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December 18, 2023

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 adoption of the current proposed *Park County Land Use Plan (2023 LUP)*, which is intended to update and replace the *1998 Park County Land Use Plan, adopted by the Park County Board of Commissioners on September 15th, 1998 (1998 LUP)*, I do not believe they result in any constitutional takings of private property. According to Wyo. Stat. §9-8-301(e), "Local land use plans may guide local governments in adopting or amending local zoning regulations, however, such plans shall not be construed as a substitute for, or equivalent to, duly enacted local zoning regulations which have the force and effect of law." 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 draft of the *2023 LUP* is available for public inspection.

Sincerely,



Bryan A. Skoric
Park County and Prosecuting Attorney

BAS/bs

**Park County, Wyoming
2023 Park County Land Use Plan (2023 LUP)**

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.