

SUPREME COURT OF WYOMING

Pedro/Aspen, Ltd. v. Board of County Commissioners for Natrona County

94 P.3d 412 (Wyo. 2004) · No. No. 02-236 · Decided July 16, 2004

SUMMARY

The Wyoming Supreme Court held that Pedro/Aspen had standing to challenge Natrona County's major land subdivision regulation because its contract-for-deed interest and parcel sales constituted a sufficient tangible interest. The court further held that the county lacked statutory authority to require approval for subdivisions involving parcels larger than thirty-five acres, reversed the district court's judgment, and rejected the county's reliance on its authority to enact more restrictive subdivision requirements.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Justice; Hill, C.J.; Golden, J.; Lehman, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	July 16, 2004
DOCKET	No. 02-236
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a district court judgment denying Pedro/Aspen's motion for partial summary judgment and entering judgment for Natrona County on the validity of the county's major land subdivision regulation.
STANDARD OF REVIEW	De novo review applies because the judgment presented only questions of law.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Pedro/Aspen, Ltd. v. Board of County Commissioners for Natrona County

TOPICS

- zoning
- statutory interpretation
- real estate
- appellate procedure
- standard of review

PRACTICE AREAS

real estate

municipal law

land-use regulation

appellate procedure

QUESTIONS PRESENTED

1. Whether Pedro/Aspen had standing under the Uniform Declaratory Judgments Act to challenge Chapter IX of the Natrona County Zoning Resolution.
2. Whether Natrona County had statutory authority to require approval for the subdivision of land into parcels larger than thirty-five acres.

HOLDINGS

1. Pedro/Aspen had standing because its equitable interest under the contract for deed and its active sales of approximately forty-acre parcels constituted a sufficient tangible interest directly affected by the regulation.
2. Natrona County lacked statutory authority to require county approval for subdivision of land into parcels larger than thirty-five acres; Chapter IX therefore exceeded the county's statutory authority and was invalid to that extent.

KEY QUOTATIONS

“To conclude that a party who cannot comply with a regulation has no standing to challenge the legality of the regulation is nonsensical.” (94 P.3d at 417, ¶ 13)

“Applying the plain meaning of the statute leads to the unavoidable conclusion that the legislature did not give counties the authority to require county approval for subdivision of land into parcels greater than thirty-five acres.” (94 P.3d at 419, ¶ 25)

“It is not the job of the courts to grant such powers specifically withheld by the legislative branch.” (94 P.3d at 421, ¶ 30)

FACTUAL BACKGROUND

Pedro/Aspen acquired an equitable interest in Natrona County land through a contract for deed and began selling individual approximately forty-acre parcels. Natrona County's zoning resolution required approval for major land subdivisions involving three or more parcels between thirty-five and eighty acres, and the county sought to enforce that requirement against Pedro/Aspen. Pedro/Aspen applied for approval while disputing the county's authority, then sued for a declaration that the regulation was ultra vires and invalid.

PROCEDURAL HISTORY

Pedro/Aspen sought declaratory and injunctive relief challenging Chapter IX of the Natrona County Zoning Resolution. The district court held that Pedro/Aspen lacked standing but addressed the merits and declined to invalidate the regulation. After the parties stipulated to dismissal of additional claims and entry of judgment for Natrona County on the regulation's validity, Pedro/Aspen timely appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for proceedings consistent with the opinion after reversal of the district court's standing determination and judgment upholding Chapter IX.

CASES CITED

- Union Pacific Resources Co. v. Dolenc, 2004 WY 36, 86 P.3d 1287 (Wyo. 2004)
- Wadi Petroleum, Inc. v. Ultra Resources, Inc., 2003 WY 41, 65 P.3d 703 (Wyo. 2003)
- Mathewson v. City of Cheyenne, 2003 WY 10, 61 P.3d 1229 (Wyo. 2003)
- Stoneking v. Wheatland Rural Electric Ass'n, 2003 WY 81, 72 P.3d 272 (Wyo. 2003)
- Jolley v. State Loan and Investment Board, 2002 WY 7, 38 P.3d 1073 (Wyo. 2002)
- Roe v. Board of County Commissioners, Campbell County, 997 P.2d 1021 (Wyo. 2000)
- Department of Revenue and Taxation v. Pacificorp, 872 P.2d 1163 (Wyo. 1994)
- Riedel v. Anderson, 2003 WY 70, 70 P.3d 223 (Wyo. 2003)
- Cox v. City of Cheyenne, 2003 WY 146, 79 P.3d 500 (Wyo. 2003)
- Director of the Office of State Lands & Investments v. Merbanco, Inc., 2003 WY 73, 70 P.3d 241 (Wyo. 2003)
- Sinclair Oil Corp. v. Wyoming Public Service Commission, 2003 WY 22, 63 P.3d 887 (Wyo. 2003)
- Union Pacific Railroad v. Trona Valley Federal Credit Union, 2002 WY 165, 57 P.3d 1203 (Wyo. 2002)
- Kroenlein v. Eddington, 2001 WY 115, 35 P.3d 1207 (Wyo. 2001)
- In re Estate of Peters, 2001 WY 71, 29 P.3d 90 (Wyo. 2001)
- Hirschfield v. Board of County Commissioners of Teton County, 944 P.2d 1139 (Wyo. 1997)
- Orcutt v. Shoher Investment, Inc., 2003 WY 60, 69 P.3d 386 (Wyo. 2003)
- Ford v. Board of County Commissioners of Converse County, 924 P.2d 91 (Wyo. 1996)
- Mayflower Restaurant Co. v. Griego, 741 P.2d 1106 (Wyo. 1987)
- Withers v. Board of County Commissioners of San Juan County, 96 N.M. 71, 628 P.2d 316 (N.M. Ct. App. 1981)
- Cox v. Fowler, 169 Okla. 355, 37 P.2d 291 (1934)
- Dubray v. Howshar, 884 P.2d 23 (Wyo. 1994)
- In re Estate of Ventling, 771 P.2d 388 (Wyo. 1989)
- Tri-State National Bank v. Saffren, 726 P.2d 1081 (Wyo. 1986)
- In re Various Water Rights in Lake DeSmet Reservoir v. Texaco, Inc., 623 P.2d 764 (Wyo. 1981)
- Board of County Commissioners of Teton County v. Crow, 2003 WY 40, 65 P.3d 720 (Wyo. 2003)
- Cheyenne Airport Board v. Rogers, 707 P.2d 717 (Wyo. 1985)
- Schoeller v. Board of County Commissioners of Park County, 568 P.2d 869 (Wyo. 1977)

- Rawlinson v. Greer, 2003 WY 28, 64 P.3d 120 (Wyo. 2003)
- Wyodak Resources Development Corp. v. Department of Revenue, 2002 WY 181, 60 P.3d 129 (Wyo. 2002)
- State ex rel. Swart v. Casne, 172 Mont. 302, 564 P.2d 983 (Mont. 1977)
- Arundel v. Swain, 374 A.2d 317 (Me. 1977)
- Stoker v. Irvington, 71 N.J. Super. 370, 177 A.2d 61 (N.J. Super. Ct. 1961)
- Manalapan Builders Alliance, Inc. v. Township Committee of the Township of Manalapan, 256 N.J. Super. 295, 606 A.2d 1132 (N.J. Super. Ct. App. Div. 1992)

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