

Bond Case Briefs

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Preserve the Sandhills, LLC v. Cherry County

Supreme Court of Nebraska - February 24, 2023 - N.W.2d - 313 Neb. 590 - 2023 WL 2193414

Organization dedicated to preservation of sand dune region, along with landowner, brought action under Nebraska Political Accountability and Disclosure Act (NPADA) to enjoin county board of commissioners from voting on a conditional use permit (CUP) application for wind turbine project on basis of alleged conflicts of interest.

The District Court dismissed for lack of standing. Organization and landowner appealed.

The Supreme Court held that:

- Landowner lacked requisite injury in fact for standing due to 40-mile distance of her property from project;
- Landowner did not have injury in fact based on her neighbor's lease/easement agreement with CUP applicant's affiliate;
- County zoning regulations did not confer standing on organization and landowner;
- Statute conferring standing on affected real estate owners to challenge an alleged zoning violation did not apply; and
- Standing was not created via organization and landowner's appearance in CUP application process without objection.