



STATE OF WYOMING

FILE COPY
Conservation

ED HERSCHLER
GOVERNOR

Wyoming Department of Agriculture

TELEPHONE: (307) 777-7321

CHEYENNE, WYOMING 82002

LARRY J. BOURRET, COMMISSIONER

April 19, 1976

Mr. V. Frank Mendicino
Attorney General
Capitol Building
Cheyenne, Wyoming 82002

BOARD MEMBERS

RUSSELL MYERS, EVANSTON
LAWRENCE J. GERAUD, RIVERTON
JOHN EKLUND, BUFFALO
FRANK LILLEY, LARAMIE
CLARENCE REED, POWELL
ED HERSCHLER, GOVERNOR
DR. NEAL HILSTON, DEAN
COLLEGE OF AGRICULTURE
UNIVERSITY OF WYOMING, LARAMIE

Dear Frank:

Attached herewith are Item Number One, a March 25, 1976 letter from the Pinedale Soil Conservation District, Pinedale, Wyoming; Item Number Two, a memo to Sublette County Commissioners from Steven Mackey, Attorney at Law, dated May 19, 1975; and Item Number Three, a May 7, 1974 Subdivision Resolution of the Board of County Commissioners, Sublette County, Wyoming.

The Pinedale Conservation District is a duly-organized conservation district and the Conservation Commission, of which I am Chairman, may request assistance from the Attorney General. The letter, written by the Pinedale Conservation District, is self-explanatory and using it as a basis, as well as the memo and resolution, for the questions, I would appreciate your assistance on the following questions:

1. Since conservation districts are required to perform certain responsibilities of reviewing subdivision plans, can the conservation districts require information mandated by the county resolution which has been approved by the Sublette County Commissioners and is on file?
2. Does the county resolution fulfill the requirements as provided by the Wyoming Statutes 18-289.10 through 18-289.24?
3. If the county resolution or Section 18-289.15, W.S. are in conflict and therefore not enforceable, is it necessary for the conservation district to proceed in attempting to fulfill the obligations as provided by the Real Estate Subdivision Act which calls for reviewing and submitting comments within the sixty-day time period?
4. Can you recommend steps to be taken by the districts to comply with Section 18-289.15 (b)?

Your assistance will be appreciated, Frank.

Sincerely,

Larry J. Bourret, Commissioner
Wyoming Department of Agriculture

LJBjh

"AGRICULTURE—the backbone of Wyoming"



THE STATE OF WYOMING


 ED HERSCHLER
 GOVERNOR

State Conservation Commission

2219 CAREY AVENUE

PHONE 777-7321

CHEYENNE, WYOMING 82002

DONALD HOOD
 EXECUTIVE SECRETARY
 RUSTY LEPPERT
 DISTRICT PROGRAM COORDINATOR

COMMISSION MEMBERS:

LARRY BOURRET, CHAIRMAN (STATE AG. DEPT.)
 ROBERT TWING, VICE CHAIRMAN (AREA I DIRECTOR)
 JOE JOHNSON (AREA II DIRECTOR)
 PAUL HOREL (AREA III DIRECTOR)
 RICHARD DONELSON (AREA IV DIRECTOR)
 LEO CORNIA (AREA V DIRECTOR)
 DR. NEAL W. HILSTON (U.W. AG. COLLEGE)
 GEORGE CHRISTOPULOS (STATE ENGINEER'S OFFICE)
 RICHARD DAVIS (LIVESTOCK BOARD)
 JOHN NILAND (D.E.P.A.D.)

May 28, 1976

M E M O R A N D U M

TO: DISTRICT CHAIRMEN
 FROM: Don Hood, Executive Secretary 
 SUBJECT: ATTORNEY GENERAL'S OPINION ON REAL ESTATE SUBDIVISION ACT

As a result of a March 25, 1976, request from Pinedale Conservation District, Pinedale, Wyoming, the State Conservation Commission requested an opinion from the Attorney General's office on the applicability of Conservation Districts in Wyoming's compliance to sections within the Real Estate Subdivision Act. The Attorney General's office responded with an opinion which is attached along with the letter of request sent by Larry Bourret, Chairman, State Conservation Commission.

