

Koontz v. St. John's River Water Management

PETITIONER

Coy Koontz

RESPONDENT

St. John's River Water Management

LOCATION

South of State Road 50, immediately east of the eastern extension of the East–West Expressway.

DOCKET NO.

11-1447

DECIDED BY

Roberts Court (/courts?court=Roberts Court.)

LOWER COURT

Florida Supreme Court

CITATION

570 US (2013).
(<https://supreme.justia.com/cases/federal/us/570/11-1447>).

ADVOCATES

Paul J. Beard II (advocates/paul_j_beard_ii).
for the petitioner

Paul R. Q. Wolfson (advocates/paul_r_q_wolfson).
for the respondent

GRANTED

Oct 5, 2012

Edwin S. Kneedler (advocates/edwin_s_kneedler).
Deputy Solicitor General, Department of Justice, for the

United States as amicus curiae supporting the respondent

ARGUED

Jan 15, 2013

DECIDED

Jun 25, 2013

Facts of the case

In 1994, Coy A. Koontz requested a permit from St. John's River Water Management to develop more of his land than the original permit allowed. St. John's had jurisdiction over Koontz's land. St. John's agreed to issue the permit on the condition that Koontz deed the rest of his property into a conservation area and do some mitigation work on the surrounding areas. Koontz agreed to the deed but not to the mitigation work. St. John's denied the permit application.

Koontz sued St. John's River Water Management, and the trial court found in favor of Koontz. A Florida trial court held that St. John's actions effected a taking of Koontz land and that imposing requirements for the issuance of a permit is only constitutional if the required action serves the same governmental purpose as the ban on development. Florida's Fifth District Court of Appeal affirmed. The Supreme Court of Florida reversed.

Question

Is the government liable for a taking when it refuses to issue a permit until the landowner has agreed to dedicate personal resources to a public use?

Conclusion

Sort: by seniority by ideology.

5-4 DECISION FOR COY KOONTZ

MAJORITY OPINION BY SAMUEL A. ALITO, JR.

~~Antonin Scalia~~ ~~Clarence Thomas~~ ~~Stephen G. Breyer~~ ~~Sotomayor~~



~~n G. Roberts~~ ~~Anthony M. Kennedy~~ ~~Samuel A. Alito, Jr.~~ ~~Elena Kagan~~

Yes. Justice Samuel A. Alito Jr. delivered the opinion of the 5-4 majority. The Court held that the government may not conditionally approve land-use permits unless the conditions are connected to the land use and approximately proportional to the effects of the proposed land use. This standard even applies when the government does not approve the permit but instead demands that the condition be met before granting the permit. Such demands, which amount to asking for property or money from an applicant, place a burden on the applicant's ownership of the land. This burden diminishes the value of the land, which violates the Constitutional protections against having property taken without just compensation.

Justice Elena Kagan filed a dissenting opinion in which she argued that the limitations on the government's ability to conditionally approve land-use permits do not apply to monetary exactions. She also wrote that applying those limits would likely inhibit local governments' ability to charge reasonable permitting fees. Justice Ruth Bader Ginsburg, Justice Stephen G. Breyer, and Justice Sonia Sotomayor joined in the dissent.

Cite this page

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"Koontz v. St. John's River Water Management." *Oyez*, 26 Mar. 2018, www.oyez.org/cases/2012/11-1447.

Koontz v. St. Johns River Water Management District

Koontz v. St. Johns River Water Management District, 568 U.S. ____ (2013), is a United States Supreme Court case in which the Court held that land-use agencies imposing conditions on the issuance of development permits must comply with the "nexus" and "rough proportionality" standards of *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*, even if the condition consists of a requirement to pay money, and even if the permit is denied for failure to agree to the condition. It was the first case in which monetary exactions were found to be unconstitutional conditions.

Contents

Background

Opinion of the Court
Dissenting opinion

Reactions

References

External links

Background

Petitioner Coy Koontz applied to the St. Johns River Water Management District for a permit to develop 3.7 acres of wetlands under the District's jurisdiction.^[1] Koontz offered to mitigate the loss of wetlands by conveying to the District a conservation easement over 11 acres of adjacent land. The District declined Koontz's mitigation offer, instead proposing that Koontz either reduce the size of his development to one acre, or pay for improvements to unrelated property owned by the District several miles away. Koontz responded by filing suit against the District in state court.^[2]

Following an initial dismissal, appeal, and remand, the Florida Circuit Court ruled that the District's demand for offsite mitigation violated *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*, since the improvements to the District's property lacked either an essential nexus or rough proportionality to the environmental impact of Koontz's proposed development. The state appellate court affirmed,^[3] but the Supreme Court of Florida reversed, holding that *Nollan* and *Dolan* did not apply because (1) Koontz's permit was denied, rather than granted subject to the unconstitutional condition, and (2) the District sought money rather than a

