

## WYOMING COUNTY PLANNING STATUTES

*(The statutes concerning county planning and zoning commissions are found in Title 18, Chapter 5, Article 2 of the Wyoming Statutes. Only Section 202 and mainly Subsection (b) contain language about preparing and adopting county plans.)*

### **§ 18-5-202. Planning and zoning commission; composition; residency requirements, terms and removal of members; vacancies; rules; record; meetings to be public; secretary; preparation and amendments; purpose; certifications and hearing; amendments.**

**(a)** Each board of county commissioners may by resolution create and establish a planning and zoning commission. The commission shall be composed of five (5) members appointed by the board at least three (3) of whom shall reside in the unincorporated area of the county, provided that this provision shall not affect the membership composition of any existing commission. The terms of the members appointed to the first planning and zoning commission shall be of such length and so arranged that the terms of one (1) member will expire each year, and thereafter each member shall be appointed for a term of three (3) years. Any member of the commission may be removed for cause other than politics or religion and after public hearing by the board of county commissioners. If a vacancy occurs in the commission the board of county commissioners shall fill the vacancy by appointment for the unexpired term. The planning and zoning commission shall organize within thirty (30) days after its establishment, shall adopt rules for the transaction of its business and keep a record of its actions and determinations. Three (3) members shall constitute a quorum for the transaction of business. All meetings, records and accounts of the commission shall be public. The county clerk shall serve as secretary to the commission.

**(b)** The planning and zoning commission may prepare and amend a comprehensive plan including zoning for promoting the public health, safety, morals and general welfare of the unincorporated areas of the county, and certify the plan to the board of county commissioners. Before certifying its plan or amendments thereto to the board the commission shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least thirty (30) days before the date of the hearing. Any person may petition the planning and zoning commission to amend any zoning plan adopted under the provisions of W.S. 18-5-201 through 18-5-207.

**(c)** The planning and zoning commission shall prepare recommendations to effectuate the planning and zoning purposes and certify its recommendations to the board of county commissioners. Before adopting the recommendations the board shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least fourteen (14) days before the date of the hearing. After public hearing has been held, the board shall vote upon the adoption of the planning or zoning recommendation. No planning or zoning recommendation shall be adopted unless a majority of the board votes in favor thereof. (Laws 1959, ch. 85, §§ 2 to 4; 1967, ch. 202, §§ 2 to 4; 1977, ch. 124, § 1; 1985, ch. 179, § 1.)

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*(The Wyoming Land Use Planning Act contains additional statutory requirements concerning county land use plans. Article 2 of the Act, (not included here) concerns a state-level planning agency that has faded away even though the law establishing it is still on the books.)*

### § 9-8-101. Short title.

This act shall be known as the “Land Use Planning Act”.

(Laws 1975, ch. 131, § 1; W.S. 1957, § 9-849; W.S. 1977, § 9-19-101; Laws 1982, ch. 62, § 3.)

### § 9-8-102. Definitions.

(a) As used in this act:

(i) “Areas of critical or more than local concern” means those areas defined and designated by the commission where uncontrolled or incompatible large scale development could result in damage to the environment, life or property, where the short or long term public interest is of more than local significance. Such areas are subject to definition by the commission as to their extent and shall include but are not limited to: fragile or historic lands, natural hazard lands, renewable resource lands, new town lands and additional areas the commission determines to be of more than local concern. No area of critical or more than local concern shall be designated by the commission without at least one (1) public hearing within the physical boundaries of the area to be so designated;

(ii) “Commission” means the state land use commission;

(iii) “Director” means the administrative head of the office of land use administration;

(iv) “Goal” means a desired condition as it relates to land use. Historical land use of the majority of the land in a region shall be a determining factor in defining goals;

(v) “Guidelines” means a checklist of methods through which a land use policy is established;

(vi) “Land use planning” means the process which guides the growth and development of an area and assures the best and wisest use of that area’s resources now and in the future;

(vii) “Large scale development” means any private or public development which because of its magnitude of land area or the magnitude of its effect on the surrounding environment is likely to affect a wide area or population;

(viii) “Local government” means any county, city or town, or any combination of the above as formed under the provisions of the Wyoming Joint Powers Act [§§ 16-1-102 through 16-1-109];

(ix) “Local land use plan” means any written statement of land use policies, goals and objectives adopted by local governments. Such plans shall relate to an explanation of the methods for implementation, however, these plans shall not require any provisions for zoning. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication;

(x) “Long range” means a period of time of more than one (1) year in the future;

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(xi) "Objective" means a desired level of achievement or measurable step towards achievement of a goal;

(xii) "Office" means the office of land use administration located within the office of the governor;

(xiii) "Policy" means the method which should be applied to obtain a desired goal;

(xiv) "Region" means any combination of local governments formed under the Wyoming Joint Powers Act or any land areas designated by the commission as critical or of more than local concern;

(xv) "State land use plan" means any written statement of policies, goals and objectives adopted by the commission relating to land use within the state, which shall include a summary of the policies, goals and objectives of each countywide plan. The state land use plan shall contain maps, graphs, charts, illustrations or any other form of written or visual communication;

(xvi) "Zoning" means a form of regulatory control granted to local governments which may be used to guide and to develop specific allowable land use;

(xvii) "This act" means W.S. 9-8-101 through 9-8-302.

(Laws 1975, ch. 121, § 1; W.S. 1957, § 9-850; W.S. 1977, § 9-19-102; Laws 1982, ch. 62, § 3.)

### § 9-8-301. Development of plans.

(a) All local governments shall develop a local land use plan within their jurisdiction. The plans shall be consistent with established state guidelines and be subject to review and approval by the commission.

(b) All incorporated cities and towns shall have the option to develop a land use plan in accordance with the requirements of W.S. 9-8-302(a), or cooperate with the county to develop such a plan under W.S. 9-8-302(b).

(c) All counties shall develop a countywide land use plan which shall incorporate the land use plans of all incorporated cities and towns within the county.

(Laws 1975, ch. 131, § 1; W.S. 1957, § 9-856; W.S. 1977, § 9-19-301; Laws 1982, ch. 62, § 3.)

### § 9-8-302. Procedural requirements; intergovernmental cooperation.

(a) The duty, procedures and requirements for public hearings and responsibility for land use planning at the local level shall be exercised by the cities and towns pursuant to W.S. 15-1-601 et seq. and by the respective counties pursuant to W.S. 18-5-201 et seq.

(b) For the purpose of development of local land use plans, the local government within each city, town and county may cooperate in the development of land use plans not inconsistent with established goals, policies and guidelines in accordance with the powers granted by the Wyoming Joint Powers Act [ §§ 16-1-102 through 16-1-109 ].

(Laws 1975, ch. 131, § 1; W.S. 1957, § 9-857; W.S. 1977, § 9-19-302; Laws 1982, ch. 62, § 3.)