

Madigan, Dahl & Harlan Successfully Overturns Unlawful Land Use Decision on Behalf of Client

Madigan, Dahl & Harlan was recently successful in challenging an unlawful land-use decision on behalf of a client in Castle Rock Township, just south of the Twin Cities metropolitan area. The landowner had sought to construct a cemetery on property that it owned which was zoned as “agricultural.” Because of the zoning classification, the Township’s land use ordinance identified cemeteries as permitted conditional uses, subject to the issuance of a conditional use permit. Despite that classification and the land use ordinance’s support of the proposed use, the Township denied the landowner’s application for a conditional use permit without written findings.

As a result, Madigan, Dahl & Harlan attorneys Tom Harlan and Brandt Erwin commenced a lawsuit against the Township on behalf of the landowner, challenging the denial of the conditional use permit application on a number of grounds. Specifically, the lawsuit alleged that the denial of the conditional use permit was “arbitrary and capricious” and was not based upon sufficient evidence contained in the record. After moving for summary judgment and submitting extensive briefing to the Court, a summary judgment hearing was held in which Messrs. Harlan and Erwin appeared, arguing before the Court the reasons that the Township’s land use decision was unlawful and required reversal.

The Court agreed, remanding the matter back to the Township with a specific order that the conditional use permit be granted. As a result of this Order, on or about March 14, 2016, the Township expressly granted the conditional use permit, clearing the way for construction on the proposed cemetery to begin.