CLASS MEETINGS. Class meets on Tuesdays and Thursdays from 1:00 p.m. to 2:15 p.m. in Room 156.

CONTACT INFORMATION. My office is Room 306, my office phone is (303) 735-5294, and my e-mail is nestor.davidson@colorado.edu.

OFFICE HOURS. My office hours are Thursdays from 3:00 p.m to 5:00 p.m. and by appointment.

TWEN. I have set up a TWEN site for this class, and I will use the site to distribute announcements, make changes in the assigned reading, post materials, etc.

There is also a discussion page on TWEN. I strongly encourage you to post discussion threads coming out of class and also to post any materials here relating to land use that you would like to share with the class.

I have also linked the TWEN site to a separate web page that contains a number of land-use resources (see the TWEN heading “Land Use Sites Link”).

Please check the TWEN site regularly – you are responsible for materials and announcements posted there.

SOME UNIVERSITY POLICIES. Please note the following:

Religious Observances. If you need accommodation for religious observances, please let me know in advance.

Individuals with Disabilities. If you need accommodation for a disability, please contact Assistant Dean Lorenzo Trujillo (303-492-6682, lorenzo.trujillo@colorado.edu), or Director of Disability Services Cathy Donahue (303-492-5614, donahuem@colorado.edu, www.colorado.edu/disabilityservices).

The Honor Code. Please read it, understand it, and follow it. (See http://www.colorado.edu/Law/about/honorcode/index.htm.)

COURSE MATERIALS

REQUIRED MATERIALS. The primary text for the course is Robert C. Ellickson and Vicki L. Been, Land Use Controls (2nd ed. 2000) (“CB”).
From time to time throughout the course, I will also distribute supplemental materials on TWEN. This part of the TWEN site is password protected, and the password is “landuse”.

**Reserve Reading.** If you would like more background on a particular topic than is provided in the required reading, you may wish to consult Jon W. Bruce, ed., *A Land Use Anthology* (1998) and Julian Conrad Juergensmeyer and Thomas E. Roberts, *Land Use Planning and Development Regulation Law* (2003), both on reserve. Also, as general (and fascinating) background, I have put Dolores Hayden’s *A Field Guide To Sprawl* (2004) on reserve at Norlin.

### Course Requirements

**Final Examination.** There will be a three-hour final exam for this course, based on the lectures, class discussions, and assigned materials (whether discussed in class or not). The exam will be limited open-book, which in this case means that you can use the casebook and any supplemental materials I’ve assigned, plus anything you’ve prepared yourself (so no commercial outlines and the like).

**Classroom Participation.** Your participation in class is required and I reserve the right to increase or decrease your final grade by one step (e.g., from a B+ to an A- or vice versa) based upon your class participation. If you are not prepared to participate in class on a given day, please notify me in advance by dropping me a note at the lectern before class begins.

I will pass around a seating chart during the second session of class (Thursday, January 13). Please sit where you would like to remain for the rest of the semester on that day.

**Field Visit and Report:** In the course of the semester, you are required to attend at least two events that demonstrate how the land-use regulatory system actually works in practice. Events that would be appropriate include meetings of the Boulder Planning Board ([see](http://www.ci.boulder.co.us/planning/planningboard/planningboard.html)) or the Boulder Board of Zoning Adjustment and Building Appeals ([see](http://www.ci.boulder.co.us/planning/Bozaba/bozababoard.html)), or similar bodies in Denver (e.g., the Planning Board ([see](http://198.202.202.66/dephome.asp?depid=592)) or in other communities in the area.

*Before* you go, please e-mail me to indicate what event and when you plan to attend. The reason for this is to allow me to make sure that we don’t have too many students attending any one event, especially towards the end of the semester.

You are required to submit an analysis (four to five pages in length) of how what you observed on either or both of your field visits confirms or belies themes discussed in class. The format should include a brief description of the event or events you attended, what was on the agenda, what, if anything, was decided (and on what grounds – try to be specific as to code section, etc.), and then your analysis relating back to the course.
The analysis paper will count for 20% of your final grade.
Syllabus

I. Introduction: Context and The Development Process
   A. The Context
      CB 1-16
      Executive Summary, Arthur C. Nelson, Toward A New Metropolis: The Opportunity to Rebuild America (posted on TWEN).
   B. Development: Players, Product, Process
      CB 16-36

II. Markets Versus Planners: Why And When Is Regulation Necessary?
   A. Market Theories – Coordination, Bargaining and Externalities
      CB 37-54
   B. Regulatory Framework: Local Government and Planning
      CB 55-83

III. Zoning
   A. Historical Perspective and Introduction to Modern Zoning
      CB 721 – 729, 85 - 109
   B. Constraints on Zoning
      1. Owner/Developer Rights
         a. Efficiency, Substantive Due Process and Federal vs. State Courts
            CB 110 – 132
         b. Constraints on Zoning to Limit Competition
            CB 132 – 141 (to just before Omni Outdoor)
         c. Constraints on Zoning That Imposes Unfair Burdens: Takings
Supplemental materials on *Palazzolo* and the reversal of *Palm Beach Isles* to be posted.

d. Constraints on Zoning That Threatens Civil Liberties
   
   CB 235 – 257

   2. Procedural and Remedial Aspects of Owner/Developer Rights
      
      CB 258 – 307

   3. Legislative Initiatives to Increase Owner/Developer Rights
      
      CB 307 – 315

      Supplemental materials on Oregon Measure 37 to be posted.

C. Zoning Changes By Administrative Bodies
   
   CB 317 – 341

D. Zoning Changes By Legislative Bodies
   
   CB 341 – 405

E. Developers and Neighbors
   
   1. Procedural Rights
      
      CB 406 – 451

   2. Constraints On Land Use Decisions By Neighbors
      
      CB 452 – 473

IV. Other Major Land-Use Regulatory Regimes

A. Subdivision Regulations
   
   CB 481 – 508, 511 – 515

B. Building and Housing Codes
C. Aesthetic Regulation

CB 557 – 585

D. Historic Preservation

CB 585 – 598

V. Discriminatory Land Use Controls

E. Discrimination Against Racial and Ethnic Minorities and the Poor

CB 827 – 848

F. Discrimination Against Unconventional Households and People with Disabilities

CB 848 – 873

VI. Financing Infrastructure

A. Introduction

CB 731 – 734

B. Special Assessments

CB 734 – 751

C. Development Exactions

1. Overview

CB 751 – 763, 799 – 810

2. Judicial Review of Exactions – Nollan, Dolan and Their Aftermath

CB 763 – 799

VII. Land Use in a Regional Context: Undesirable Uses, Affordable Housing and Growth

A. Introduction

CB 875 – 877
B. Obligation to Consider Negative Spillovers
   
   3. General
      
      CB 877 – 887
   
   4. Siting LULUs and Environmental Justice
      
      CB 887 – 899, 904 – 910
   
C. Obligation to Consider Regional Needs
   
   5. Affordable Housing
      
      CB 911 – 955
   
   6. Regional Growth
      
      CB 956 – 996