Anticompetitiveness & Siting Unpopular Land Uses

- State Incentives
  - *Maready v. City of Winston-Salem*
- NIMBYs and LULUs
- Neighborhood Opposition
  - *Bourque v. Dettore*
- Pre-emption
  - *Dunning v. Corrections Facility Siting Authority*
- Mandatory Bargaining
  - *Town of Warren v. Hazardous Waste Facility Site*


**State Incentives**

- Appropriation for public purpose or private purpose
- Two-part test from *Madison Cablevision v. City of Morganton*
- *Euclid*
- *Nollan*

**Neighborhood Opposition**

- Consent
- Protest
- Due process
- Standards for delegation

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**Michael Dear, Understanding and Overcoming the NIMBY Syndrome, p. 686**

**Locational Conflicts**

- External Events
- Internal Rhythms
- Opposition Arguments

**Sources of NIMBY**

- Dread
- Intrusion

William A. Fischel, *Why are There NIMBYs?*, p. 689

**Rationality or Irrationality**

- Protecting investment
- No insurance
- Owners of single-family homes v. owners of multi-family dwellings
- Renters v. owners
- Personhood theory
Dunning v. Corrections Facility Siting Authority, 935 P.2d 1209 (Or. 1997), p. 694

Pre-emption

- Criteria for siting
- Potential sites
- Facility Siting Authority
  - Hearing
  - Decision
- Governor


Mandatory Bargaining

- Developer
- State council
- Local assessment committee
**Town of Warren v. Hazardous Waste Facility Site Cont’d**

Mandatory Bargaining Cont’d

- Environmental assessment
- Siting agreement
- Arbitration