

Land Use

As our country balances the important objectives of economic growth and environmental protection, disputes arise. Climate change impacts, land ownership ambiguity, regulatory scrutiny, insurance coverage claims, challenges from environmental groups, royalty disputes and disagreements over access to natural resources are resulting in litigation.

Key Contacts



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Related Industries

Agribusiness, Food & Beverage

Energy & Infrastructure

Natural Resources

Related Services

Corporate

Environmental & Natural Resources Law

Indian & Alaska Native Law

Litigation

Real Estate, Development & Construction

Our land use team navigates the maze of land use regulations, review processes and stakeholder interests to obtain the necessary approvals with only appropriate and reasonable conditions, while keeping our clients' projects on schedule. Our clients include private and public developers, universities, hospitals, Alaska Native Corporations and other landowners involved in renewable and traditional energy projects, infrastructure construction, timberlands management, winery operation, mining, commercial development, agricultural operations, manufacturing and industrial facilities, and housing projects.

Our Services

- Master plan approvals and amendments
- Permitting approvals and appeals
- Zoning approvals
- Post Acknowledgement Plan Amendments (PAPAs)
- Environmental analysis and clearance
- Conditional use permits and variances
- SEPA, NEPA and CEQA reviews
- Environmental impact reports
- Development agreements
- Easements and surface use agreements
- Compliance with Endangered Species Act, Clean Water Act and California Coastal Act
- Williamson Act counsel regarding solar and wind power development
- Land use litigation
- Due diligence for acquisitions, dispositions and financing transactions
- Code enforcement

Some members of our team are former municipal or county attorneys, engineers or scientists. Through years of work on projects, we've fostered respectful relationships with government agencies, elected officials, permitting staff, tribes and environmental groups—contributing to our value and effectiveness. We have also represented local governments and special purpose districts in controversial and complex land use matters. Taken together, we differentiate on experience, collaborative mindset, results and effective working relationships with regulators,

government officials and technical experts.

Knowing that businesses have ongoing environmental compliance obligations and often manage real estate and construction activities, our team includes attorneys experienced in those areas.

California Land Use

Obtaining land use approvals in California can be particularly challenging. Many local governments write their own regulations that layer complexity on top of state and federal reviews. The California Environmental Quality Act (CEQA) and California Coastal Act can present significant obstacles, and a substantial number of projects are challenged by local community groups. Our CEQA team has deep experience, valuable relationships with agencies and industry knowledge that adds value to proposals from application through review, appeal and implementation.

Land Use Litigation

Some projects cannot avoid challenge from local or national environmental groups, neighborhood groups, labor unions or project competitors. We provide strategic, proactive counsel on how best to develop an administrative record that can withstand challenge and litigation. When a challenge is initiated, we work to minimize delays and ensure the ultimate use conditions are reasonable. Your success is rooted in our significant experience defending land use approvals at the administrative agency level and through all state and federal judicial levels of appeal.

EXPERIENCE

- *Sacramento Citizens Concerned About the Railyards, et al. v. City of Sacramento, et al.* Court of Appeal, Third Appellate District Case No. C065220 (2015), and related cases: Successfully defended the City of Sacramento and its former Redevelopment Agency in CEQA challenges to a large-scale, mixed-use redevelopment project at the former Railyards site in downtown Sacramento. The Railyards has been touted as the single largest undeveloped urban infill site in the western United States.
- Represent Georgia-Pacific (GP) in the pursuit of a 20-year lease from the California State Lands Commission, and separate approvals from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the City of Antioch, California, that will enable repair and upgrade of a wharf used for docking trillium class ships for unloading and transferring gypsum at GP's northern California gypsum processing and product manufacturing facility building materials. We have assisted with all phases of environmental review associated with this project and particularly review under CEQA.
- Represent the County of Colusa with respect to a proposal for a solid waste landfill on tribal land. The County has long-opposed the project due to unmitigated effects on the County. The dispute has included proceedings in Federal District Court and before the U.S. Department of the Interior, Board of Indian Appeals.

- Representing Northwest Innovation Works in connection with permitting and development of three natural gas to methanol plants proposed for locations in Oregon and Washington. The plants will manufacture methanol from natural gas for export to Asia. Stoel Rives is assisting with state and local permits, including air, land use, stormwater, shoreline and other environmental permits, as well as all other aspects of project development.
- Guided Ferguson Enterprises through a PCB (polychlorinated biphenyls) contaminated site cleanup under the oversight of both the Oregon DEQ and EPA Region 10 to address contamination from a prior owner. We also advised the client regarding occupational health testing and compliance with a stormwater NPDES permit, provided real estate and land use planning advice, and filed insurance claims that recovered the costs of the cleanup work.