

Land Use Landscape: *peaks and valleys*

Dani Cepernich & Nate Mitchell



SNOW
CHRISTENSEN
& MARTINEAU

Case Law Update

Condemnation / Eminent Domain Litigation



- *Salt Lake City Corp. v. Kunz*, 2020 UT App 139
 - H.B. 206
- *Cardiff Wales LLC v. Washington County School District*, 2022 UT 19

42 U.S.C. § 1983: Land Use Issues



- *David v. Midway City*, 2021 WL 6930939 (D. Utah 2021)
- *Bruce v. Ogden City Corp.*, 2022 WL 17225677 (D. Utah 2022)
- *Nash v. Grantsville*, Case No. 2:12-cv-692 (D. Utah)

Billboards & First Amendment

- *Austin v. Reagan Nat'l Advertising of Austin, LLC*, 142 S. Ct. 1464 (2022)
- *Reagan Outdoor Advertising v. Salt Lake City Corp.*, 2021 WL 409788 (D. Utah 2021)
 - Electronic billboards

Section 801 Review – What is it?

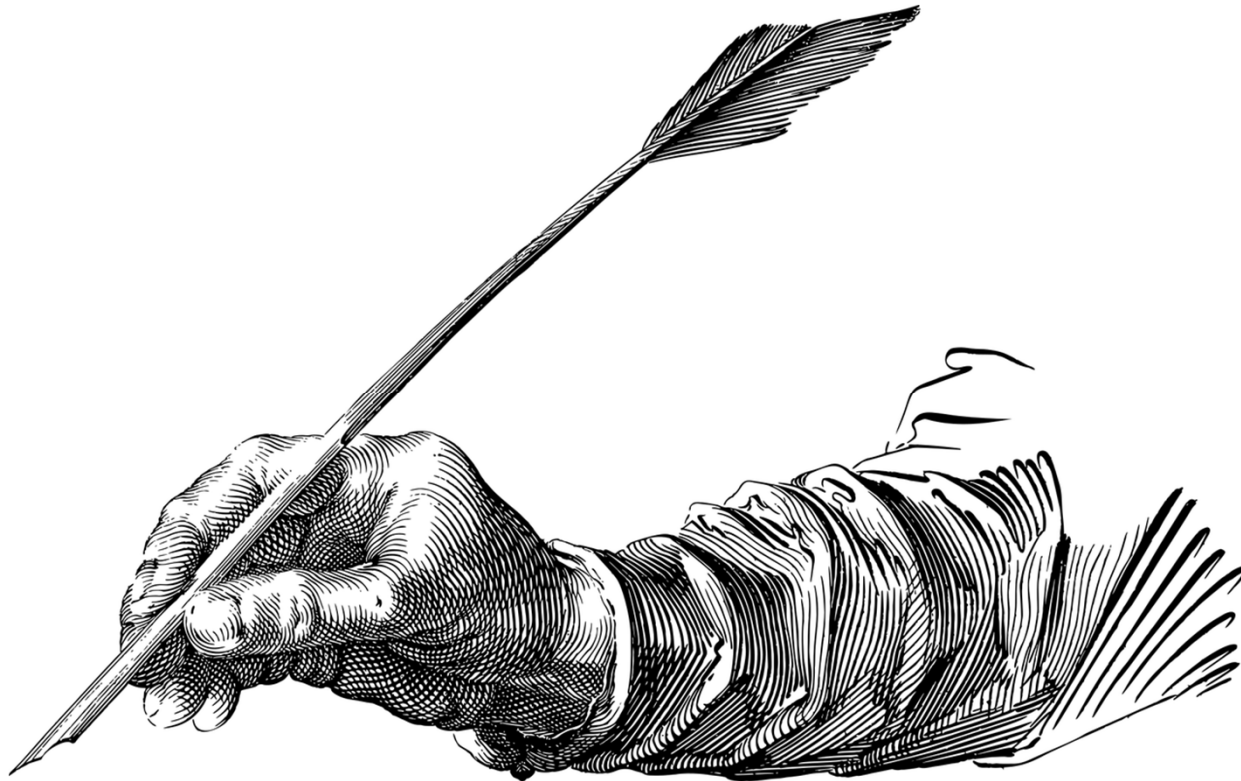
- *Fuja v. Woodland Hills*, 2022 UT App 140

Section 801 Review – Who Can Seek It?



- *Northern San Juan County Coalition v. San Juan County*, 2023 UT App 12
 - *Tooele County v. Erda Community Assoc.*, 2022 UT App 123
 - **Erda Community Association Litigation**

Section 801 Review – Governing Standards



- *Northern Monticello Alliance, LLC v. San Juan County*
 - 2022 UT 10
 - 2023 UT App 18

Section 801 Judicial Review – Settlement



➤ *Wallingford v. Moab City*, 2020 UT App 12

Referenda: Alive and Well?



