

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Property development exactions.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to city, county, state and local powers;
2 providing limitations on the imposition of mitigation or
3 exaction fees imposed by governmental entities; providing
4 exemptions; providing definitions; providing conforming
5 amendments; specifying applicability; and providing for an
6 effective date.

7

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

9

10 *****
11 *****
12 **STAFF COMMENT**
13 **This draft is an updated version of 24LSO-0286 v0.3 that**
14 **the Task Force considered at its November meeting last**
15 **year.**

1 *****
2 *****
3 *****

4 **Section 1.** W.S. 16-13-101 and 16-13-102 are created
5 to read:

6
7 CHAPTER 13

8 LAND USE REGULATIONS

9
10 ARTICLE 1

11 LIMITS ON EXACTIONS AND MITIGATION FEES

12
13 **16-13-101. Definitions.**

14
15 (a) As used in this article:

16
17 (i) "Structure built for agricultural purposes"
18 means a structure whose primary purpose is to support the
19 following agricultural activities:

20
21 (A) Cultivation of the soil for production
22 of crops;

23

1 (B) Production of timber products or
2 grasses for forage;

3

4 (C) Rearing, feeding, grazing or management
5 of livestock.

6

7 (ii) "Land use permitting authority" means any
8 governing body of a city, town or county, a special
9 district, planning commission, zoning commission or other
10 entity of state or local government that issues land use
11 permits.

12

13 (iii) "Land use permit" means any permit for
14 residential or commercial development that is required by
15 state law, local ordinance or rule to be obtained before:

16

17 (A) Land can be subdivided for residential
18 or commercial development;

19

20 (B) A structure can be built or renovated
21 or before an addition can be built onto the structure.

22

1 *****
 2 *****
 3 STAFF COMMENT
 4 The Task Force may wish to consider whether the term
 5 "structure" is too broad, and should be more narrowly
 6 defined for purposes of this bill.
 7 *****
 8 *****

9
 10 (iv) "Mitigation or exaction fee" means a fee
 11 charged by a land use permitting authority as a condition
 12 of receiving a land use permit that bears no reasonable
 13 relationship to the costs of providing services to the
 14 proposed development or to mitigating a direct negative
 15 impact of the proposed development, but which is intended
 16 to address issues in a city, town or county primarily
 17 external to the proposed development. A mitigation or
 18 exaction fee may be imposed as a fee in a dollar amount to
 19 be paid by the developer or take the form of a required
 20 concession from the developer or landowner;

21
 22 *****
 23 *****
 24 STAFF COMMENT
 25 The Task Force may wish to consider whether the definition
 26 of "Mitigation or exaction fee" should be more narrowly
 27 tailored to specify what type of mitigation fees are
 28 included (ie housing mitigation fees versus transportation
 29 or other fees).
 30 *****
 31 *****
 32

1 (v) "Proposed commercial purpose" means any
2 structure whose primary purpose is not a residential or
3 agricultural purpose;

4

5 (vi) "Proposed residential development" means
6 any structure intended primarily for human habitation.

7

8 16-13-102. Limits on imposition of exactions and
9 mitigation fees on specified proposed property development.

10

11 *****
12 *****
13 STAFF COMMENT
14 The square footage and dollar amounts below are intended as
15 placeholders for the Task Force's consideration and review.
16 *****
17 *****

18

19 (a) A land use permitting authority shall not require
20 as a condition for the issuance of a land use permit for a
21 proposed residential development the imposition of a
22 mitigation or exaction fee for any structure intended to
23 serve primarily as single-family residential dwelling that
24 does not exceed four thousand (4,000) total square feet.

25

26 (b) A land use permitting authority may require as a
27 condition for the issuance of a land use permit for a

1 proposed residential development the imposition of a
2 mitigation or exaction fee not to exceed fifty dollars
3 (\$50.00) per square foot for any structure intended to
4 serve primarily as a single-family residential dwelling
5 that exceeds four thousand (4,000) total square feet.

6

7 (c) A land use permitting authority shall not require
8 as a condition for the issuance of a land use permit for a
9 proposed residential development the imposition of a
10 mitigation or exaction fee for any structure intended to
11 serve primarily as a multi-family residential dwelling that
12 does not exceed two thousand five hundred (2,500) total
13 square feet for any single unit within a multi-family
14 residential dwelling.

15

16 (d) A land use permitting authority may require as a
17 condition for the issuance of a land use permit for a
18 proposed residential development the imposition of a
19 mitigation or exaction fee not to exceed fifty dollars
20 (\$50.00) per square foot for any structure intended to
21 serve primarily as a multi-family residential dwelling that
22 exceeds two thousand five hundred (2,500) total square feet

1 for any single unit within a multi-family residential
2 dwelling.

3

4 (e) A land use permitting authority shall not require
5 as a condition for the issuance of a land use permit for a
6 proposed commercial development the imposition of an
7 exaction or a mitigation fee for any structure intended to
8 serve a primarily commercial purpose that does not exceed
9 five thousand (5,000) total square feet.

10

11 (f) A land use permitting authority may require as a
12 condition for the issuance of a land use permit for a
13 proposed commercial development the imposition of an
14 exaction or a mitigation fee not to exceed thirty-five
15 dollars (\$35.00) per square foot in total for any structure
16 intended to serve a primarily commercial purpose that
17 exceeds five thousand (5,000) total square feet.

18

19 (e) A land use permitting authority shall not impose
20 a mitigation or exaction fee on any structure built for
21 agricultural purposes.

22

1 *****

2 *****

3 STAFF COMMENT

4 The Task Force may wish to consider whether the bill should
5 specify when an exaction fee needs to be assessed, and
6 whether a permitting authority can assess an exaction fee
7 at different stages such as for subdividing, a zoning
8 change, or for a building permit.

9
10 The Task Force may also wish to consider adding definitions
11 for "single-family residential dwelling" or "multi-family
12 residential dwelling".

13 *****

14 *****

15

16 Section 2. W.S. 15-1-103(a) by creating a paragraph
17 (1) and W.S. 18-2-101(a) by creating a paragraph (ix) are
18 amended to read:

19

20 15-1-103. General powers of governing bodies.

21

22 (a) The governing bodies of all cities and towns may:

23

24 (li) Impose mitigation or exaction fees only to
25 the extent authorized by W.S. 16-13-102.

26

27 18-2-101. General powers.

28

1 (a) Each organized county in the state is a body
2 corporate and politic. The powers of the county shall be
3 exercised by a board of county commissioners which may:

4

5 (ix) Impose mitigation or exaction fees only to
6 the extent authorized by W.S. 16-13-102.

7

8 **Section 3.** This act shall apply to all applications
9 for permits submitted for proposed residential or
10 commercial development on or after July 1, 2025.

11

12 **Section 4.** This act is effective July 1, 2025.

13

14

(END)