

HOUSE BILL NO. HB0158

Local land use planning and zoning.

Sponsored by: Representative(s) Harshman, Burkhart,
Clausen, Duncan, Greear, Nicholas and
Walters and Senator(s) Boner, Driskill,
Hicks and Nethercott

A BILL

for

1 AN ACT relating to land use planning; prohibiting zoning
2 resolutions, ordinances and plans from requiring compliance
3 with local land use plans as specified; modifying the
4 definition of local land use plans; specifying requirements
5 for, restrictions on and implementation of local land use
6 plans; making conforming amendments; 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. 9-8-301(d)(i) and by creating new
12 subsections (e) and (f), 15-1-602(a) and 18-5-201(a)(intro)
13 are amended to read:

14

1 **9-8-301. Development of plans.**

2

3 (d) As used in this article:

4

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

15

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

22

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

4
5 (ii) No local zoning regulation shall require
6 that a land use or physical development otherwise allowed
7 under the local zoning regulation must also be found to be
8 consistent with a local land use plan in order to be
9 approved.

10
11 (f) Nothing in this article shall allow any local
12 government to use a local land use plan to diminish private
13 property rights, or property rights of the state of
14 Wyoming, existing under valid zoning regulation or existing
15 in the absence of a valid zoning regulation.

16
17 **15-1-602. Regulations; powers of governing body;**
18 **public hearing; notice.**

19
20 (a) The governing body shall specify how regulations,
21 restrictions and the district boundaries are to be
22 determined, established, enforced, amended, supplemented or
23 otherwise changed. No regulation adopted pursuant to this

1 article shall require that a land use or physical
2 development otherwise allowed under the regulation must
3 also be found to be consistent with a local land use plan
4 adopted pursuant to W.S. 9-8-301(d)(i) in order to be
5 approved.

6

7 **18-5-201. Authority vested in board of county**
8 **commissioners; inapplicability of chapter to incorporated**
9 **cities and towns; mineral resources; private schools.**

10

11 (a) To promote the public health, safety, morals and
12 general welfare of the county, each board of county
13 commissioners may regulate and restrict the location and
14 use of buildings and structures and the use, condition of
15 use or occupancy of lands for residence, recreation,
16 agriculture, industry, commerce, public use and other
17 purposes in the unincorporated area of the county. However,
18 nothing in W.S. 18-5-201 through 18-5-208 shall be
19 construed to contravene any zoning authority of any
20 incorporated city or town. No zoning resolution or plan
21 shall prevent any use or occupancy reasonably necessary to
22 the extraction or production of the mineral resources in or
23 under any lands subject thereto. No zoning resolution or

1 plan shall require that a land use or physical development
2 otherwise allowed under the resolution or plan must also be
3 found to be consistent with a local land use plan adopted
4 pursuant to W.S. 9-8-301(d)(i) in order to be approved.

5 Nothing in W.S. 18-5-201 through 18-5-208 shall be
6 construed to allow any board of county commissioners,
7 through the establishment of minimum lot size requirements
8 or otherwise, to prevent residential or agricultural uses
9 authorized for land divisions that are exempt from
10 subdivision requirements pursuant to W.S. 18-5-303(a)(i).
11 No zoning resolution or plan shall regulate and restrict
12 the location and use of buildings and structures and the
13 use, condition of use or occupancy of lands for the use of
14 a private school as defined in W.S. 21-4-101(a)(iii) in any
15 manner different from a public school, provided that the
16 private school:

17

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

19

20

(END)