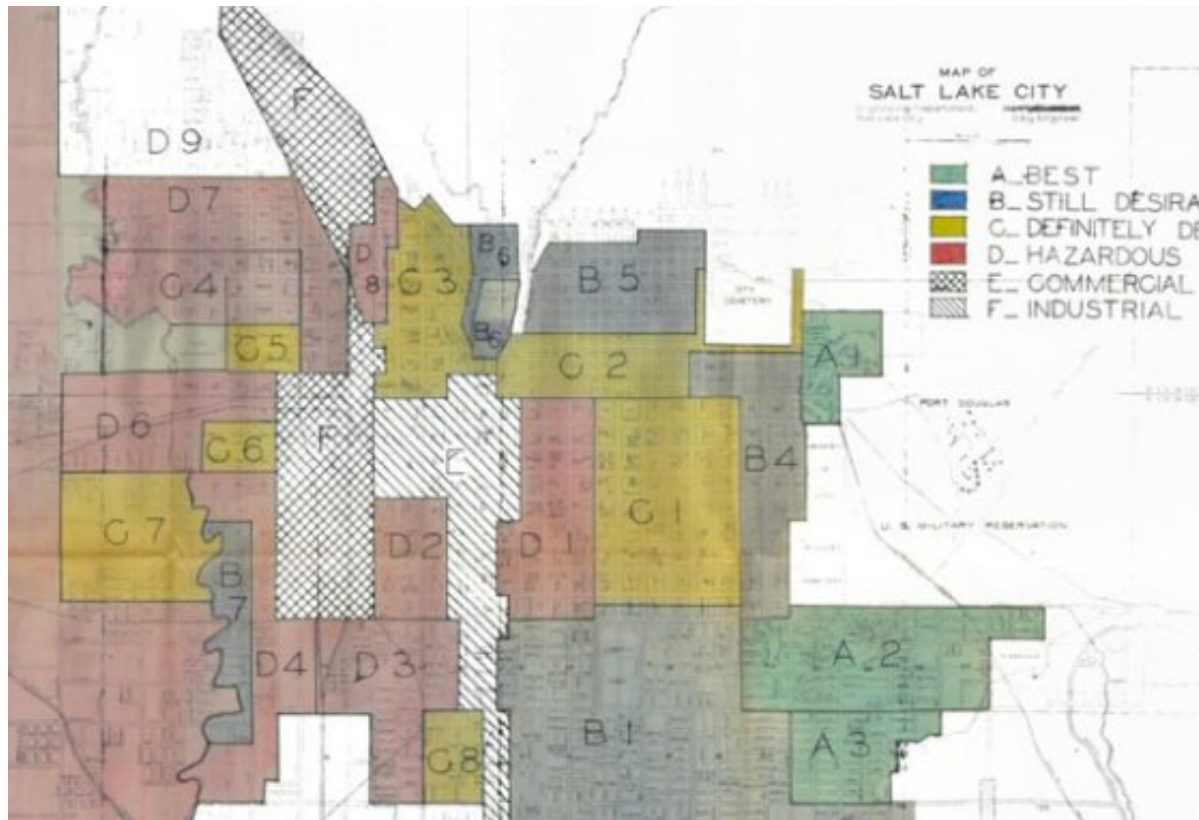
- *Croft v. Morgan County*, 2021 UT 46
 - *Smith v. Zook*, 2021 UT 10
- *Matthews v. Tooele County*, Case No. 200301717 (3d Jud. Dist. Ct. Utah)
 - HB 38 & SB 199

Short Term Rental Developments



- *South Weber City v. Cobblestone Resort*, 2022 UT App 63
 - OPRO Opinions 257 & 258

Fair Housing Litigation & Investigations



- *Etna v. Holliday City*, 2020 WL 1236439 (D. Utah 2020)
- *FSC Communities HOA*, Case No. 20210698-CA

