

Syllabus

Date	Pages	Topic
The Land Development Process		
Jan. 12	1-30	Introduction
Jan. 14	31-50	Economics and Politics
Jan. 21	50-71, Eagle	Planning, Planners, Plans
Zoning and the Rights of Landowners and Developers		
Jan. 26	73-104	The Basics of Zoning
Jan. 28	104-134	Zoning, Reasonableness, and Restricting Competition
Feb. 2	134-165	Takings and the <i>Penn Central</i> Balancing Test
Feb. 4	165-185	Tension Between the Balancing and Per Se Tests
Feb. 9	185-209	Substantive Due Process, Nonconforming Uses and Vested Rights
Feb. 11	209-232	Land Use Regulation and First Amendment Rights
Zoning Changes and the Rights of Neighbors		
Feb. 16	233-256	Procedural Issues in Takings Litigation
Feb. 18	256-274	Compensation Issues in Takings Litigation
Feb. 23	274-302, <i>Corey, Cochran</i>	Statutory Protection for Property Rights; Variances and Special Exceptions
Feb. 25	302-329	Spot and Contract Zoning
Mar. 2	329-352	Incentive Zoning
Mar. 4	352-380	Fair Procedures in Zoning Review and Adjudication
Mar. 16	380-409	EIS Adequacy; Land Use Decisions by Neighbors
Mar. 18	411-435	Subdivision Regulation
Mar. 23	489-509	Architectural Review and Historic Preservation; Wetlands Permitting
Mar. 25	582-607	Residential Community Associations
Mar. 30	634-658	Development Exactions and Impact Fees
Apr. 1	658-678	Exactions and Impact Fees (continued)
Government Involvement in Development		
Apr. 2	754-776, <i>Mipro</i>	Obligations to Consider Regional Needs
Apr. 6	788-818	Growth Management and Urban Limits
Apr. 8	819-840, <i>Didden</i>	Government as Land Assembler; Eminent Domain
Apr. 13	840-861, <i>Goldstein</i>	Urban Renewal and Government Financing
Apr. 15	861-892	Government as Developer, Financier
Apr. 20	See supplemental readings list	Land Use Planning and Climate Change
Apr. 22	None	Review, Discussion and Questions

See next page for additional information.

The readings for each class indicate our approximate schedule.

CASEBOOK

Page references are to Robert C. Ellickson & Vicki L. Been, *Land Use Controls* (3rd ed.) (Aspen, 2005) (ISBN 0-7355-3996-0).

ASSIGNED SUPPLEMENTAL MATERIALS

January 21. Add after p. 57, Note 1: Eagle, Steven J., "Reflections on Private Property, Planning, and State Power," 61:1 *Planning & Environmental Law* 3-11 (Jan. 2009). *Available at:* <http://mason.gmu.edu/~seagle/Eagle%202009%20PrivProp.pdf>

February 23. Add before p. 279, "Note on Takings Statutes: *Corey v. Department of Land Conservation and Development*, 184 P.3d 1109 (Ore. 2008).

February 23. Add after p. 294, Note 12: *Cochran v. Fairfax Cty. Bd. of Zoning App.*, 594 S.E.2d 571 (Va. 2004).

April 2. Add on p. 776, before Note: *Mount Laurel Township v. Mipro Homes, LLC*, 910 A.2d 617 (N.J. 2006).

April 8. Add at end of assigned readings on p. 840: *Didden v. Village of Port Chester*, 322 F.Supp.2d 385 (S.D.N.Y. 2004), *aff'd*, 173 Fed. Appx. 931 (2nd Cir. 2006), *cert. denied*, 127 S.Ct. 1127 (2007).

April 13. Add at end of assigned readings on p. 861: *Goldstein v. Pataki*, 516 F.3d 50 (2nd Cir. 2008).

April 20. The assigned readings may be downloaded from my web site.

Robert Meltz, "Climate Change Litigation: A Growing Phenomenon," *Congressional Research Service Report to Congress*, RL32764 (updated Apr. 7, 2008). *Available at* http://mason.gmu.edu/~seagle/Meltz_Climate_Change_Lit_CRS_RL32764.pdf

Technical Advisory, "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review," Governor's Office of Planning and Research," June 19, 2008. *Available at* http://mason.gmu.edu/~seagle/OPR_Tech_Adv_Pub_6-19-2008.pdf

Catherine J. LaCroix, "Land Use and Climate Change: Is it Time for a National Land Use Policy?," 4 *Ecology Law Currents* 124 (2008), *available at* http://mason.gmu.edu/~seagle/LaCroix_Land_Use_and_Climate_Change.pdf