of the community, and it informs the land development regulations and ordinances.

The jurisdiction subsequently will adopt land development regulations/ordinances and a zoning map that does have the force of law. These are intended to implement the comprehensive plan. Land use regulations are typically proposed by staff but can also be proposed by the community. Local elected will adopt regulations/ordinances based on recommendations from staff, planning commissioners, and the public in accordance with a codified adoption process.

Building Codes: The family of building codes governs all forms of physical construction. The International Residential Code (IRC) substantially governs residential construction. The State Fire marshal administers this code unless authority is delegated to a local building official. These codes are designed to grant the administrator broad discretion in implementing the code.

During adoption intervals, the International Code Council (ICC) provides a model code for consideration and possible adoption by the states. The Wyoming Fire Marshall reviews and adopts acceptable portions of the model code. Once the state has adopted a code, local jurisdictions may modify the codes adopted by the Fire Marshal and propose them to local elected officials for final action and adoption. It is important to note local governments cannot adopt a less stringent code than that which the State adopts. Thus, if the state adopts a costly provision, the local jurisdictions then lack the authority to adopt a less costly provision. For example, if the state adopts a provision requiring fire sprinklers for all residential construction, the local communities may not adopt a code providing that smoke alarms are adequate rather than the more costly fire sprinkler.

The State Fire Marshal is appointed by the Governor based on his assessment of the individual's qualifications and based on a conference with the Council on Fire Protection. The department also has an Electrical Board. The Governor also appoints the Council and Board based on specified certifications, experience, or other criteria enumerated in Statute.

IRC Code Compliance Costs Over Time

Each new code cycle brings new code requirements that can and do add to the construction cost. The chart below references only the IRC.

Building Code Cycle	Low Compliance Cost	High Compliance Cost
2006-2009	\$6,000	\$16,000
2009-2012	\$5,000	\$14,000
2012-2015	(\$600)	\$2,000
2015-2018	(\$600)	\$100
2018-2021	(\$0)	\$4,000 *
Total	\$9,800	\$36,100

* If a property is in the Wildland Urban Interface, costs may increase \$38K - \$45K per unit.