Koontz v. St. Johns River Water Management District



Supreme Court of the United States

Argued January 15, 2013

Decided June 25, 2013

Full case name *Coy A. Koontz, Jr., Petitioner v. St. Johns River Water Management District.*

Citations 568 U.S. ____ (*more*)
133 S.Ct. 2586

Argument Oral argument (https://www.supremecourt.gov/oral_arguments/argument_audio_detail.aspx?argument=11-1447&TY=2012)

Prior history Florida Circuit Court, Orange County, entered judgment for landowner; affirmed, District Court of Appeal, 5 So.3d 8 (2009); reversed, Florida Supreme Court, 77 So.3d 1220 (2012); certiorari granted, ____ U.S. ____, 133 S.Ct. 420 (2012 WL 1966013).

Holding

When a discretionary land-use permit is denied because the applicant declines to pay for improvements to other, unrelated property, a challenge to the constitutionality of the denial must

conveyance of real property as a condition to issuing the permit.^[4] The Supreme Court granted *certiorari* to determine the applicability of *Nollan* and *Dolan* under these circumstances.^[5]

Koontz was represented by Paul J. Beard, II, of the Pacific Legal Foundation. Amicus briefs in support of Koontz were filed by the American Civil Rights Union, the National Association of Home Builders, the National Federation of Independent Business Small Business Legal Center, and six other parties.^[6] The St. Johns River Water Management District was represented by Paul R. Q. Wolfson. Amicus briefs in support of the District were filed by the Solicitor General of the United States, the American Planning Association, the National Governors Association, and other public entities and officials.^[7] Deputy General Edwin Kneedler argued for the United States as amicus curiae in support of the District.

Opinion of the Court

Writing for the Court, Justice Alito held that conditions imposed upon the issuance of a land-use permit must conform to the requirements of *Nollan* and, if applicable, *Dolan* even when the permit is denied for failure to comply with the conditions. The unconstitutional conditions doctrine forbids governments from “pressuring someone into forfeiting a constitutional right” by “coercively withholding benefits”.^[8] *Nollan* and *Dolan* “involve a special application” of the unconstitutional conditions doctrine to the Fifth Amendment right to just compensation.^[9] A government cannot, therefore, coerce someone applying for a permit to give away her property regardless of if the permit is approved after a successful threat or denied after a failed threat. Because both demand an unconstitutional condition, both are forbidden. However, the constitution only requires just compensation after a takings, and because Koontz sued under state law instead of allowing his property to be taken, the Court remands to determine if Florida law provides money damages for an unconstitutional conditions violation.

Nollan and *Dolan* also apply when, as here, the challenged condition amounts to a requirement to pay money, rather than to give up an easement over the property. The Florida Supreme Court had also held that if a government demands money instead of real estate there can be no takings. Alito observes that under this logic the *Nollan* and *Dolan* requirements “would be very easy” to avoid, especially since such development impact fees are already “utterly commonplace”.^[10] The takings clause applies because the government’s demand for money here was directly linked to a specific parcel of real property, as distinguished from the benefits in *Eastern Enterprises v. Apfel*.

While Alito cannot explain why such monetary exactions are not merely a tax, he believes that “teasing out the difference between taxes and takings is more difficult in theory than in practice.” The Court’s long-settled view is that takings require just compensation even if they are functionally similar to a tax and Alito sees no need to define the difference here. Finally, Alito dismisses Kagan’s fear of disrupting local governments because courts in Texas, Illinois, and Ohio have already been applying *Nollan* and *Dolan* to monetary exactions.

Dissenting opinion

Justice Kagan dissented, joined by Justices Ginsburg, Breyer, and Sotomayor. The dissent agreed that *Nollan* and *Dolan* apply when a land-use permit is denied for failure to comply with a condition, but argued that those standards should not apply when the agency conditions a permit on the payment of money, rather than a conveyance of land. Kagan criticizes

be evaluated under the “essential nexus” standard of *Nollan v. California Coastal Commission* and the “rough proportionality” requirement of *Dolan v. City of Tigard*.

