

# Urban 580: Legal and Administrative Framework for Planning

## Syllabus

Department of Urban Design & Planning

University of Washington

Spring Quarter, 2025

Tuesday & Thursday, 12:00 – 1:20 pm

This class will be held in person in Mechanical Engineering Building (MEB) 246

Course website: <https://canvas.uw.edu/courses/1818428>

## Instructors

**Tim Trohimovich, AICP, Esq.** (He/Him)

Futurewise

timt2@uw.edu

Office Hours: Thursday, 9–10 am by phone or Zoom or in person by appointment. Different times are also available by appointment.

**Chelle Tobey** (She/They) Teaching Assistant

University of Washington, College of Built Environments - Ph.D. of Urban Design and Planning

## Class Objectives

Like many professions, local, state, and federal laws affect the work that planners do. This course is designed to provide the practicing planner with a background in the essentials of land use and environmental law, with an emphasis on recent Washington State developments and lessons from other states.

This class has five goals.

1. After completing the class, the students will understand the source of laws, regulations, and legal principles and how they are applied to the specific situations planners face in their profession.
2. After completing the class, the students will be able to spot legal issues as they come up in their work. The students will know what issues require further consultation with lawyers.
3. Both historically and currently, the law has not treated all equally. After completing the class, the students will be able help to address current injustices in the laws affecting the practice of planning and to contribute to the adoption and implementation of laws and regulations that advance the principle of equal justice for all.

4. After completing the class, the students will learn that the law changes. The students will also learn that planners can contribute to positive change in the law through the development of new planning techniques and practices. This is particularly important as new classes of planners will experience dramatic change in their professional lives due to changes in technology, society, institutions, and the environment.
5. To learn from the other students. Graduate students bring their life experiences and technical expertise to class. By discussing laws and cases in class and working together in a team, we can all benefit from the student experiences and expertise.

## Readings

The class has one required textbook:

Daniel R. Mandelker, *et al.*, *Planning and Control of Land Development: Cases and Materials* (Tenth Edition: 2020, Carolina Academic Press).

The textbook is available at the University Bookstore and elsewhere. Be sure to purchase or rent the correct edition, the Tenth Edition from 2020. Additional assigned readings will be available in PDF format on the class canvas website. Specific reading assignments are indicated on the schedule below; you are expected to complete each reading before the class for which it is assigned.

## Assignments and Grading

Evaluations are based upon completion of assigned work and demonstrated engagement with the materials, ideas, and sites. Grades are assigned in accordance with the UW Standard Grading System and the Department of Planning grading guidelines.

The following will determine your grade for the class:

- Midterm Project: 40 percent
- Final Exam: 45 percent
- Case Briefs: 6 percent
- Development Regulation Draft (due by June 6, 2025): 4 percent
- Class Contribution: 5 percent

## Midterm Project

The midterm is a group project including a written report and a Zoom presentation. Team assignments and project instructions will be given in class during Week 3. Before then, you will be asked to complete a brief survey of skills and experiences to help the instructors create balanced teams. The project will require the creation of a deliverable document and a presentation to the instructors. Your work will be based on concepts and cases discussed in class through Week 6. Teams will present their work during Week 7 class periods. Documents from all teams will be due at midnight on Monday, May 11, 2025.

The project grade includes two parts: A group grade and an individual grade. The group grade is half of the total project grade and covers the written materials and presentation as a whole. The individual grade is half of the total project grade and is based on the materials and presentation by the individual student. We will also be asking you to fill out a short survey about the project.

## Final Examination

The final exam will be on Thursday, June 12th, 2025, 10:30am - 12:20pm. During the examination, you will be allowed to refer to your textbook, class handouts including PowerPoint presentations, and case briefs that you have produced. Additional details on the final format will be provided in May.

## Case Briefs

All students are required to submit two case briefs. A case brief is a short (1-page) summary of the key issues and implications of a court case. Specific guidance on the format and expectations for case briefs will be provided in class. You may not brief *Penn Central* or *Pennsylvania Coal v. Mahon*, and you may not brief cases from reading assignments marked "skim." Otherwise, you may choose any case from the readings assigned within the date ranges specified for each of the two briefs:

- Case Brief #1, from cases assigned for April 8 – April 24 (other than *Pennsylvania Coal v. Mahon*) due the day before the case is discussed in class or April 23, whichever is earlier.
- Case Brief #2, from cases assigned for April 29 – May 27 due the day before the case is discussed in class or May 26, whichever is earlier.

