



EXEMPTIONS FROM SUBDIVISION REVIEW

April 2008

- The Wyoming Real Estate Subdivision Act W.S. § 18-5-303 establishes several exemptions from the requirement that subdivisions undergo review and be issued a subdivision permit by the County.
- Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land. However, the following subdivisions are subject to requirements which may be adopted by the Board of County Commissioners regarding documentation of the proper use and implementation of the exemptions.

Exemptions-Generally

All roads developed to access exempt parcels as defined by W.S. 18-5-303 (a) and (b) shall be constructed to Park County Road and Bridge Standards.

Requirements for all Exemptions

1. A Record of Survey shall accompany or be referenced by all deeds recorded in the Office of the Park County Clerk and Recorder that divide land or realign property boundaries. If the instrument references a record of survey the reference shall locate the survey by citing its document number, deed book and page number, or plat cabinet and page number. The Record of Survey requirement may be waived only when all parcels created by the division are either section quarters or quarter-quarters or are government resurvey lots or tracts or combinations of these. Records of Survey shall conform to Chapter III, Section 4-402 of the Development Standards and Regulations.
2. A document to transfer ownership (Deed).
3. Signed Property Owner's Certification (Appendix 14).
4. Certificate of Subdivision Exemption (obtained from Planning Office once all documentation is complete, prior to recordation).
5. Family exemptions must provide a signed and notarized Affidavit of Family Exemption (Appendix 9).
6. Agricultural exemptions must provide a signed and notarized Covenant for Agricultural Purposes Exemption (Appendix 10).

Family Exemptions

Family Divisions are 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 and shall be exempt from the subdivision permit requirement, subject to the following requirements:

- Immediate Family Member: 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;
- Purposes: The purpose of the division is to provide for the housing, business or agriculture needs of the grantee;
- Title: The land shall have been titled in the name of the grantor for a period of not less than five (5) years prior to the division and 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 one year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
- No parcel smaller than 5 acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. § 18-5-304.
- Where the landowner is a corporation and eighty percent (80%) of the shares are held 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.

Requirements for Family Exemptions:

- Family exemptions must provide a signed and notarized Affidavit of Family Exemption (Appendix 9).
- Resolution of Non-Evasion: The original grantee of a family exemption parcel shall obtain a "Resolution of Non-Evasion Concerning Resale of Family Division Parcel" from the Planning and Zoning Commission prior to grantee conveying the parcel. The Commission shall grant the resolution if it finds that the proposed conveyance would not violate these Subdivision Regulations. The grantee shall record the resolution with the deed of conveyance. If the conveyance would violate these Regulations, the Commission shall deny the resolution and require a subdivision permit to allow the conveyance.
- See also "requirements for all exemptions"

35-Acre Exemptions

The subdivision permit requirement shall not apply to the sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than 40 feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document. All parcels created pursuant to this exemption shall have access as required by Chapter IV, Section 3-205, Legal Access Requirement, of the Development Standards and Regulations. See "requirements for all exemptions".

See also "requirements for all exemptions"

Miscellaneous Exemptions

The following types of divisions of land shall be exempt from the subdivision permit requirement:

- A division that may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state;

- A division that is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;
- A division that concerns lands within incorporated cities or towns;
- A division that is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;
- A division that affects railroad rights-of-way;
- A division that is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;
- A division that is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;
- A division that creates cemetery lots;
- Is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this exemption as only one interest. *(This provision is intended for estate planning purposes and not to create new parcels or to otherwise evade these regulations.)*
- A division of land creating a parcel five (5) acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations or similar unmanned facilities.

Notice of Non-Filing

If any instrument is recorded without the affidavit, certificate, covenant or resolution as required, the Planning Coordinator shall present to the Clerk and the Clerk shall record a Notice of Non-Filing. In addition, the Planning Coordinator shall give a copy of the notice to all persons known to have an interest in the property and all agents known to be involved in the conveyance.