

KCREC 2024

## Kentucky Land Use Law Update

Cliff Ashburner

### Outline

1. 0:00-0:15—Update on recent Federal Decisions and rules on wetlands-*Sackett, et ux. V. United States Environmental Protection Agency* and updated EPA rules promulgated since *Sackett* was decided. Will discuss brief history of the Clean Water Act and compare the “significant nexus” rule to the current “surface connection” rule and the new rule’s impact on development.
2. 0:15-0:30—Update on recent state court decisions affecting land use, including cases interpreting the *Meitzen* requirement for a particularized injury in zoning appeals; the application of the “compelling need” standard to Board of Zoning Adjustment decisions.
3. 0:30-0:45—Recent statutory changes affecting land use, including HB 388’s impact on Louisville Metro, the potential incorporation of new cities within Jefferson County and the prohibition on any changes affecting density in Louisville Metro for one year.
4. 0:45-0:60—Recent local regulatory changes and efforts on the horizon. Topics will include Short Term Rentals, Group Housing, “Middle Housing”, Floyds Fork Overlay District, etc.