

## LAND USE LAW: SYLLABUS FOR SPRING, 2022

**TEXT:**                    **Mandelker et al., Planning and Control of Land Development: Cases and Materials, Tenth Edition, 2020**

<u>Class No. &amp; Date</u>	<u>Topics and Pages to Be Covered</u>
1 - January 11	Ch. 1 Introduction to Land Use Controls pp. 3-32
2- January 13	Ch. 2 The Constitution and Land Use Controls – Nuisance, <i>Kelo</i> , <i>Pennsylvania Coal and Euclid</i> , pp. 33-65
3 - January 18	Ch. 2 The Constitution and Land Use Controls – <i>Nectow</i> , <i>Penn Central</i> , Physical Takings and <i>Nollan</i> , pp. 65-98
4 - January 20	Ch. 2 The Constitution and Land Use Controls – Facial and “as applied” takings, <i>Dolan</i> , <i>Lingle</i> and <i>First English</i> , pp. 98-130
5 - January 25	Ch. 2 The Constitution and Land Use Controls – Inverse Condemnation, <i>per se</i> takings, <i>Lucas</i> , <i>Tahoe-Sierra</i> and <i>Murr</i> , pp. 131-162
6 -January 27	Ch. 2 The Constitution and Land Use Controls – Substantive Due Process, Equal Protection, and Federal Constitutional Remedies pp. 162-193.
7 - February 1	Ch. 3 Control of Land Use by Zoning – Zoning History and Structure, State Court Litigation Issues (Standing, Exhaustion, Nature of Judicial Review), pp. 195-226
8 - February 3	Ch. 3 Control of Land Use by Zoning – Litigation Issues (Remedies), Judicial Review, Recurring Issues (Density, Site Control), pp. 227-264
9 - February 8	Ch. 3 Control of Land Use by Zoning – Residential, Commercial and Industrial Districts, pp. 264-299
10 - February 10	Ch. 3 Control of Land Use by Zoning – Commercial and Industrial Districts, Control of Competition and Antitrust Issues, Nonconforming and Specially Protected Uses (Free Speech), pp. 299-334
11 - February 15	Ch. 3 Control of Land Use by Zoning – Specially Protected Uses (Adult and Religious) and Mixed Uses pp. 334-364
12 - February 17	Chapter 4, Equity Issues in Land Use – Exclusionary Zoning, <i>Mt. Laurel</i> , and Affordable Housing Legislation, pp. 365-400
13 - February 22	Ch. 4 Equity Issues in Land Use – Federal Anti-Discrimination Legislation and Litigation, pp. 401-431

14 - February 24	Ch. 5 The Zoning Process – Change in and Delegation of Zoning Power, Moratoria, Variances and Special Exceptions, pp. 433-474
15 - March 1	Ch. 5 The Zoning Process – Special Exceptions (contd.) the Zoning Amendment, Estoppel and Vested Rights, and Quasi-Judicial Rezoning, pp. 474-516
16 - March 3	Ch. 5 The Zoning Process – “Quasi-Judicial” Rezoning (contd.), Other Flexible Zoning Techniques (Floating Zones, Conditional and Contract Zoning, Site Plan Review), and the Role of the Comprehensive Plan, pp. 516-559
17 - March 8	Ch. 5 The Zoning Process – Role of the Comprehensive Plan (contd.), Initiatives and Referenda, and SLAPP Suits, pp. 559-596
18 - March 10	Ch. 6 Subdivision Controls and PUDs – Subdivision Controls and Procedures, and Exactions and the Takings Clause, pp. 597-628
March 15	Review of Local Land Use Decisions in Oregon
March 17	“Live” Oral Argument before Oregon Land Use Board of Appeals
19 - March 29	Ch. 6 Subdivision Controls and PUDs – Exactions – Impact Fees and Planned Unit Developments, pp. 628-659
20 - March 31	Ch. 7 Modern Land Use Regulation – Introduction, Environmental Land Use Regulations, Growth Management (Introduction and Quota Programs), pp. 661-691
21- April 5	Ch. 7 Modern Land Use Regulation – Growth Management (contd.) -- Phased Growth, Adequate Public Facility and Concurrency Measures, Tier Systems and Urban Service Areas, and Growth Management Programs in Oregon and Other Selected States, pp. 691-734
22 - April 7	Ch. 8 Aesthetics, Design Review, Sign Regulation Historic Preservation – Aesthetics, Outdoor Advertising Control and Urban Design, pp. 735-773
23 - April 12	Ch. 8 Aesthetics, Design Review, Sign Regulation Historic Preservation – Design Review, pp. 774-819
April 14	Course Review