



Big Horn County Land Planning

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Rec. By: _____
Date: _____
Receipt #: _____
Ref. #: _____

EXEMPT LAND DIVISION APPLICATION (3 pages)

Fee: \$20.00

An Exempt Land Division application is required to obtain a Big Horn County Land Division Affidavit in unincorporated Big Horn County. Any parcel created in Big Horn County by way of an exemption requires prior recordation of proof of permanent access to the land being transferred if parcel does not abut a public road. Please contact the Land Planning Department for any assistance needed to complete this application.

PROPERTY INFORMATION *List parcel involved in the exempt land division.*

Physical Address: _____ PIDN: _____
Physical Address: _____ PIDN: _____

OWNERS

Name: _____ Phone: _____
Mailing Address: _____ Zip: _____
E-mail: _____

APPLICANT/AGENT

Name: _____ Phone: _____
Mailing Address: _____ Zip: _____
E-mail: _____

DESIGNATED PRIMARY CONTACT

_____ Owner _____ Applicant/Agent

EXEMPT LAND DIVISION *The following divisions of land are exempt from the requirements of Chapter 5.1, Subdivision Regulations of Big Horn County, per Wyoming Statute §18-5-303. Please indicate the type of exempt land division you are pursuing and provide supporting documentation demonstrating that you comply with all relevant standards for the division type.*

- _____ A division which creates cemetery lots
- _____ A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof.
- _____ A division which 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, except that this paragraph shall not exempt a partition of real property pursuant to Wyoming Statute §1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article
- _____ A division which affects railroad rights-of-way
- _____ A division which 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 which is created by a lien, mortgage, deed of trust or any other security instrument, easements and right-of-ways. A mortgage parcel may not be sold independent of the parcel from which it originated unless the property owner completes the applicable subdivision process.
- _____ A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes

- _____ A division of land creating a parcel 5 acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, or similar unmanned facilities.
- _____ The sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the following requirements:
- _____ Ingress and egress and utility easements are provided to each parcel by binding and recordable easements of not less than 40 feet in width to a public road, or
- _____ Grantee or transferee specifically waives the above requirement in a recordable document.
- _____ Other: _____

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

- _____ The grantee is a member of the immediate family, limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent, or parent of the landowner.
- _____ The purpose of the division is to provide housing, business or agricultural needs of the grantee.
- _____ The land shall have been titled in the name of the grantor for a period of not less than 10 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 5 years 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 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 5% of the outstanding shares for at least 5 years continuously before the date of the sale or gift.

SUBMITTAL REQUIREMENTS *Please ensure all necessary submittal requirements are included.
The Planning Department will not hold or process incomplete applications.*

- _____ **Electronic Submittal** A complete digital file of the application with attachments/plans.
- _____ **Hard Copy Submittal** A complete printed file of the application with attachments/plans.
- _____ **Draft Copies of Documents to be Recorded** Please attach draft copies of deeds, records of survey, contracts for deeds, maps or other instruments that will be recorded with the County Clerk to accomplish the proposed division.
- _____ **Map of Survey with Certificate of Acknowledgement** A map of survey with certificate of acknowledged by all owners of record stating that the division is exempted from review as a subdivision under *Wyoming Statute §18-5-303*.
- _____ **Notarized Letter of Authorization** A notarized letter of consent from the landowner is required if the applicant is not the owner. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- _____ **Corporations and Partnerships** If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation.
- _____ **Additional Documentation** Documents required regarding divisions of land equal to or larger than 35 acres or divisions outside of a platted subdivision for the purpose of a gift or sale to a family member. See above requirements.
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INITIAL TO ATTEST TO THE FOLLOWING:

- _____ I have discussed this exempt subdivision plan with a member of the Land Planning Department staff.
- _____ I understand that this proposed exempt subdivision application may be denied.
- _____ I understand that my presence may be necessary for consideration of this application; I also understand that I may be required to provide further information or revised plans before approval is granted.
- _____ I understand that permanent legal access must be proven to any lots affected by the proposed exempt subdivision plan.
- _____ I understand that a water distribution plan and/or statement of intent of disposition of water rights will be required as part of the exempt subdivision process.
- _____ I understand that all residences and businesses require a physical address and I may be required to pay a fee to obtain a county-assigned address for structures related to this application.
- _____ I understand that proposed roads, easements, utilities, road cuts, access, or related actions require me to contact the Big Horn County Engineering Department to discuss special permitting requirements.
- _____ I understand that the actions proposed as part of this application may require me to complete additional applications and secure other necessary permits.
- _____ I understand that upon approval, I will receive an Affidavit of Exemption form to be filed with the new deed, survey, plat map or other instruments that will be recorded with the County Clerk to accomplish the proposed division. Exempt Land Divisions can no longer be processed without this affidavit provided by the Land Planning Department.

SIGN HERE: *The information presented in this application is true and correct to my knowledge.*

Applicant's Signature

Date

****FOR OFFICE USE ONLY – BELOW THIS LINE****

- | | | |
|---|------------------------------|-----------------------------|
| A. Are the areas subject to change within a floodplain? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. Are the areas subject to change within an airport protection zone? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C. Affidavit of Exemption issued? Date issued: _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. Documentation from State Engineer's Office for water rights? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |