



Contents

<i>Preface to the Fifth Edition</i>	<i>xxvii</i>
<i>Acknowledgments</i>	<i>xxix</i>

PART ONE



INTRODUCTION TO LAND USE CONTROLS	1
1. <i>The Regulatory Setting: Land, Ethics, Economics, and Participants</i>	3
A. The Vitality of Contemporary Land Use Regulation	3
B. The Land Resource in America: Distribution and Trends	5
Major Uses of Land in the United States, 2007	5
Five of the Nation's Eleven Fastest-Growing Cities Are in Texas	7
Notes and Comments	8
C. Land Use as an Ethical Decision	11
Fred Bosselman, Four Land Ethics: Order, Reform, Responsibility, Opportunity	11
Joseph William Singer, The Ownership Society and Takings of Property: Castles, Investments and Just Obligations	13
Eric T. Freyfogle, Property Rights, the Market, and Environmental Change in 20th Century America	14
Timothy Beatley, Ethical Land Use: Principles of Policy and Planning	15
Notes and Comments	16
	xi

D. Land Use and Economic Theory	20
Werner Z. Hirsch, Law and Economics: An Introductory Analysis	21
David Schleicher, City Unplanning	22
Notes and Comments	25
E. The Players in the Regulatory Process	28
Eric Damian Kelly, Managing Community Growth: Policies, Techniques and Impacts	28
A Note on the Participants in the Land Use Process	29
Mike E. Miles, Laurence M. Netherton, & Adrienne Schmitz Real Estate Development: Principles and Process	32
Notes and Comments	33
F. Organization and Themes of this Casebook	33
1. Organization: The Structure of the Book	33
2. Themes	34

PART TWO

THE LAND USE REGULATORY TOOLS 39

2. Zoning 41

A. Introduction	41
1. In the Beginning: Euclidian Zoning	41
2. The Need for Flexibility	42
3. Flexibility and Discretion	43
4. The Rise of Bargaining	43
B. The Traditional Zoning Ordinance	44
<i>Village of Euclid v. Ambler Realty</i>	44
Notes and Comments	49
<i>In re Howard Center Renovation Permit</i>	52
Notes and Comments	54
A Note on Nonconforming Uses	58
C. Amendments, Spot Zoning, and Variances	60
<i>Plains Grains Limited Partnership v. Board of County Commissioners</i>	61
Notes and Comments	64
<i>Marshall v. City of Philadelphia</i>	67
Notes and Comments	70
D. Flexibility Devices	73
1. Use Permits	73
<i>Uintah Mountain RTC, L.L.C. v. Duchesne County</i>	73
Notes and Comments	79
2. Floating Zones and Contract Zones	81
<i>Rodgers v. Village of Tarrytown</i>	82
Notes and Comments	84

3. Planned Unit Developments	85
<i>Peters v. Spearfish ETJ Planning Commission</i>	86
Notes and Comments	88
4. Site Plan Review	91
<i>Summa Humma Enterprises, LLC v. Town of Tilton</i>	91
Notes and Comments	94
3. Subdivision Regulation	97
A. Introduction	97
1. From Plats to Planning	97
2. The Purposes and Components of Substantive Review	98
3. Timing and Vesting	98
4. Efficiency, Politics, and Reform	99
B. Jurisdiction and Definitions	100
<i>Loftin v. Langsdon</i>	100
Notes and Comments	103
C. The Project Approval Process	105
<i>Blue Ridge Co. v. Town of Pineville</i>	106
Notes and Comments	111
<i>Burrell v. Lake County Plan Commission</i>	113
Notes and Comments	116
D. Vested Rights to Develop	118
<i>Board of Supervisors of Prince George County v. McQueen</i>	118
Notes and Comments	122
E. Streamlining and Development Standards	124
<i>Gaughen LLC v. Borough Council of Borough of Mechanicsburg</i>	124
Notes and Comments	128
F. Controlling Growth	130
<i>Golden v. Planning Board of the Town of Ramapo</i>	130
Notes and Comments	135
4. Infrastructure	139
A. Introduction	139
1. The Underappreciated Subject	139
2. Who Should Pay?	139
3. The Basic Choice: Taxpayers or Users?	140
B. Tax Increment Financing	141
<i>Board of Directors of the Industrial Development Board of the</i>	
<i>City of Gonzales, Louisiana, Inc. v. All Taxpayers,</i>	
<i>Property Owners, Citizens of the City of Gonzales</i>	141
<i>Ste. Genevieve School District R-II v. Board</i>	
<i>of Aldermen of the City of Ste. Genevieve</i>	152
Notes and Comments	155
C. Exactions, Special Assessments, and Other Financing Techniques	157
1. Exactions	157
The California Mitigation Fee Act — California	
Government Code §66000	157

Vermont Impact Fee Legislation — 24 V.S.A. §5203	158
Notes and Comments	159
2. Special Assessments	159
<i>Strauss v. Township of Holmdel</i>	159
Notes and Comments	162
3. Other Financing Techniques	164
D. Privatization of Infrastructure	165
A Note on the Privatization of Infrastructure	165
E. Infrastructure and the Environment	167
1. Green Infrastructure	167
2. Climate Change and Infrastructure	168
<i>Borough of Harvey Cedars v. Karan</i>	172
5. The Role of Planning	179
A. Introduction	179
1. The Allure of Planning	179
2. The Rise of the Consistency Doctrine	180
3. The Efficacy of Consistency Requirements	181
4. Toward Sub-area and Neighborhood Plans	182
5. Emerging Issues in Planning	183
B. Land Use Planning in Perspective	185
United States Department of Commerce, A Standard City Planning Enabling Act	185
William C. Baer, General Plan Evaluation Criteria: An Approach to Making Better Plans	186
Notes and Comments	187
C. The Form and Content of the General Plan	191
<i>Wolf v. City of Ely</i>	191
Notes and Comments	193
New Jersey Statutes Annotated §40:55D-28	195
<i>Twain Harte Homeowners v. County of Tuolumne</i>	197
Notes and Comments	200
D. Consistency Requirements	203
California Government Code §65860	203
Rhode Island General Laws §45-24-30	204
New Jersey Statutes Annotated §40:55D-62	204
Me. Rev. Stat. Ann. Tit. 30-A §4352	204
8-104 Consistency of Land Development Regulations with Local Comprehensive Plan	204
Notes and Comments	205
<i>Haines v. City of Phoenix</i>	208
Notes and Comments	211
<i>Avenida San Juan Partnership v. City of San Clemente</i>	217
Notes and Comments	220
E. Remedies for Inconsistency	221
<i>Pinecrest Lakes, Inc. v. Shidel</i>	221
Notes and Comments	225

PART THREE

THE LIMITS OF CURRENT LAND USE REGULATION 227

6. *Judicial Review of Land Use Decisions* 229

A. Introduction	229
1. The Role of the Courts in Land Use	229
2. Fairness in Local Procedures	230
3. Reviewing the Substantive Decision	232
4. The Role of Neighbors and Project Proponents	232
5. The Federal Courts and Local Land Use Decisions	233
B. Fairness in the Decision-Making Process	234
<i>Frito-Lay, Inc. v. Planning and Zoning Commission</i> <i>of the Town of Killingly</i>	234
Notes and Comments	240
<i>Cheyenne Newspapers, Inc. v. Building Code Board of Appeals</i>	242
Notes and Comments	246
A Note on Standing and Exhaustion of Administrative Remedies	248
C. Judicial Control of Local Discretion	252
<i>Albuquerque Commons Partnership v. City Council</i> <i>of Albuquerque</i>	252
Notes and Comments	257
D. Ethics and Fairness	262
<i>Villages, LLC v. Enfield Planning and Zoning Commission</i>	263
Notes and Comments	266
E. Third-Party Opposition to Development: Neighbors' Rights and Developers' Responses	270
<i>Grant County Concerned Citizens v. Grant County Board of</i> <i>Adjustment</i>	270
Notes and Comments	275
<i>Plante v. Wylie</i>	278
Notes and Comments	282
F. The Role of the Federal Courts Under the Civil Rights Act	285
<i>Cenergy-Glenmore Wind Farm v. Town of Glenmore</i>	285
Notes and Comments	288

7. *Takings* 291

A. Introduction	291
1. Eminent Domain v. Inverse Condemnation	291
2. History	292
3. Richard Epstein and Judicial Activism	293
4. The <i>Armstrong</i> Principle	295
5. The Basic Structure of Takings Cases	296
B. Modern Takings Tests	298
1. Penn Central	298
<i>Penn Central Transportation Co. v. New York City</i>	298

Notes and Comments	307
A Note on Applying the <i>Penn Central</i> Factors	310
2. The <i>Loretto Per Se</i> Rule for Permanent Physical Occupations	313
<i>Loretto v. Teleprompter Manhattan CATV Corp.</i>	313
Notes and Comments	318
3. The <i>Lucas Per Se</i> Rule	321
<i>Lucas v. South Carolina Coastal Council</i>	321
Notes and Comments	329
C. Procedural Issues in Takings Cases	332
<i>First English Evangelical Lutheran Church v. County of Los Angeles</i>	332
Notes and Comments	336
<i>Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City</i>	338
Notes and Comments	346
D. Exactions	349
<i>Nollan v. California Coastal Commission</i>	349
<i>Dolan v. City of Tigard</i>	356
Notes and Comments	366
<i>Koontz v. St. Johns River Water Management District</i>	368
Notes and Comments	376
E. Eminent Domain	378
<i>Kelo v. City of New London</i>	378
Notes and Comments	387
8. The First Amendment and Other Constitutional Protections	389
A. Introduction	389
1. Some Basic First Amendment Principles	389
2. Categories of Speech and Content-Based Regulation	390
3. Land Use Controls and the First Amendment	391
B. Signs and Billboards	391
<i>Reed v. Town of Gilbert</i>	392
Notes and Comments	398
<i>Metromedia, Inc. v. City of San Diego</i>	401
Notes and Comments	408
C. Adult Use Zoning	411
<i>City of Renton v. Playtime Theatres, Inc.</i>	411
Notes and Comments	415
D. Church and Worship Regulation	419
1. The Establishment Clause	420
<i>Van Orden v. Perry</i>	421
2. Free Exercise Clause	425
A Note on <i>Employment Division, Department of Human Resources of Oregon v. Smith</i> and the Religious Freedom Restoration Act	426
<i>City of Boerne v. Flores</i>	428
Notes and Comment	434

A Note on the Religious Land Use and Institutionalized Persons Act	435
<i>Civil Liberties for Urban Believers v. City of Chicago</i>	436
<i>Guru Nanak Sikh Society of Yuba City v. County of Sutter</i>	440
Notes and Comments	445
<i>Centro Familiar Cristiano Buenas Nuevas v. City of Yuma</i>	448
Notes and Comments	453
E. Due Process Clause Challenges	454
<i>RRI Realty Corp. v. Incorporated Village of Southampton</i>	454
<i>United Artists v. Township of Warrington</i>	460
A Note on the Standard of Liability for Violation of Substantive Due Process Clause	463
Notes and Comments	465
F. Equal Protection Challenges	469
<i>Village of Willowbrook v. Olech</i>	470
Notes and Comments	472
9. Regional, State, and Federal Land Use Regulation	477
A. Introduction	477
1. The Quiet (and Very Slow) Revolution	477
2. The Critiques of Local Regulation	478
3. Regional and State Oversight	479
4. Intergovernmental Disputes and State Preemption	480
5. The Federal Role	481
6. State and Regional Regulation in the Future	482
B. Direct State Oversight of Local Regulation	482
<i>Foland v. Jackson County</i>	482
Notes and Comments	484
A Note on the Florida System	486
<i>In re Kiesel</i>	489
Notes and Comments	497
In re Treetop Development Company Act 250 Development	500
Notes and Comments	504
A Note on the Hawaii System	505
C. Regional Critical Area Controls	506
<i>330 Concord Street v. Campsen</i>	506
Notes and Comments	509
D. The New Regionalism: Sprawl	512
Edward H. Ziegler, Sustainable Urban Development and the Next American Landscape: Some Thoughts on Transportation, Regionalism, and Urban Planning Law Reform in the 21st Century	513
Notes and Comments	516
E. Jurisdictional Conflicts and Adjustments: Annexation, Preemption, and Accommodation	518
<i>City of Albuquerque v. State of New Mexico Municipal Boundary Commission</i>	518
Notes and Comments	522

F. Governmental Immunity from Zoning	525
<i>City of Everett v. Snohomish County</i>	525
Notes and Comments	528
A Note on State Law Preemption of Local Regulation	532
G. The Federal Influence Over Land Use	533
A Note on Federal Law Affecting Land Use	534
<i>Schanzenbach v. Town of Opal, Wyoming</i>	536
Notes and Comments	540
A Note on Federal and Indian Lands	541
10. <i>Alternative Methods for Land Use Decision Making</i>	547
A. Introduction	547
1. Models of Land Use Regulation	547
2. The Legislative and Adjudicative Models	548
3. Private Law: Covenants, Conditions, and Controversy	549
4. The Bargaining Model: Development Agreements and Mediation	549
5. The Market Model: Deregulation	551
B. Popular Decision Making: Initiatives and Referenda	551
<i>Griswold v. City of Homer</i>	552
Notes and Comments	555
C. The Private Land Use Model: Covenants, Conditions, and Restrictions	559
A Note on the Common Law and Land Use	560
Jo Anne P. Stubblefield, Declaration of Covenants, Conditions, and Restrictions for Beachside	564
<i>Turudic v. Stephens</i>	568
Notes and Comments	573
Sherryl D. Cashin, Privatized Communities and the “Secession of the Successful”: Democracy and Fairness Behind the Gate	577
Robert H. Nelson, Pro-Choice Living Arrangements Reality Check	578
Hannah Wiseman, Public Communities, Private Rules	579
Notes and Comments	580
D. Bargaining: Development Agreements	584
Florida Statutes Annotated §§163.3223-163.3235	584
Notes and Comments	586
<i>Sprenger, Grubb & Associates, Inc. v. City of Hailey</i>	590
<i>Toll Bros., Inc. v. Board of Chosen Freeholders of the County of Burlington</i>	593
Notes and Comments	596
E. Dispute Resolution: Mediation	599
Sean Nolon, Ona Ferguson, and Pat Field, The Mutual Gains Approach to Resolving Land Use Disputes	599

Edith M. Netter, Using Mediation to Resolve Land Use Disputes	600
Notes and Comments	602
F. Market-Based Systems: Deregulation	606
Remarks By Jason Furman, Chairman, Council on Economic Advisers, Barriers to Shared Growth: the Case of Land Use Regulation and Economic Rents	606
Memorandum from Director, Planning and Development, City of Houston	609
Notes and Comments	609

PART FOUR

EVOLVING ISSUES IN LAND USE REGULATION 613

11. <i>Confronting New Land Use Challenges: Smart Growth, Climate Change, Health, and Vulnerable Populations</i>	615
A. Introduction	615
B. From Growth Control to Smart Growth	616
A Note on the Management of Growth	616
Congress for the New Urbanism, The Charter of the New Urbanism	619
Brian W. Ohm, Reforming Land Planning Legislation at the Dawn of the 21st Century: The Emerging Influence of Smart Growth and Livable Communities	621
Notes and Comments	622
C. Climate Change: The Ultimate Challenge to Sustainability	624
John T. Abatzoglou et al., A Primer on Global Climate Change Science, in Dimento and Doughman (Eds.), <i>Climate Change: What It Means for Us, Our Children, and Our Grandchildren</i>	624
Broward County, Florida, Comprehensive Plan: Climate Change Element	629
<i>Communities for a Better Environment v. the City of Richmond</i>	632
Notes and Comments	634
A Note on Land Use Law and Adapting to Sea Level Rise	638
Collier County, Florida, Land Development Code	640
D. Public Health and Vulnerable Populations	642
1. Obesity	642
National Policy and Legal Analysis Network, Findings for Model Healthy Food Zone Ordinance	644
Laura Kettel Khan, PhD, et al., Recommended Community Strategies and Measurements to Prevent Obesity in the United States	647
Notes and Comments	648

2. Sober Homes	650
Denise G. Callahan, West Chester Puts Moratorium on Rehab Centers	650
<i>Tsombanidis v. West Haven Fire Department</i>	652
Notes and Comments	656
3. The Homeless	657
<i>Phillips Supply Co. v. Cincinnati Board of Zoning Appeals</i>	658
Illinois Bill of Rights for the Homeless Act	663
Notes and Comments	663
4. Users of Medical (and Recreational) Marijuana	668
A Note on Land Use and Marijuana	669
<i>Ter Beek v. City of Wyoming</i>	670
A Note on the New Legalization of Marijuana	673
Phoenix, Arizona Ordinance G-6151	676
Butte County, California, Code of Ordinances Chapter 34A—Medical Marijuana Cultivation Regulation	676
A Note on Regulation of Recreational Marijuana	677
City of Shelton, Washington, Municipal Code §20.72.020	678
City of Seattle, Washington, Municipal Code §23.42.058	679
1 Colo. Code Regs. §212-2.304	679
Hillsboro, Oregon, Municipal Code §120.40.218	680
Notes and Comments	682
12. <i>Securing a Sufficient Housing Supply</i>	685
A. Introduction	685
1. Housing and Land Use Regulation	685
2. The Suburbs and the Cities	686
3. The Assault on the Zoning Citadel	687
4. Inclusionary Zoning	688
5. Political Reality and Ethical Obligations	689
B. Judicial Invalidation	689
<i>Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel</i>	690
Notes and Comments	694
C. Statutory Housing Mandates	698
<i>Building Industry Association of San Diego v. City of Oceanside</i>	698
Notes and Comments	702
D. Inclusionary Zoning	706
<i>Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel</i>	706
Notes and Comments	710
<i>California Building Industry Association v. City of San Jose</i>	711
Notes and Comments	720
E. Government Subsidy Programs and Housing Linkage	722

A Note on the History of Federal Involvement in Housing	722
James A. Kushner et al., Housing and Community Development Law	726
Notes and Comments	726
<i>Commercial Builders of Northern California v.</i> <i>City of Sacramento</i>	727
Notes and Comments	729
James A. Kushner, Affordable Housing as Infrastructure in the Time of Global Warming	731
Notes and Comments	737

PART FIVE

THE USE OF LAND USE CONTROLS TO EFFECTUATE GOVERNMENT POLICY OBJECTIVES 739

13. *Housing and Discrimination* 741

A. Introduction	741
1. Zoning, Housing, and Discrimination	741
2. Equal Protection in the Land Use Context	742
3. Title VIII	742
B. The Fourteenth Amendment	743
<i>Village of Arlington Heights v. Metropolitan Housing</i> <i>Development Corp.</i>	743
Notes and Comments	747
C. Nontraditional Living Arrangements	749
<i>Village of Belle Terre v. Boraas</i>	749
<i>Moore v. City of East Cleveland</i>	751
Notes and Comments	755
<i>City of Cleburne, Texas v. Cleburne Living Center, Inc.</i>	757
Notes and Comments	760
D. Federal Statutory Limitations	762
1. The Fair Housing Act	762
Notes and Comments	765
<i>Texas Department of Housing and Community Affairs v.</i> <i>the Inclusive Communities Project, Inc.</i>	766
Notes and Comments	773
<i>Advocacy Center for Persons with Disabilities, Inc. v.</i> <i>Woodlands Estates Association Inc.</i>	779
Notes and Comments	781
2. Other Federal Statutes Addressing Housing Discrimination	786
a. Section 1982	786
b. Section 1983	787
c. Section 1985	787
d. Title VI	787
e. Other Laws	787

14. <i>Environmental Protection</i>	789
A. Introduction	789
1. The Intersection of Land Use and Environmental Law	789
2. The Impact on Applicants for Land Use Approvals	790
3. Land Use Tools for Environmental Protection	790
4. Currency and Controversy	791
B. Wetlands	792
<i>United States v. Bailey</i>	792
Notes and Comments	798
C. Endangered Species	803
<i>Babbitt v. Sweet Home Chapter of Communities for a Greater Oregon</i>	803
Notes and Comments	806
U.S. Fish & Wildlife Service, Habitat Conservation Plans Under the Endangered Species Act	809
Hays County (Texas) Regional Habitat Conservation Plan	810
Notes and Comments	813
D. Hazardous Waste Cleanup and Land Use	816
<i>Tanglewood East Homeowners v. Charles-Thomas, Inc.</i>	816
Notes and Comments	819
A Note on Brownfields and Greenfields	821
Office of Solid Waste and Emergency Response, U.S. EPA, A Citizen's Guide to Understanding Institutional Controls at Superfund, Brownfields, Federal Facilities, Underground Storage Tank, and Resource Conservation and Recovery Act Cleanups	824
This Property Is Subject to an Environmental Covenant Held by the Colorado Department of Public Health and Environment Pursuant to Section 25-15-321, C.R.S.	826
Notes and Comments	827
E. Protection of Agriculture and Open Space	829
<i>In re Rattee</i>	829
Notes and Comments	832
F. Environmental Impact Reporting Laws	839
<i>Lanzce G. Douglass, Inc. v. City of Spokane Valley</i>	839
Notes and Comments	844
G. Hydraulic Fracturing or "Fracking"	850
A Note on Fracking	850
<i>Wyoming v. United States Department of Interior</i>	853
Notes and Comments	859
 15. <i>Urban Redevelopment, Economic Development, and Anticompetitiveness</i>	 861
A. Introduction	861
1. Economic Development and the Federal Government	861
2. The Problem of "Blight"	862

3. "Public Use" and the Limits of Government Authority	862
4. Transportation	862
5. Anticompetitiveness and Competition	863
B. The Federal Role in Economic Development	863
A Note on the Federal Role in Redevelopment	863
Wilton Hyman, Empowerment Zones, Enterprise Communities, Black Business, and Unemployment	865
Notes and Comments	866
C. Redevelopment Through Tax-Increment Financing	868
62-64 Main St., <i>L.L.C. v. Mayor & Council of City of Hackensack</i>	868
Notes and Comments	872
D. Dislocation and the Public Use Requirement	875
A Note on the <i>Poletown</i> Case	875
<i>Southwestern Illinois Development Authority v. National City Environmental, L.L.C.</i>	877
Notes and Comments	880
<i>Reading Area Water Authority v. Schuylkill River Greenway Association</i>	882
<i>City of Omaha v. Tract No. 1</i>	885
Notes and Comments	888
E. Transportation Planning and Redevelopment	891
Edward J. Sullivan & Jessica Yeh, Smart Growth: State Strategies in Managing Sprawl	892
James A. Kushner, A Comparative Vision of the Convergence of Ecology, Empowerment, and the Quest for a Just Society	893
Peter Gordon & Harry W. Richardson, Are Compact Cities a Desirable Planning Goal?	895
Notes and Comments	897
F. Anticompetitiveness	899
1. Federal Antitrust Law	899
<i>City of Columbia v. Omni Outdoor Advertising, Inc.</i>	900
Notes and Comments	904
2. State Incentives	906
<i>Maready v. City of Winston-Salem</i>	906
Notes and Comments	910
16. <i>Siting Unpopular Land Uses and Environmental Justice</i>	913
A. Introduction	913
1. NIMBYs, LULUs, and Related Acronyms	913
2. Responses to the Siting Dilemma	914
3. The Question of Environmental Justice	915
B. NIMBYs, LULUs, and Neighborhood Opposition	916
<i>Eadie v. Town Board of the Town of North Greenbush</i>	916
<i>Town of Barnstable, Massachusetts v. Berwick</i>	919
Notes and Comments	921

Michael B. Gerrard, Whose Backyard, Whose Risk: Fear and Fairness in Toxic and Nuclear Waste Siting	925
William A. Fischel, Why Are There NIMBYs?	927
Notes and Comments	929
C. Responses to the Siting Dilemma	933
<i>Wallach v. Town of Dryden</i>	933
<i>Town of Warren v. Hazardous Waste Facility Site Safety Council</i>	936
Notes and Comments	938
D. Justice and Siting Decisions	943
Commission for Racial Justice (United Church of Christ), Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites	943
Robert D. Bullard et al., Executive Summary, Toxic Wastes and Race at Twenty 1987-2007	945
Notes and Comments	947
A Note on the Response of Federal Law to Environmental Justice Issues	949
<i>City of Brockton v. Energy Facilities Siting Board (No. 1)</i>	951
Environmental Justice Element, City of Jurupa (California) Area Plan	954
Notes and Comments	955
17. Protection of Cultural and Aesthetic Values	959
A. Introduction	959
1. Review and Synthesis	959
2. The Rationale for Aesthetic Regulation	960
John J. Costonis, Icons and Aliens: Law, Aesthetics, and Environmental Change	961
Notes and Comments	962
B. Historic Preservation Regulation	966
<i>Teachers Insurance & Annuity Association of America v.</i> <i>City of New York</i>	968
Notes and Comments	971
<i>Lake Oswego Preservation Society v. City of Lake Oswego</i>	975
Notes and Comments	981
C. Architectural and Design Review	983
<i>Anderson v. City of Issaquah</i>	983
Notes and Comments	988
Hugo Martin, Hue and Cry Over Colors of Homes in South Gate: While the Council Considers Banning Loud Paint Jobs, Others Defend Them as a Tradition Brought from Latin America	993
<i>Mead Square Commons, LLC v. Village of Victor</i>	995
Notes and Comments	996
D. Mansionization	996

E. Sign and Billboard Regulation	997
<i>Asselin v. Town of Conway</i>	997
Notes and Comments	999
F. Landscapes, Views, Trees, Lawns, Fences, Trucks, Trailers, and Boats	1003
<i>Webster v. Town of Candia</i>	1003
Notes and Comments	1005
<i>Table of Cases</i>	1009
<i>Table of Secondary Authorities</i>	1029
<i>Index</i>	1047