

## MEMORANDUM ON THE EXTRATERRITORIAL JURISDICTION OF WYOMING MUNICIPALITIES

Questions have recently come up about the extraterritorial jurisdiction of Wyoming municipalities in the context of neighboring industrial development.

For many years municipalities in Wyoming enjoyed broad authority outside of their city limits. At one time the law afforded three concentric rings around cities – ½ mile, 1 mile, and 5 miles – each with varying degrees of municipal jurisdiction which were allowed by the state. Since 2013, extra-territorial jurisdictions have been whittled away by the Wyoming Legislature. See W.S. § 15-1-401 through 423. In 2018, the Wyoming Legislature provided counties with a path to end any extra-territorial jurisdiction beginning on January 1, 2019. So long as a county has an officially adopted comprehensive land use plan according to W.S. § 18-5-202, then the county dictates to what extent municipalities participate in the approval of plat developments beyond the city limits. Every county in Wyoming has adopted one.

Currently, if there's no joint comprehensive plan under 18-5-202(b) and development is within a mile of the city, it needs city approval. The thing is, however, that every one of Wyoming's 23 counties has a comprehensive plan, and they were in fact required by the state to adopt one.

### **§ 34-12-103. Contents of plat; acknowledgment; approval by county commissioners or governing body of cities or towns; filing and recording**

(a) Every plat shall contain a statement to the effect that "the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors", which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgement of deeds. The plat shall meet the approval of the board of county commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. Provided, however, that any plat of land which is adjacent to any incorporated city or town or within one (1) mile of the boundaries of any city or town and which is not subject to regulation under and pursuant to a comprehensive plan adopted pursuant to W.S. 18-5-202(b), shall be jointly approved by both the board of county commissioners of the county and the governing body of the city or town before the plat shall be filed and recorded in the office of the county clerk.

(b) If a city or town approval is not required under this section and the plat is located within one (1) mile of the boundaries of a first class city or town, or within one-half (½) mile of a town with a population of less than four thousand (4,000), the board of county commissioners, upon receipt of a plat application, shall solicit comments from the governing body of the city or town relating to impacts to the city or town's infrastructure or other development plans resulting from the proposed plat and development. The board shall consider the city or town's comments that are received by the board at least twenty (20) business days prior to the scheduled final consideration of the plat proposal and shall respond in writing to the city or town about any items of disagreement. To the extent practical, the board of county commissioners shall ensure that a plat application meets the following:

- (i) Is consistent with any applicable city and county land use or comprehensive plan;
- (ii) Conforms to any adopted street plan of the city, town or county;
- (iii) Contains all areas for streets, roads and alleys that are dedicated rights-of-way;
- (iv) Contains dedicated easements for all existing and proposed utilities; and
- (v) Contains any additional criteria the governing body of the city or town and the

The part that's cut off there, (v) goes on to say that the city and the county can enter into a voluntary agreement regarding the development under the plat.

So, this raises the question, what does 18-5-202(b) say. Here it is:

**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 board of county commissioners shall designate the county clerk, another county employee or a member of the planning and zoning commission to serve as secretary to the commission. The secretary shall keep the record of commission actions in accordance with statute.

(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 18-5-208.

(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.

The Natrona County plan can be found at:  
chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.natronacounty-wy.gov/DocumentCenter/View/7689/2022-Zoning-Resolution-Amended-September-2024-PDF

The important thing here is that NatCo has adopted a plan. Here's the link to the map, for the plan?

<https://data-cityofcasper.opendata.arcgis.com/maps/0197e74dcd1a4d15b2ffd507edac5542/explore?location=42.903249%2C-106.726000%2C9.38>

So, the way it works for us is this. There is a plan, and therefore NatCo has to give us at least twenty days' notice before approving a plat, and we can comment, but the county does not need our approval. The County is supposed to take our street plans, etc., into consideration, but that's a pretty loose standard. Bar Nunn can go to the County meeting regarding approval of a plat that's within one mile of the town, express its concerns, and make its desires known. The County is supposed to ensure the plat dovetails with the city's plans, "to the extent possible".

Here's the old law:

**§ 34-12-103. Contents of plat; acknowledgment; approval by county commissioners or governing body of cities or towns; filing and recording**

Every such plat shall contain a statement to the effect that "the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors", which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgement of deeds. The plat shall meet the approval of the board of county commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. When thus executed, acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county; provided, however, that any such plat of land adjacent to any incorporated city or town, or within one (1) mile of the boundaries of any such city or town, shall be jointly approved by both the board of county commissioners of said county and the governing body of said city or town before same shall be filed and recorded in the office of the county clerk as aforesaid.

The prior law was simpler. If development was within one mile, the city had to approve along with the county.