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August 25, 2020

Joy Hill, Planning Director
1002 Sheridan Ave.
Cody, WY 82414

Re: Takings Analysis

Dear Ms. Hill:

In my assessment of potential constitutional implications related to the proposed Small Wastewater regulations, I do not believe they result in any constitutional takings of private property. To the extent even applicable, this assessment and review complies with the requirements of Wyo. Stat. §9-5-304 and the Wyoming Attorney General's "Takings Guidelines and Checklist," dated June 2013. The Takings Guidelines and Checklist may be reviewed by the public at each location where the proposed regulations are also available for review.

Sincerely,



Bryan A. Skoric
Park County and Prosecuting Attorney

BAS/bs

**Park County, Wyoming
Small Wastewater System Regulations (2020)**

TAKINGS CHECKLIST

	CRITERIA	YES	NO
1.	Does the action affect private property? (If no, no further inquiry is necessary.)	X	
2.	Is the action mandated by State or federal law? (If yes, go to question 3. If no, go to question 4.)	X	
3.	Does the proposed action advance a statutory purpose?	X	
4.	Does the action result in permanent occupation of private property?		X
5.	Does the action require the property owner to dedicate property or grant an easement?		X
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		X
7.	Does the character of the government action balance the public interest and private burdens?	X	
8.	Does the action deprive the owner of all economically viable uses of the property?		X
9.	Does the action have a significant impact on the landowner's economic interest?		X
10.	Does the action deny the owner a fundamental attribute of ownership?		X
11.	Does the action serve the same purpose that would be served by directly prohibiting the use of the land?		X
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		X

If these questions are answered yes, legal counsel should be consulted, for it is possible the proposed action will be a taking.