

HOUSE BILL NO. HB0142

Real estate subdivisions.

Sponsored by: Representative(s) Johnson, W.

A BILL

for

1 AN ACT relating to counties; modifying exemptions from
 2 county subdivision regulation; authorizing a county
 3 conservation design process; providing for cluster
 4 development in unincorporated areas; providing for
 5 incentives for land use design; and providing for an
 6 effective date.

7

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

9

10 **Section 1.** W.S. 18-5-401 through 18-5-405 are created
 11 to read:

12

13

ARTICLE 4

14

CONSERVATION DESIGN PROCESS

15

16

18-5-401. Authority.

17

1 The establishment, regulation and control of a conservation
2 design process for the unincorporated area in each county
3 is vested in the board of county commissioners of the
4 county in which the land is located.

5

6 **18-5-402. Definitions.**

7

8 (a) As used in this article:

9

10 (i) "Conservation design process" means a
11 planning process adopted by a county to offer a land use
12 option for single family residential purposes that differs
13 from traditional thirty-five (35) acre divisions of land
14 described in W.S. 18-5-303(b) using cluster development,
15 density bonuses and parcel bonuses to:

16

17 (A) Preserve open space;

18

19 (B) Protect wildlife habitat and critical
20 areas; and

21

22 (C) Enhance and maintain the rural
23 character of lands with contiguity to agricultural lands
24 suitable for long range farming and ranching operations.

1

2 (ii) "Cluster development" means any division of
3 land that creates parcels containing less than thirty-five
4 (35) acres each, for single family residential purposes
5 only, provided:

6

7 (A) One (1) or more tracts are being
8 divided pursuant to a county conservation design process;

9

10 (B) At least two-thirds (2/3) of the total
11 area of the tract or tracts is reserved for the
12 preservation of open space;

13

14 (C) The gross overall density shall not
15 exceed one (1) residential unit for each seventeen and one-
16 half (17 1/2) acres; and

17

18 (D) Land set aside to preserve open space
19 or to protect wildlife habitat or critical areas shall not
20 be developed for at least forty (40) years from the date
21 the cluster development is approved.

22

23 (iii) "Density bonus" means a land use design
24 incentive that encourages optimized preservation of open

1 space by allowing a gross overall density of not more than
2 two (2) parcels for each thirty-five (35) gross acres.

3

4 (iv) "Parcel bonus" means a land use design
5 incentive that encourages optimized preservation of open
6 space by allowing an increase in the total number of
7 parcels beyond that permitted through traditional thirty-
8 five (35) acre divisions of land described in W.S.
9 18-5-303(b).

10

11 **18-5-403. Cluster development permits.**

12

13 (a) No person shall divide land or commence the
14 physical layout or construction of any cluster development
15 without first obtaining a permit from the board of county
16 commissioners in which the land is located.

17

18 (b) No permit shall be approved until a plat of the
19 cluster development has been prepared by or under the
20 supervision of a Wyoming professional land surveyor and
21 recorded with the county clerk in the county in which the
22 land is located.

23

1 (c) Each application for a cluster development permit
2 shall be accompanied by a fee to be determined by the board
3 of county commissioners.

4

5 **18-5-404. Enforcement; rules and regulations.**

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7 Each board of county commissioners shall enforce this
8 article and in accordance with the Wyoming Administrative
9 Procedure Act shall adopt rules and regulations to
10 implement the provisions of and to insure compliance with
11 the intent and purposes of this article.

12

13 **18-5-405. Cluster development; notice to state**
14 **engineer.**

15

16 Within thirty (30) days after a cluster development has
17 been approved pursuant to the conservation design process,
18 the board of county commissioners shall notify the state
19 engineer of the approval and shall provide the state
20 engineer a copy of the approved cluster development plan.

21

22 **Section 2.** W.S. 18-5-303(a) by creating a new
23 paragraph (xi) is amended to read:

24

1 **18-5-303. Exemptions from provisions.**

2

3 (a) Unless the method of sale or other disposition is
4 adopted for the purpose of evading the provisions of this
5 article, this article shall not apply to any subdivision of
6 land that:

7

8 (xi) Creates a cluster development pursuant to
9 and in accordance with article 4 of this chapter.

10

11 **Section 3.** Legislative declaration.

12

13 (a) It is in the public interest to encourage
14 clustering of residential dwellings on tracts of land that
15 are exempt from subdivision regulation by county government
16 pursuant to W.S. 18-5-303(a) (xi) to preserve open space and
17 reduce the extension of roads and utilities to residential
18 development.

19

20 (b) Landowners should have the option to consider
21 cluster development when dividing land as an alternative to
22 the traditional thirty-five (35) acre parcels described in
23 W.S. 18-5-303(b).

24

1 (c) A process should be available for the development
2 of parcels of land for residential purposes that will
3 authorize the use of clustering, density bonuses and parcel
4 bonuses and fulfill the goals of the county to preserve
5 open space, protect wildlife habitat and critical areas and
6 enhance and maintain the rural character of lands with
7 contiguity to agricultural lands suitable for long range
8 farming and ranching operations.

9

10 **Section 4.** This act is effective July 1, 2002.

11

12

(END)