



# SNEAPA 2016

— ENGAGE - PLAN - GROW —  
CULTIVATING GREAT COMMUNITIES

## **Land Use Law Developments of the Last Year**

Thursday, October 20, 2016

## **Resource Materials for Land Use Law**

## Alternative Dispute Resolution

### Lincoln Institute of Land Policy

[http://cbuilding.org/sites/cbi.drupalconnect.com/files/Mediating%20Land%20Use%20Disputes\\_o.pdf](http://cbuilding.org/sites/cbi.drupalconnect.com/files/Mediating%20Land%20Use%20Disputes_o.pdf)

*Fanning v. Alexander*, MISC 14-484762 (Mass. Land Court 2016)

<http://masscases.com/cases/land/2016/2016-14-484762-DECISION.html>

### Theodore W. Kheel Center on the Resolution of Environmental Interest Disputes

<http://law.pace.edu/edr-resources>

## Comprehensive Plan

*In re Rutland Renewable Energy, LLC* (VT 2016)

<http://tinyurl.com/zo6yx82>

## Easements

*Francini v. Goodspeed Airport LLC* (Conn. App. 2016)

<http://jud.ct.gov/external/supapp/cases/AROAP/AP150/150AP365.pdf>

*Melrose Fish & Game Club v. Tennessee Gas Pipeline Company* (Mass. App. 2016)

[www.masscases.com/cases/app/89massappct594.html](http://www.masscases.com/cases/app/89massappct594.html)

## Eminent Domain / Expert Testimony

*United States ex rel. Tennessee Valley Authority v. 1.72 Acres of Land in Tennessee*, 821 F.3d 742 (6<sup>th</sup> Cir. 2016)

<http://tinyurl.com/z8ltog7>

U.S. Constitution 5<sup>th</sup> Amendment

<http://tinyurl.com/32cryl>

## Endangered Species

***Kuehl v Sellner*** (N.D. Iowa 2016)

<http://tinyurl.com/hpzyzl7>

## Grandfathering

***TheRDM Trust v. Town of Milford*** No. 2015-0495 (N.H. 2016)

<http://tinyurl.com/zbwspk>

***Almeida v. Arruda*** (Mass. App. 2016) <http://tinyurl.com/hcmm7lm>

## Historic Preservation

**Restore Oregon**

<http://restoreoregon.org/lessons-learned-carman-house/#lightbox/3/>

***Lake Oswego Preservation Society v. City of Lake Oswego***, 360 Or. 115 (2016)

<http://tinyurl.com/gp4ucqa>

**Lake Oswego Preservation Society**

<http://lakeoswegopreservationsociety.org/land-use-testimony/>

## Preemption

***City of Longmont v. Colorado Oil and Gas Association*** (Colo. 2016)

<http://tinyurl.com/zd5ckcd>

## Protected Speech – First Amendment

***Buehler v. City of Key West*** (11<sup>th</sup> Cir. 2015)

<http://tinyurl.com/h82pmq7>

## Public Trust Doctrine

**Hackensack Riverkeeper, North Jersey's Leading Clean Water Advocate**

<http://www.hackensackriverkeeper.org/2503-2/>

2016-10-17

***Hackensack Riverkeeper v. New Jersey Department of Environmental Protection***, (NJ App. Div. 2015)

<http://tinyurl.com/jd6w7yd>

**New Jersey Coastal Management Program**

<http://www.nj.gov/dep/cmp/>

**New Jersey Municipal Public Access Plans, FAQ's**

<http://www.nj.gov/dep/cmp/access/faqs.html>

## **Railroads**

***Murray v. Department of Conservation & Recreation*** (Mass. 2016)

[www.masscases.com/cases/sjc/475mass99.html](http://www.masscases.com/cases/sjc/475mass99.html)

## **RLUIPA**

See, generally and frequently: [rluipa-defense@rc.com](mailto:rluipa-defense@rc.com)

## **Signs – First Amendment**

**Rocky Mountain Sign Law Blog**

<http://www.rockymountainlaw.com/2016/08/tampa-panhandling-ban-found-unconstitutional/#more-2058>

**Homeless Helping Homeless, Inc.**

<http://www.homelesshh.com>

**Tampa repeals parts of panhandling law**

<http://www.wtsp.com/news/local/tampa-repeals-parts-of-panhandling-ban/236451926>

***Reed v. Town of Gilbert***, 135 S. Ct. 2218 (2015)

<http://tinyurl.com/zroq4g8>

## **Standing**

***Cherry v. Weisner***, 781 S.E.2d 871 (NC App. 2016)

<http://tinyurl.com/j8ecw9t>

**NC Modernist Houses Website: Timeline for the Louis Cherry / Marsha Gordon House**

<http://www.ncmodernist.org/2014oakwood.htm>

2016-10-17

Lovelady, **Can the neighbor speak? Can the neighbor appeal? Standing and quasi-judicial hearings**” Coates' Canons (Sept. 27, 2016)

<http://tinyurl.com/gwm8tk5>

Arieff, **Don't Like Your Neighbors' House? Sue Them**, New York Times (July 12, 2014)

<http://tinyurl.com/z2yong7>

## Takings

***Kirby v. North Carolina Department of Transportation*** (NC 2016)

<http://tinyurl.com/jkrt28z>

***California Bldg. Indus. Ass'n v. City of San Jose, California*** (US 2016) Cert. Denied

<http://tinyurl.com/ja6dojx>

## Variances

***Assateague Coastal Trust, Inc v. Schwalbach*** (MD App. 2016)

<http://tinyurl.com/hyfjib2>

***Caruso v. City of Meriden*** (CT App. 2016)

<http://jud.ct.gov/external/supapp/cases/AROAP/AP150/150AP365.pdf>

## Zoning

***Macdonough v Spaman*** (D. N.Y. 2016)

<http://tinyurl.com/jx5fm95>