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When Inconvenient Truths Displace Popular Fictions: What Proposed SB 375 and The California Legislation Addressing Climate Change Reveal About Local Land Use Planning and Control

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It has long been an axiom of California land use law that land use planning and regulation is primarily a local matter, subject to local control. But, while California courts and land use practitioners tend to accept this notion as a first principle, is it really true?

Or has local land use control become more of a popular fiction, a legal paradigm often invoked but now so riddled with conditions and qualifications that it fails adequately to explain the reality of what is a much more complex regulatory scheme?

And if local control is, or has for some time been, diminishing, is that a good or a bad thing in light of the ever more regional—even global—cumulative impacts of the physical developments shaped by land use planning and regulation? This article explores these questions in the context of recently proposed California legislation (SB 375) designed to reduce greenhouse gas (GHG) emissions from the critical transportation sector by land use planning and regulation at the regional level.

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