**Due dates:** Case briefs are due at midnight on the evening *before* the class in which the case is assigned. Briefs submitted for cases that have already been discussed in class will not be accepted.

## Additional Policies

### In Person Classes

The instructors understand that the return to in person classes can create challenges for students that are both common to all students and unique to each student. While we hope students can attend all classes in person, the instructors realize the pandemic is continuing. The class sessions will be recorded. While attending the class sessions in person is preferred, if you cannot attend a session in person please review the recorded version of the class.

The U of W has resources available to help students. The instructors also want to help all students learn. If you have any questions or need assistance, please contact the instructors.

### Class Contribution

Class contribution will be evaluated based on your active engagement in class: listening attentively to instructors, guest speakers, and your peers; participating in discussions; demonstrating your understanding of readings; asking for clarification; raising relevant issues; etc.

In classes without a panel, there will be small group breakout sessions to discuss a question related to the class topics. Everyone is requested to participate in the small group breakout.

### Class Attendance, Readings, and Discussion

We expect class attendance and participation in class discussion to the extent permitted by remotely conducted classes. We also expect you to complete assigned readings on time. In comparison to other course work, the readings may seem substantial from time to time, and it will be wise to plan your study schedule accordingly.

We highly encourage forming a study group with a few other people in order to discuss the readings, share different points of view on the cases, and/or proof each other's case briefs before turning them in. Remember that aside from the midterm project, you are responsible for submitting your own individual work and using only the work that you have produced (in addition to class handouts and the textbook) during the final examination.

## Academic Conduct

The University of Washington takes academic integrity very seriously. Behaving with integrity is part of our responsibility to our shared learning community. If you're uncertain about if something is academic misconduct, ask me. I am willing to discuss questions you might have.

Acts of academic misconduct may include but are not limited to:

- Plagiarism (representing the work of others as your own without giving appropriate credit to the original author(s)). This includes the use of artificial intelligence programs or websites or the artificial intelligence tools in computer programs other than spelling, grammar, or translation tools.
- Cheating (working collaboratively on quizzes/exams and discussion submissions, sharing answers and previewing quizzes/exams)
- Unauthorized collaboration (working with each other on assignments)

Concerns about these or other behaviors prohibited by the Student Conduct Code will be referred for investigation and adjudication by CBE's Associate Dean for Academic Affairs.

Students found to have engaged in academic misconduct may receive a zero on the assignment or be required to redo and resubmit the assignment.

The Student Conduct Code can be read on the University's homepage at this [link](#).

## AI Use Prohibited

All work submitted for this course must be your own. Any use of generative AI tools, such as ChatGPT, when working on assignments is forbidden. Use of generative AI will be considered academic misconduct and subject to investigation

The assignments in this class have been designed to challenge you to develop creativity, critical-thinking, and problem-solving skills. Using AI technology will limit your capacity to develop these skills and to meet the learning goals of this course.

If you have any questions about what constitutes academic integrity in this course or at the University of Washington, please feel free to contact me to discuss your concerns.

## Access + Accommodation

Your experience in this class is important to the instructors. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs for this course.

If you have not yet established services through DRS but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 206-543-8924 or [uwdrs@uw.edu](mailto:uwdrs@uw.edu) or [disability.uw.edu](http://disability.uw.edu). DRS offers resources and

coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

## Religious Accommodation

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at [Religious Accommodations Policy \(https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/\)](https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/). Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Request form \(https://registrar.washington.edu/students/religious-accommodations-request/\)](https://registrar.washington.edu/students/religious-accommodations-request/).

## Inclusivity + Respect for Everyone

In this class, we will work together to develop a learning community that is inclusive and respectful. Our diversity may be reflected by differences in race, culture, age, religion, sexual orientation, socioeconomic background, ability, and myriad other social identities and life experiences. The goal of inclusiveness, in a diverse community, encourages and appreciates expressions of different ideas, opinions, and beliefs, so that conversations and interactions that could potentially be divisive turn instead into opportunities for intellectual and personal enrichment.

A dedication to inclusiveness requires respecting what others say, their right to say it, and the thoughtful consideration of others' communication. Both speaking up and listening are valuable tools for furthering thoughtful, enlightening dialogue. Respecting one another's individual differences is critical in transforming a collection of diverse individuals into an inclusive, collaborative and excellent learning community. Our core commitment shapes our core expectation for behavior inside and outside of the classroom.

