

RESOLUTION 21-08-019

PUBLIC NOTICE OF SHERIDAN COUNTY'S INTENT TO AMEND SECTION 4 OF THE RULES AND REGULATIONS GOVERNING ZONING, AND SECTION 1.4 OF THE RULES AND REGULATIONS GOVERNING DIVISION OF LAND, EACH REGARDING EXCEPTIONS TO APPLICABILITY OF THE RESPECTIVE RULES.

WHEREAS, W. S. §§ 18-5-201 to 18-5-208 authorize the Board of County Commissioners to promote the public health, safety, morals and general welfare of the county by regulating and restricting the location and use of buildings and structures, and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county; and

WHEREAS, Section 29.C. of the *Rules and Regulations Governing Zoning*, authorizes the Board of County Commissioners to initiate proceedings to amend the rules; and

WHEREAS, W.S. 18-5-305 directs the Board of County Commissioners to adopt rules and regulations governing the permitting of subdivisions; and

WHEREAS, in 2019, the Wyoming Legislature amended W.S. 18-5-201 and 18-5-315 to prohibit counties from establishing minimum lot size requirements that would prevent residential or agricultural uses for land divisions that are exempt from subdivision requirements pursuant to W.S. 18-5-303(a)(i) ["Immediate Family Exemption"]; and

WHEREAS, the purpose of the proposed amendments to the *Rules and Regulations Governing Zoning* and the *Rules and Regulations Governing Division of Land* are to recognize the inapplicability of requirements for minimum lot sizes as prohibited by the 2019 statutory amendments;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, WYOMING, the Board of County Commissioners hereby gives notice to the public that Sheridan County intends to amend the *Rules and Regulations Governing Zoning*, and the *Rules and Regulations Governing Division of Land* as proposed in Exhibit "A". Copies of the proposed amendments may be obtained from the Sheridan County Commissioners' Office or County Public Works Department, 224 S. Main Street, Sheridan WY.

IT IS FURTHER RESOLVED that the Planning and Zoning Commission shall hold a public hearing on October 7, 2021 at their regularly scheduled meeting at 5:30 p.m. in the Commissioners Board Room, second floor of the County Courthouse, Sheridan WY to provide a recommendation concerning the adoption of these proposed amendments; that all interested persons may submit written comments to the Sheridan County Planning and Zoning Commission (c/o the Public Works Department), 224 S. Main Street, Sheridan WY 82801, no later than 12 Noon on September 24, 2021.

IT IS FURTHER RESOLVED that the Board of County Commissioners shall hold a public hearing on October 19, 2021, at their regularly scheduled meeting at 9:00 a.m. in the Commissioners Board Room, second floor of the County Courthouse, Sheridan WY; that all interested persons may submit written comments on the proposed rule amendments to the Board of County Commissioners, 224 S. Main Street, Suite B1, Sheridan WY 82801, no later than 12 Noon on October 8, 2021.

IT IS FURTHER RESOLVED that the Public Works Department is hereby directed and authorized to take all necessary administrative actions pursuant to Wyoming State Statutes to facilitate the process for the rule amendments described herein.

ADOPTED this 3rd day of August, 2021.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:



Nick Siddle, Chairman



Eda Schunk Thompson, County Clerk

Exhibit "A"

RULES AND REGULATIONS GOVERNING ZONING

Section 4. Exceptions.

A. These Zoning Rules shall not apply to, and no zoning compliance certificate shall be required for:

- (1) any land, building, or other non-residential structures used in farming or ranching operations greater than 40 acres
- (2) remodeling, when no change in use or structure size is being made
- (3) fences
- (4) detached accessory structures used as tool and storage sheds, playhouses, keeping animals and similar uses, provided the floor area is not greater than 120 square feet and less than 10 feet in height
- (5) Accessory uses which are clearly incidental to a permitted use
- (6) Except for quarries, uses or occupancies reasonably necessary to the extraction or production of mineral resources.

B. Minimum lot area per dwelling unit standards as set forth in these rules shall not apply to parcels created pursuant to W.S. 18-5-303(a)(i).

RULES AND REGULATIONS GOVERNING THE DIVISION OF LAND

Section 1.4. General Provisions and Exemptions.

a. General Provisions.

iv. Land that is exempt from these rules and regulations shall still comply with the Rules and Regulations Governing Zoning in Sheridan County, Wyoming.

A. Parcels created pursuant to Section 1.4 b. J. of these rules shall not be required to meet minimum lot area per dwelling unit standards.

b. Exemptions.

i. Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of these rules and regulations, these rules and regulations shall not apply to the following divisions of land however, the following divisions are subject to requirements regarding documentation of the proper use and implementation of the following exemptions:

J. A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

1. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;
2. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;

3. The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period of not less than five (5) years for land titled before February 27, 2019, or ten (10) years for land titled on or after February 27, 2019. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years, or for not less than one (1) year if the parcel was created before February 27, 2019, unless the parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
4. No parcel smaller than five acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304.
5. Where the landowner is a business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by, or in the name of a trust controlled by, individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift.