

Basics of Land Use Law

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Basics of Land Use Law

- ▶ Land use and planning touches numerous aspects of daily life
- ▶ Embodying a range of laws and regulations across federal, state, and local levels
- ▶ Land use law impacts development, conservation, and more

Overview

- ▶ Regulating how land is used and what activities may be conducted
 - ▶ Impacts on human health and the environment
- ▶ Land use planning can:
 - ▶ Reduce urban sprawl
 - ▶ Preserve green spaces
 - ▶ Limit soil erosion and contaminated surface water runoff
- ▶ Placing restrictions on people's use of their property is controversial
 - ▶ Land use law can be complex and contentious

Overview: Regulation

- ▶ Largely regulated by states and municipalities through zoning
 - ▶ Little role for the federal government
 - ▶ Exceptions:
 - ▶ Managing federal lands
 - ▶ ESA
 - ▶ Courts
 - ▶ Decide cases on the constitutional reach of state and local land use regulation
 - ▶ Private nuisance lawsuits

Today's Session: Focus

- ▶ The primary elements of land use law, including:
 - ▶ Foundations of land use law
 - ▶ Legal frameworks
 - ▶ Conservation

Today's Session

- ▶ Background of zoning authority (constitutional authority)
- ▶ Procedural vs. substantive due process
- ▶ Equal protection
- ▶ Zoning tools
- ▶ Hearings and appeals
- ▶ Case studies
- ▶ DEI & climate change considerations
- ▶ Project management
- ▶ Land Trusts
- ▶ Conservation tools & conservation easements
- ▶ Recent trends in approaches to planning communities and development
- ▶ Stewardship, monitoring and enforcement, and more