Court membership

Chief Justice

John Roberts

Associate Justices

Antonin Scalia · Anthony Kennedy

Clarence Thomas · Ruth Bader Ginsburg

Stephen Breyer · Samuel Alito
Sonia Sotomayor · Elena Kagan

Case opinions

Majority Alito, joined by Roberts, Scalia, Kennedy, Thomas

Dissent Kagan, joined by Ginsburg, Breyer, Sotomayor

Laws applied

U.S. Const. amend. V

the comprehensiveness of the Alito's analysis, stating that the majority is adopting "a prophylaxis in search of a problem". She then faults the majority for deciding too little, openly wondering if the majority would agree with those states that apply higher scrutiny to adjudicative decisions than legislative decisions.^[11] Believing that the Court will "rue the day" that it discouraged local governments from negotiating with developers, Kagan writes "the majority turns a broad array of local land use-regulations into federal constitutional questions."

The dissenting justices also maintained that, on the facts of this case, the District never actually demanded anything in exchange for a permit, and no regulatory taking took place because no property changed hands.

Reactions

On remand the Florida Supreme Court remanded to the Florida Fifth District Court of Appeal, which simply readopted its 2009 decision awarding Koontz money damages.^[12]

The ruling was unpopular with some legal academics^[13] but lauded by others.^[14] Commentators encouraged localities to start denying permits without discussion^[15] but predicted that only "strong judicial action" will effect entrenched players.^[16] While *Koontz* leaves "exactions and takings jurisprudence in a confused and unsustainable state", scholars believe it may encourage localities to adopt more alienable and standardized fee schedules or it may even lead to the eventual collapse of *Nollan* and *Dolan* exactions into the Due Process Clause.^[17]

References

1. Eric D. Hageman, Case Comment, *The Factual Reality of Koontz v. St. Johns*, 90 Notre Dame L. Rev. Online 54 (2015). (http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1007&context=ndlr_online)
2. *Koontz v. St. Johns River Water Management District*, No. 11-1447, slip op. at 2-4.
3. *St. Johns River Water Management District v. Koontz*, 5 So. 3d 8 (Fla. App. 2009).
4. *St. Johns River Water Management District v. Koontz*, 77 So. 3d 1220 (Fla. 2011).
5. *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 420 (2012).
6. Supreme Court Docket, Case No. 11-1147. (<https://www.supremecourt.gov/search.aspx?filename=/docketfiles/11-1447.htm>)
7. *Id.*
8. *Koontz v. St. Johns River Water Mgmt. Dist.*, 133 S. Ct. 2586, 2595 (2013).
9. 133 S. Ct. at 2594, quoting *Lingle v. Chevron U.S.A. Inc.*
10. 133 S. Ct. at 2599 citing Rosenberg, *The Changing Culture of American Land Use Regulation: Paying for Growth with Impact Fees*, 59 S.M.U. L.Rev. 177, 202-203 (2006) (<http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1271&context=facpubs>)
11. 133 S. Ct. 2586 at 2608 (Kagan, dissenting) citing *Ehrlich v. City of Culver City*, 911 P.2d 429, 12 Cal. 4th 854, 50 Cal. Rptr. 2d 242 (1996).
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15. Sean Nolon, *Bargaining for Development Post-Koontz: How the Supreme Court Invaded Local Government*, 67 Florida Law Review 171 (2015). (<http://www.floridalawreview.com/wp-content/uploads/8-Nolon.pdf>)

16. Steven Eagle, *Koontz in the Mansion and the Gatehouse*, 46 *The Urban Lawyer* 1 (2014). (<http://mason.gmu.edu/~seagle/pubs/2014%20Eagle,%20Koontz%20in%20the%20Mansion%20and%20the%20Gatehouse,%2046%20Urb.%20Law.%201-31.pdf>)
17. Lee Fennel and Eduardo Peñalver, *Exactions Creep*, 2013 *Supreme Court Review* 287 (2014). (http://www.law.uchicago.edu/files/files/exactions_creep.pdf)

External links

- [Text of the decision from the United States Supreme Court \(https://www.supremecourt.gov/opinions/12pdf/11-1447_4e46.pdf\)](https://www.supremecourt.gov/opinions/12pdf/11-1447_4e46.pdf)
 - [Coverage of the case on SCOTUSblog \(http://www.scotusblog.com/case-files/cases/koontz-v-st-johns-river-water-management-district/\)](http://www.scotusblog.com/case-files/cases/koontz-v-st-johns-river-water-management-district/)
 - [Coverage of the case on Oyez \(https://www.oyez.org/cases/2010-2019/2012/2012_11_1447\)](https://www.oyez.org/cases/2010-2019/2012/2012_11_1447)
 - [Pacific Legal Foundation victory page \(http://www.pacificlegal.org/cases/Theres-no-off-site-exception-to-Fifth-Amendments-takings-clause\)](http://www.pacificlegal.org/cases/Theres-no-off-site-exception-to-Fifth-Amendments-takings-clause)
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