

# LAND USE CASE UPDATES

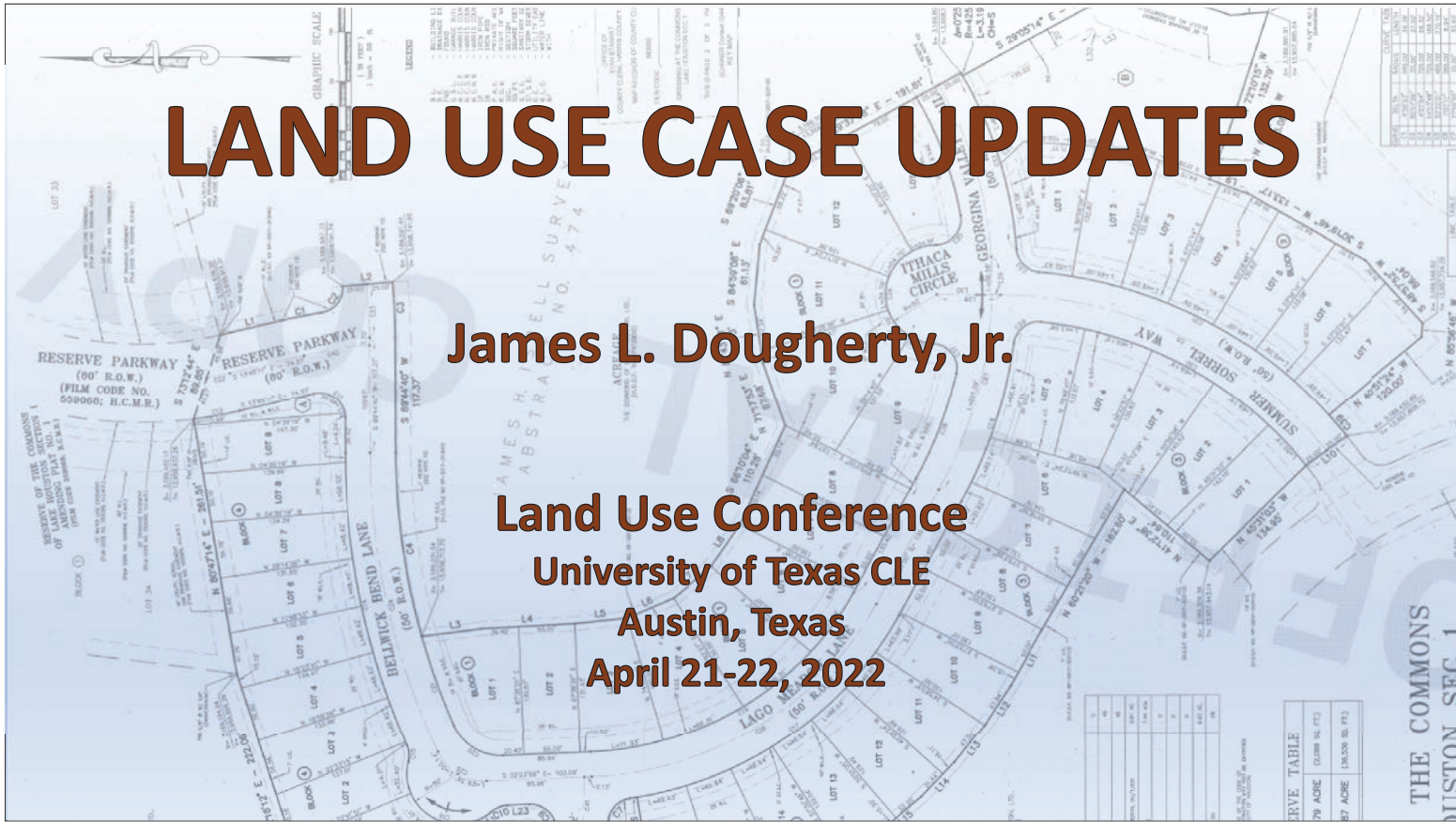
James L. Dougherty, Jr.

Land Use Conference

University of Texas CLE

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- RIPENESS & EXHAUSTION OF ADMINISTRATIVE REMEDIES

## ***Background***

- **Ripeness doctrine**
  - must get a “final decision”
  - must pursue local approvals, including variance(s)
  - help the court determine “how far” the regulation goes
  - Exceptions: futility, facial challenges, etc.
  - See *Village of Tiki Island v. Premier Tierra Holdings* (two opinions)
- Similar doctrine: exhaustion of administrative remedies
- “Jurisdictional” = possible dismissal of suits

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26<sup>th</sup> Annual Land Use Conference session

"Land Use Case Updates: Part 1 "