

Local Land Use Under Siege: Choosing to Succeed

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Well Grounded: Shaping the Destiny of the Empire State, PACE UNIV. SCH. L. (Dec. 16, 1998).

³ John R. Nolon, *New Ground: The Advent of Local Environmental Law*, ENV'T L. INST. (Mar. 2003); John R. Nolon, *Open Ground: Effective Local Strategies for Protecting Natural Resources*, ENV'T L. INST. (May 2003).

⁴ John R. Nolon & Daniel B. Rodriguez, *Losing Ground: A Nation on Edge*, ENV'T L. INST. (June 2007).

⁵ John R. Nolon, *Protecting the Local Environment Through Land Use Law: Standing Ground*, ENV'T L. INST. (Aug. 29, 2014).

⁶ *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 394 (1926).

among others, floating zones, growth management, use of the police power, and more.⁷ We took the authority granted to local governments in *Euclid* and grew it with *Chrinko*, *Penn Central*, *Loretto*, and more.⁸ We clarified preemption concerns, detailed the types of restrictions that zoning may impose, and determined the uses of the police power to support zoning. The combination of these cases with the sprawl produced by the post-World War II baby boom and the 1956 Federal

Climate Resilient Development

On February 27, 2022, the Working Group II of the Intergovernmental Panel on Climate Change (“IPCC”) released its Sixth Assessment Report’s Summary for Policymakers, highlighting the “rapidly narrowing window of opportunity” available for us to address climate change.¹² It

As exemplified by the diverse work of these students, CRD is a wide-ranging system of comprehensive land use strategies used to combat the effects of climate change. The state of land use law today encompasses techniques beyond the simple separation of uses, such as low-impact development, green buildings, eTOD, green affordable housing, and more, and effective land use decision-making must incorporate CRD in these strategies. To deal with the threats of the Four Pandemics and beyond, we must move to higher ground, and CRD is the path to do so.

Conclusion

The threat of climate change is putting greater pressure on states and local governments to work together and move to higher ground. The well-grounded stability of land use law has been chipped away by the multifaceted threats associated with the twenty-first century: population boom, habitat fragmentation, racial and social inequity, the COVID-19 pandemic, housing insecurity, climate change, and more have come together to create the perfect storm. With the perfect storm, however, comes the perfect opportunity to better the planet and its legal, environmental, and social systems.

While these crises are just that – *crises* – they pose valuable opportunities for solutions that extend beyond the face of these issues. CRD can be used not only to mitigate and adapt to climate change, but also to promote equitable distribution of environmental and social benefits, reduce habitat destruction and support ecosystem services, improve human health and wellness, involve the public in local decision-making, make cities and towns better places to live, and more.²¹ It opens the door to a wide range of appealing solutions that broaden the realm of land use law and encourage an interdisciplinary approach to the crises threatening the planet.

²¹ See Baer, et al., *supra* note 14.