

LAND USE LAW SYLLABUS

Course Overview

Land use law is the intersection of private property rights and the public good. Through regulatory controls, local, county and regional governments balance planning for the future of our communities as well as addressing continuing market changes that impact our landscape.

This course will begin with the development of those regulatory controls by first examining common and private law nuisance and then analyzing the basis for planning and zoning. We will also discuss regional government systems and the impacts on local decision making, as well as the impact of fiscal capacity, affordable housing and the environment on land use controls.

Bill Griffith will be the instructor. We have also invited guest lecturers who are experts in regional planning, eminent domain and fair housing.

Mr. Griffith will generally be available to meet for the hour following class as well as by appointment.

Contact Information:

Bill Griffith
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Written Assignments

Zoning at a Glance: 30% of final grade
Analyzing the regulatory controls over a particular use different communities

Land Use Analysis Letter to Client: 45% of final grade
Analyze a client's land use problem that addresses regulatory controls and approvals.

Presentation of the Land Use Analysis: 25% of final grade
Groups of two to present and respond to the land use analysis; one from the developer advocate position; and one from the city planner or public official position with the planner's recommendation

Attendance and Participation

Three (3) excused absences are permitted.

It is important that students prepare for class and participate in class discussion. Therefore, we reserve the right to add or subtract a partial letter grade based upon consistently excellent class participation or on consistently inadequate class participation.

August 28th:

CLASS OVERVIEW: Basis for Land Use Law

Common Law Nuisance

Read: Pages 1 – 18, Callies, Frelich, Roberts, Cases and Materials on Land Use, Fourth Edition (referred to in this syllabus as “Text”)

September 4th: LABOR DAY

No Class

September 11th:

Public Law: Zoning, Comprehensive Planning, Eminent Domain, Regulatory Takings, Equal Protection

Read: Pages 19 – 45, Text

September 17th:

Zoning Districts

History of Zoning and Enabling Act and Zoning in Minnesota

Subdivision, Conditional Use Permit, Planned Unit Development, Variance, Site Plans

Read: Pages 45 – 68, Text

IN ADDITION TO TEXT ASSIGNMENT - READ: Minnesota Statutes § 462.357, § 462.358

September 25th:

Zoning Administration

Continued Discussion of Zoning and Minn. Stat. 15.99 (“60 day rule”)

Read: Pages 68 – 105, Text

IN ADDITION TO TEXT ASSIGNMENT – READ: Minnesota Statutes §15.99

***** Hand out Zoning at a Glance Assignment – Due Friday, October 13th*****

October 2nd:

Contract and Conditional Zoning

Variances and Non-Conforming Use

Comprehensive Planning: Minnesota Statutes and Requirements under LUPA

Read: Pages 105 – 135, Text

IN ADDITION TO TEXT ASSIGNMENT – READ: Minnesota Statutes § 462.353, § 462.355, §§ 473.851-473.852, § 473.854, §§ 473.856-473.859

October 9th:

Vested Rights Development Agreement

Lake Elmo and its comprehensive planning, growth boundaries and regionalism in other areas

Read: Pages 135 – 185, Text

IN ADDITION TO TEXT ASSIGNMENT - READ: Lake Elmo decision, supplemental material regarding regionalism and growth boundaries (*See City of Lake Elmo v. Metropolitan Council*, 685 N.W.2d 1 (Minn. 2004))

***** Turn in Zoning at a Glance before beginning of Fall break
(Friday October 13th) *****

October 16th: FALL BREAK

No Class

October 23rd:

Subdivision Controls

Read: Pages 186 – 218, Text

October 30th:

Improvement Requirements and Financing

Read: Pages 218 – 257, Text

November 6th:

Impact Fees, Exactions and Assessments

Read: Pages 257 – 284, Text

IN ADDITION TO TEXT ASSIGNMENT – READ: *Country Joe, Inc. v. City of Eagan*, 560 N.W.2d 681 (Minn. 1997), and review Minnesota Statutes § 462.358 regarding fees.

*****Hand out Land Use Analysis Assignment – Due Monday, November 27th*****

November 13th: Guest Speaker

Eminent Domain and Regulatory Takings

Read: Pages 284 – 332, Text

IN ADDITION TO TEXT ASSIGNMENT – READ: *Kelo v. City of New London, Conn.*, 125 S.Ct. 2655 (2005)

November 20th: Guest Speaker

Eminent Domain (continued)

Read: Pages 332 – 385, Text

Supplemental readings to be assigned.

November 27th:

Exclusionary and Inclusionary Zoning

Read: Pages 534 – 585, Text

Supplemental readings to be assigned

December 4th: Guest Speaker, Reverend Dan Griffith

Advocacy and Ethics

Lunch Hour: Technology in Presentations

December 11th: SUBJECT TO EXAM SCHEDULE

Presentations of Land Use Analysis. We will not be able to complete all presentations in a single class hour so we are determining the second day for presentations.