

A Legal Review of the Most Noteworthy Court Decisions of the Last 100 Years

TOP 20 LAND USE CASES AND THEIR SIGNIFICANCE TODAY

Indianapolis, Indiana
December 1, 2008



PRESENTED BY

Eric D. Kelly
Peter M. Racher
Lawrence A. Vanore

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Program 9:00 am - 4:30 pm

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INDIANAPOLIS — December 1

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KEY SEMINAR **BENEFITS**

Gain a Greater Understanding of the Land Use Precedents That Affect Your Practice

- Examine how case law has sculpted regulatory takings precedents since 1922.
- Study the evolution of the takings test from *Penn Central* to *Nollan and Dolan*.
- Gain in-depth knowledge on the court decisions that put growth phasing and zoning principles in place.
- Find out how environmental decisions in the 1970s continue to have a major impact on land use planning today.
- Review the details of the noteworthy court case that established the model fair housing remedy for exclusionary zoning.
- Stay ahead of the curve on new and pending legislation and case law.

SEMINAR **OUTLINE**

REGULATORY TAKINGS

9:00 - 10:30 and 10:45 - 12:00, Eric D. Kelly

- *Pennsylvania Coal Co. v. Mahon*
- *Berman v. Parker*
- *Penn Central Transportation Co. v. City of New York*
- *Agins v. City of Tiburon*
- *Loretto v. Teleprompter Manhattan CATV Corp.*
- *Williamson County Regional Planning Commission v. Hamilton Bank*
- *First English Evangelical Lutheran Church of Glendale v. Los Angeles County*
- *Nollan v. California Coastal Commission*
- *Lucas v. South Carolina Coastal Council*
- *Dolan v. City of Tigard*
- *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*

PLANNED UNIT DEVELOPMENT (PUD)

1:00 - 1:20, Lawrence A. Vanore

- *Cheney v. Village 2 at New Hope, Inc.*

ZONING ACTIONS

1:20 - 2:10, Lawrence A. Vanore

- *Village of Euclid v. Ambler Realty Co.*
- *Golden v. Planning Board of Ramapo*
- *Fasano v. Board of County Commissioners of Washington County*

FAIR HOUSING AND DISCRIMINATORY ZONING ACTIONS

2:10 - 2:45, Lawrence A. Vanore

- *Village of Arlington Heights v. Metropolitan Housing Development Corp.*
- *Southern Burlington County NAACP v. Township of Mt. Laurel (II)*

ENVIRONMENTAL IMPACT

3:00 - 3:45, Peter M. Racher

- *Citizens to Preserve Overton Park, Inc. v. Volpe*
- *Calvert Cliffs' Coordinating Committee v. Atomic Energy Commission*
- *Just v. Marinette County*

HISTORY IN THE MAKING: THE LATEST DEVELOPMENTS

3:45 - 4:30, Lawrence A. Vanore

- Case Law Update
- Legislative Update

*If needed, the above agenda may be changed to best accommodate all of our attendees.



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December 1 — Indianapolis

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ERIC D. KELLY is one of the nation's foremost land use lawyers and growth management specialists, and is vice president with Duncan Associates. He is a professor of urban planning and former dean of the College of Architecture and Planning at Ball State University. Mr. Kelly earned his B.A. degree from Williams College, his J.D. and M.C.P. degrees from the University of Pennsylvania, and his Ph.D. degree from The Union Institute. He frequently presents keynote, luncheon and dinner addresses at state and regional conferences, primarily on legal aspects of planning land use controls. Mr. Kelly has written works such as "A Practical Guide to Winning Land Use Approvals and Permits," (co-author), "Community Planning: An Introduction to the Comprehensive Plan," (lead co-author) and "Zoning Land Use Controls," (general editor). He is a member of the American Bar Association, a charter member of the American Planning Association (past president), a fellow of the American Institute of Certified Planners and a member of the Indiana Land Resources Council. Mr. Kelly has received the Colorado APA chapter's award for Outstanding Service and Educational Leadership; an Outstanding Service Award from the Iowa Chapter of the American Planning Association; and a Planning Sagamore award from the Indiana Chapter of the American Planning Association. In a centenary publication, the University of Pennsylvania Graduate School of Fine Arts listed him among its "100 Graduates Who Epitomize Our Future."

PETER M. RACHER is a member of the Indianapolis law firm of Plews Shadley Racher & Braun, where he concentrates his practice on environmental litigation matters, including environmental cost recovery, insurance coverage, underground storage tanks, clean air and clean water compliance, toxic torts, and solid and hazardous waste matters. A graduate of Oberlin College, Mr. Racher earned his J.D. degree, magna cum laude, from Indiana University, where he was elected to the Order of the Coif and an associate of the

Indiana Law Journal. He is an extensive writer and frequent speaker on environmental issues, and has been listed as an Indiana "Super Lawyer" from 2004 to 2008, and in *The Best Lawyers in America* in environmental law from 2003 to 2008. Mr. Racher is a former chair of the Environmental Law Section of the Indiana State Bar Association. He is a member of the Indianapolis and Indiana State bar associations, and the Association of Trial Lawyers of America.

LAWRENCE A. VANORE is a partner in the Indianapolis law firm of Taft Stettinius & Hollister LLP, where he represents clients in all aspects of environmental law, permitting and land use, with a particular emphasis on permit and enforcement issues involving the Clean Air Act, including Prevention of Significant Deterioration and Title V permits, and has frequently appealed such permits and defended permit appeals on behalf of business clients. He also counsels clients on compliance with the Clean Water Act, State and Federal Superfund actions, and all solid and hazardous waste laws. In business transactions, Mr. Vanore works closely with the firm's mergers and acquisitions lawyers to perform environmental due diligence. In addition, he represents business clients in OSHA regulatory actions. His public law practice focuses on local zoning and planning, including the preparation of local zoning ordinances and comprehensive plans. Mr. Vanore also has assisted numerous municipalities in Indiana with annexations. His litigation practice includes defending local zoning boards and plan commissions at both the trial court and appellate levels. He is a member of the Indianapolis (member, Environment and Natural Resources Section), Indiana State (member, Environmental Law Section) and American (member, Environmental Law and Tort and Insurance Practice sections) bar associations. Mr. Vanore earned his B.A. degree from Hofstra University, and his M.P.A. degree and J.D. degree, magna cum laude, from Indiana University. He is a frequent speaker on environmental, zoning and municipal law topics.

WHO SHOULD ATTEND

This **basic level program** provides an in-depth legal analysis of key land use court decisions for attorneys. This program may also benefit planners, engineers, architects, surveyors, government officials involved in land use planning and paralegals.

CREDIT INFORMATION

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