In this course, we will support elective gender pronoun use and self-identification. As the course includes group work and in-class discussion, it is vitally important for us to create an educational environment of inclusion and mutual respect.

It is the intention of the instructors that all course assignments and activities should be accessible to all students.

## Technology Protocols

Technology devices (phones, tablets, laptops) may be used in class provided they are assisting the student in coursework (taking notes, research, etc.). Technology devices should not be used for non-coursework or in ways that negatively impact the student or other students in the course. In such cases, the student will be asked to turn off and store the device until the end of the course. If this is a repeating pattern, the student will be asked to refrain from bringing the device to class.

Canvas is the main hub for the course. All course content including syllabus, current schedule, class agendas, readings, and assignments is on Canvas. Links for assignments can be found on the Canvas Home Page for the class.

## Health + Wellness

As always, health and well-being are top priorities. Students will have different responses to events and issues inside and outside of school. Whatever you are feeling, your feelings are valid and do not require justification. If there is something that you are comfortable sharing and feel it would be helpful for me to know, please share it with me. But most importantly, please care for yourself. Remember to be kind to yourself. Now is a great time to learn and practice [self-care](#).

Students are encouraged to access resources as needed to support your well-being through the UW [Husky Health & Well-being](#) – a portal with many different resources.

Update to date information about COVID-19 is available on the CBE [website](#) with links to UW's information site.

## Campus Safety

If you have any concerns for your safety or the safety of others, call SafeCampus at 206-685-7233. SafeCampus is available at any time – no matter where you work or study – to anonymously discuss safety and well-being concerns for yourself or others. SafeCampus's team of caring professionals will provide individualized support, while discussing short- and long-term solutions and connecting you with additional resources when requested. For any emergency, call 911.

## Archiving + Documenting Student Work

Copies of all completed assignments should be uploaded to the course Canvas site as assignments are finished. Students are required to submit all work from the term digitally on Canvas BEFORE final grades will be distributed.

## Excused Absence from Class + Medical Notes

Students are expected to attend class and to participate in all graded activities, including class discussions, field trips, desk crits, pin-ups and reviews. A student who is anticipating being absent from class due to a Religious Accommodation activity needs to complete the Religious Accommodations request process by the second Friday of the quarter. Students who anticipate missing class due to attendance at academic conferences or field trips, or participation in university-sponsored activities should provide a written notice to the instructor at least 1 week ahead of the absence. The instructor will discuss what will be missed with the student and determine if the course activity can be rescheduled or if there is equivalent work that can be done as an equivalent, as determined by the instructor. A student absent from class due to illness should make an appointment with the instructor to discuss what the student missed during their absence and what activity needs to be rescheduled or if there is equivalent work that can be done as an equivalent, as determined by the instructor. To protect student privacy and the integrity of the academic experience, students will not be required to provide a medical excuse note to justify an absence from class due to illness.

Students that believe that they may have any form of a disability should speak with the instructor as early as possible and consult the University's resources for students with disabilities. Please see this [link](#).

## Readings and Schedule

This class schedule and assigned readings may be amended from time to time; please check the class website for updates. Textbook pages refer to Mandelker, *et al.*, *Planning and Control of Land Development* (10th ed) ISBN 978-1-5310-1744-6, e-ISBN 978-1-5310-1745-3.

## Week 1

### Tuesday, April 1, 2025

#### ***Class Overview & Big Themes:***

- The Role of Law and its Evolution;
- Property Rights vs. Police Power;
- The Role of Courts and Other Dispute Resolution Methods;
- The Consistency Requirement in Planning Enabling Acts and Modern Planning Laws;
- “Urbanism;” and
- Environmental Justice and Equity, and Is American Zoning a Segregating Tool and How Should It Be Reformed?

#### ***Topics:***

- Sources of Law: Constitutions, Laws, Court Decisions, Regulations, Local Ordinances, Administrative Decisions, and How They Are Made.

#### ***Readings:***

“How Laws Are Made” (available at this [link](#), in the class Canvas website in the Files/Readings subdirectory) or at this [How Laws Are Made](#) (links to an external site).

Skim Textbook pp. 3 – 15 & pp. 27 – 31 (available on the class website at this [link](#) or in the Files/Readings subdirectory).

