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## **NCLA Commends New WY Land Use Law that Codifies Its Recent Supreme Court Victory**

*Asphalt Specialties Co., Inc. v. Laramie County Planning Commission*

**Washington, DC (April 16, 2021)** – A legal victory by the New Civil Liberties Alliance in the Wyoming Supreme Court has led to a legislative win for landowners. By challenging the Laramie County Planning Commission’s unlawful decision to restrict conduct based on nonbinding guidance, NCLA paved the way for Wyoming Governor Mark Gordon to sign [HB0158](#) into law. This law aims to clarify the limits of local land use plans, thereby making it harder for regulators to violate private property rights.

*Asphalt Specialties Co., Inc. v. Laramie County Planning Commission* is the underlying case in which NCLA represented the prevailing party, Asphalt Specialties Co., Inc. (ASCI). The Wyoming Supreme Court issued a [ruling](#) reversing the Commission’s decision to reject ASCI’s site plan for the development of its property west of Cheyenne in an unzoned area of Laramie County. The Commission had rejected ASCI’s site plan, finding that it did not meet its “vision” for how such lands should be used. The Court rejected the Commission’s regulatory overreach, holding that zoning is the proper mechanism by which a county can establish land use requirements and restrictions. The ruling made clear that land use plans, “vision” documents, and similar sub-regulatory guidance do not carry the force and effect of law.

HB0158 reins in local governments by now adding statutory provisions codifying the Court’s decision, further strengthening private property rights. Key language in the legislation prohibits local governments from “us[ing] a local land use plan as authority to deny or restrict a permissible land use or physical development which is not restricted or prohibited under existing zoning regulations.” In short, local land use plans are to be only used as a “guide,” not a substitute for duly enacted local zoning regulations.

With HB0158 becoming law, Governor Mark Gordon and the Wyoming Legislature have ensured that local landowners are protected from the intrusion of government agencies using unenforceable guidance documents to constrain private property rights. Counties in Wyoming are now on notice that they can no longer control land use projects based on arbitrary site plan review processes and informal guidance.

### **NCLA released the following statements:**

“We were pleased with the Wyoming Supreme Court’s decision reining in the Planning Commission’s unlawful regulatory overreach. We appreciate the Wyoming Legislature and Governor Gordon for codifying the limits on government power and reiterating their commitment to protecting our constitutional due process and property rights.”

— **Harriet Hageman, Senior Litigation Counsel, NCLA**

“ASCI looks forward to doing business in Wyoming, a state that understands the importance of the rule of law and protecting private property. We want to thank the folks at NCLA for their work on protecting our civil liberties and rights.”

— **Asphalt Specialties Co., Inc.**

For more information visit the case page [here](#).

## **ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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