Even though the request letter and response from the Attorney General's office are self-explanatory, it is clear that the Conservation Districts must request all necessary information from the developer in order to properly make thorough review and appropriate recommendations.

Without specific and detailed information, the Conservation District cannot submit a report to the Board of County Commissioners. Legal descriptions and soils information alone do not necessitate "adequate information."

Please keep this memo and attached letters on file.

If any questions are raised, please do not hesitate to contact the State Conservation Commission.

DH/MN/MW
 enclosure

ADVISORY MEMBERS:

DAVE FREUDENTHAL, STATE PLANNING COORDINATOR
 KENNETH R. STURMAN, AG PLANNING DIVISION DIRECTOR
 CARL E. JOHNSON, STATE FORESTER
 ROBERT E. SUNDIN, DIRECTOR, DEPT. OF ENVIRONMENTAL QUALITY
 BLAINE HALLIDAY, STATE CONSERVATIONIST, SCS

PROTECT OUR HERITAGE
 through the
 Conservation of Wyoming's Soil & Water Resources.



Fisher Co.

ED HERSCHLER
GOVERNOR

Attorney General

CHEYENNE, WYOMING 82002

April 28, 1976

V. FRANK MENDICINO
ATTORNEY GENERAL

Larry Bourret
Commissioner of Agriculture
2219 Carey Avenue
Cheyenne, Wyoming 82002

RE: Pinedale Conservation District - Review of
Subdivision Applications under W.S. 18-289.15(b)

Dear Larry:

This is in reply to your letter of April 19, 1976, and attachments thereto.

Some of the questions presented for our answer assume that the County subdivision resolution or portions thereof may be invalid. We cannot direct an answer as to their validity at this time since that initial determination lies with the County Attorney who advises the County Commissioners on such matters, nor is that determination necessary to properly answer your questions since the resolution must be presumed to be valid until attacked by one of the affected applicants.

With that in mind, we can proceed to answer your specific questions:

(1) Yes. The conservation district should be able to require and must require all necessary information from the developer in order to properly make a thorough review and recommendations based thereon with respect to those matters required by W.S. 18-289.15(b). If this review necessitates certain information required by the county resolution, then the applicant must submit it, for without the Conservation report the Board of County Commissioners cannot approve a proposed development.

(2) As stated above, this question is premature, as the resolution must be presumed to be valid and in compliance with the statutory requirements and not in conflict thereof.

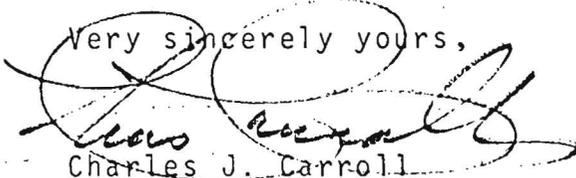
Larry Bourret
April 28, 1976
Page 2

(3) Yes. The statutory requirement is that the Board "shall require the applicant to obtain review and recommendations from the local conservation district" which "review and recommendations shall be completed within sixty (60) days."

(4) Each applicant's case must be reviewed in the light of his proposed plans, the location of the development, and the soil and terrain features peculiar to that development. As stated before in paragraph (1) above, the conservation commission must have sufficient information available as to the development concerning streets, sewers, drainage, location of structures, etc., and other technical data, in order to make a proper review and expert recommendation to the Board.

This office stands ready to be of any further assistance to you in this matter.

Very sincerely yours,

A handwritten signature in cursive script, appearing to read "Charles J. Carroll", is written over a circular stamp or seal.

Charles J. Carroll
Deputy Attorney General -
Civil Division

CJC:gs