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ADMINISTRATIVE PROCEDURE - WYOMING

Bienz v. Board of County Commissioners, County of Albany

Supreme Court of Wyoming - September 25, 2024 - 556 P.3d 227 - 2024 WY 102

Property owners and livestock company sought judicial review under the Wyoming Administrative Procedure Act (WAPA) challenging the county board of county commissioners' amendments to zoning regulations referred to as the Aquifer Protection Overlay Zone (APOZ).

The District Court dismissed the petitions for review, concluding that it lacked jurisdiction because the amendments were legislative acts and not reviewable under the WAPA. Property owners and livestock company appealed.

The Supreme Court held that there is no common law or general statutory exception to judicial review of agency legislative actions; instead, the Wyoming Administrative Procedure Act (WAPA) provisions governing review, well-understood judicial principles, and separation of power principles guide the nature and scope of review; overruling *McGann v. City Council of City of Laramie*, 581 P.2d 1104, and abrogating *Sheridan Plan. Ass'n v. Bd. of Sheridan Cnty. Comm'rs,* 924 P.2d 988.

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