Exactions and Fees

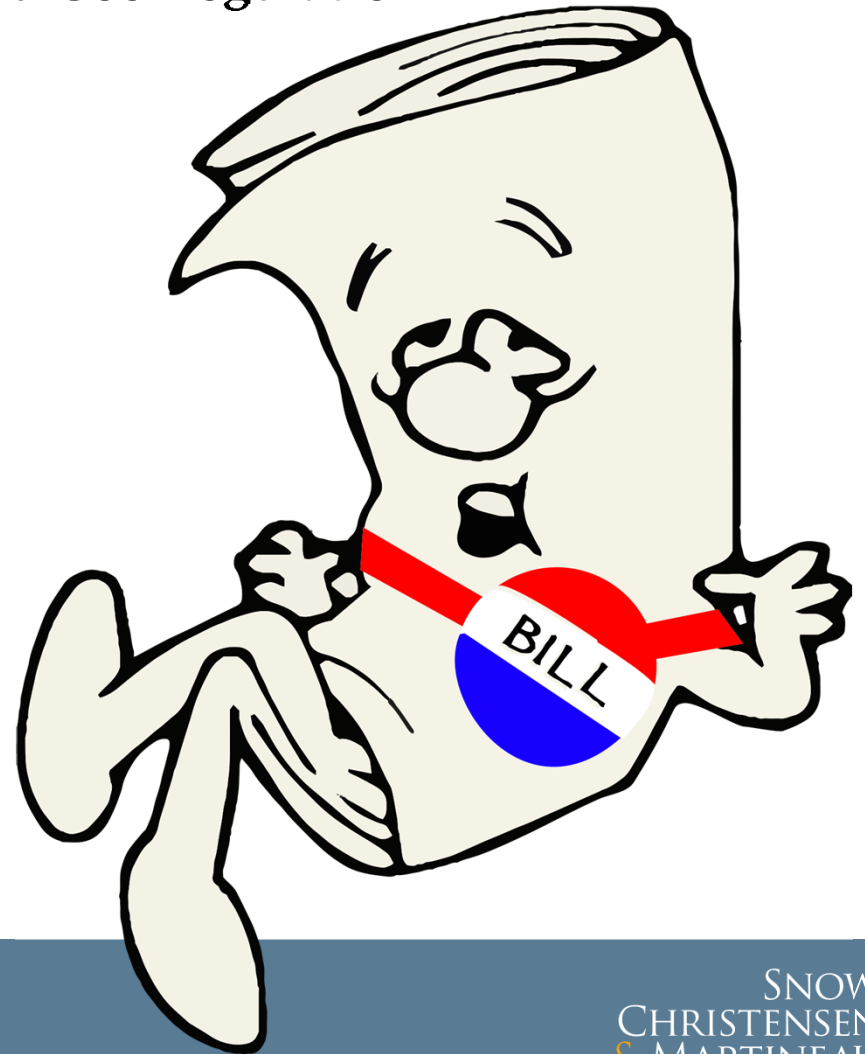


- *Utah Sage, Inc. v. Pleasant Grove City*, 2023 UT 2
 - S.B. 158
 - OPRO Opinions 249, 251 & 253
 - Impact Fee Litigation

Legislative Updates

Land Use Legislation

- **H.B. 406 – Annexation and Temporary Land Use Regulation**
- **S.B. 43 – Public Notice**
- **S.B. 174 – Accessory Dwelling Units**



OPRO Trends

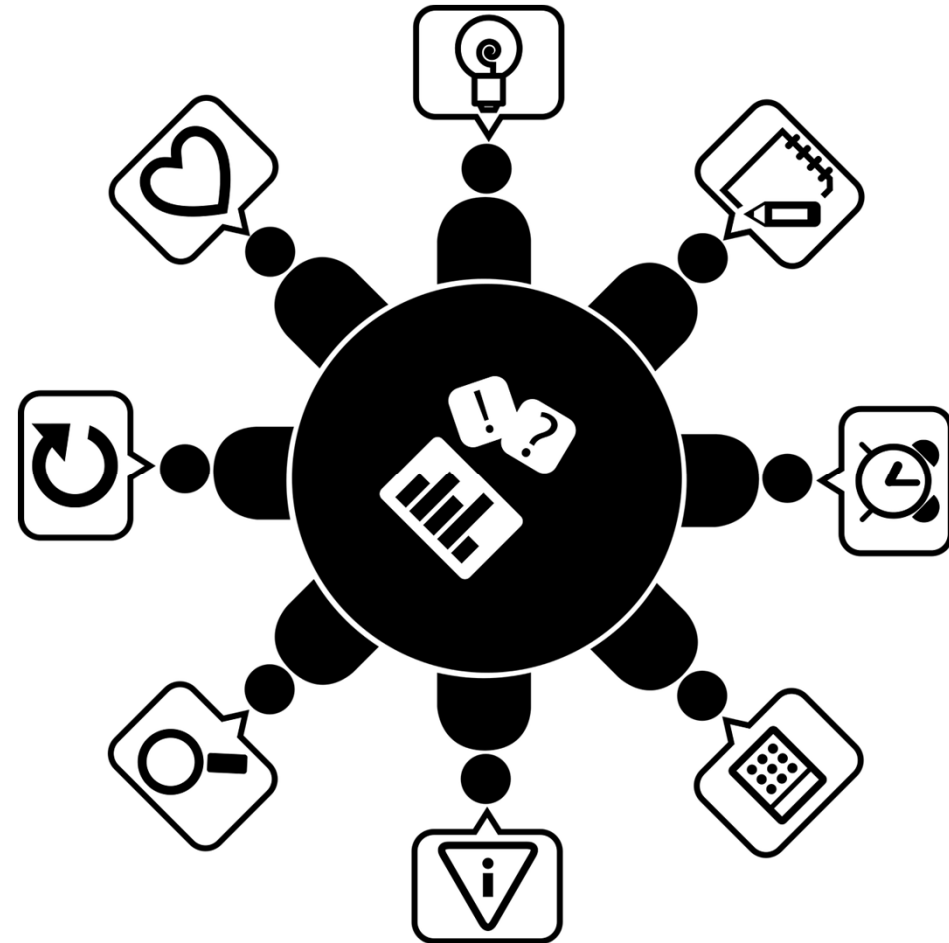
2022 OPRO Opinions

➤ Compliance with Land Use Ordinances

- Opinion 250: Bracken
- Opinion 252: Haslem
- Opinion 255: Belnap
- Opinion 256: Packer

➤ Vested Rights

- Opinion 250: Bracken
- Opinion 254: Ivins



Thank You!

Questions?

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Comments?

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Request for summaries?