The PowerPoint presentation for this class is available at this [link](#).

### Thursday, April 3, 2025

#### ***Topics:***

Reading and briefing cases using the *Penn Central v. City of New York* case as an example.

#### ***Readings:***

- “Reading Cases” (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).
- “Writing Case Briefs” (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).
- Textbook pp. 72–87 (*Penn Central v. City of New York*) (available on the class website at this [link](#) or in the Files/Readings subdirectory).

The PowerPoint presentation for this class is at this [link](#).

The *Penn Central v. City of New York* we started in class can be found at this [link](#).

# Week 2

**Tuesday, April 8, 2025**

## Topics:

- The Police Power.
- Nuisances.
- Property Rights Topics including the “bundle of sticks.”
- The evolution of Takings law and substantive due process in the United States.
- Small group briefing exercise using *Pennsylvania Coal v. Mahon*.

## Readings:

- Textbook Chapter (Ch.) 1 E. Nuisance Law (Ends at the beginning of F) pp. 15–27 (*Bove v. Donner-Hanna*).
- Textbook Ch. 2 A. [2] Regulatory Takings (Ends at *Penn Central* decision) pp. 45–57 (*Pennsylvania Coal v. Mahon*) & 58 – 71 (*Village of Euclid v. Ambler Realty Co.*)
- Textbook Ch. 2 A. [5] A Per Se Takings Rule (Ends at [6] *Penn Central Vindicated*) pp. 131–42, (*Lucas v. South Carolina Coastal Council*).
- *Lingle v. Chevron* (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).

The PowerPoint presentation for this class is available at this [link](#).

**Thursday, April 10, 2025**

## Topics:

- U.S. and Washington Takings Law.
- Eminent Domain.
- Substantive Due Process and Other Constitutional Constraints.
- Takings Remedies including Section 1983 and limitations.

## Readings:

- *Chong Yim v. City of Seattle* 8 – 19 (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).
- Textbook Ch. 2 A. The Takings Issue [1] Eminent Domain (Ends at [2] Regulatory Takings) pp. 34 – 45 (*Kelo v. New London*)
- Textbook Ch. 2 A. The Takings Issue [6] *Penn Central Vindicated* Notes and Questions, [7] The Denominator Issue, [8] Federal Takings Executive Orders and Federal and State Takings Legislation, and Ch. 2 B. Substantive Due Process Limitations Under the Federal Constitution (Ends at [2] Barriers to Judicial Relief: Ripeness) pp. 152 – 83 (*Murr v. Wisconsin*, *George Washington University v. District of Columbia*, *Willowbrook v. Olech*).

The PowerPoint presentation for this class is available at this [link](#).

# Week 3



## Tuesday, April 15, 2025

### Topics:

- The Doctrine of Unconstitutional Conditions.
- Remedies.
- History and Zoning Enabling Legislation.
- Structure of Zoning.

### Readings:

- Textbook Ch. 2 A. The Takings Issue [2] Regulatory Takings [c] Unconstitutional Conditions (Ends at [3] Removal of the 'Substantially Advances' Test") pp. 90 – 111 (*Nollan v. California Coastal Commission*, *Dolan v. Tigard*).
- Textbook Ch. 3 B. Zoning Litigation in the State Courts [4] Remedies in Land Use Cases (Ends at *Krause v. City of Royal Oak*) pp. 227 – 35 (*City of Richmond v. Randall*).

The class PowerPoint presentation is available at this [link](#).

## Thursday, April 17, 2025

### Topics:

- Large Lot, Agricultural, and Residential Zoning Issues.

### Readings:

- Textbook Ch. 3 D. Recurring Issues in Zoning Law (Ends at [3] Commercial and Industrial Uses) pp. 241 – 93 (*Johnson v. Town of Edgartown*, *Gardner v. New Jersey Pinelands Commission*, *Village of Belle Terre v. Boraas*, *Cleburne v. Cleburne Living Center*).

The class PowerPoint presentation is available at this [link](#).

## Week 4

## Tuesday, April 22, 2025

### Topics:

- Commercial, Industrial, Nonconforming, and Special Uses.
- Uses Given Special Protection including religious institutions.

### Readings:

- Textbook Ch. 3 D. Recurring Issues in Zoning Law [3] Commercial and Industrial Uses (Ends at E. Mixed-Use Zoning, Form Based, and Transit-Oriented Development) pp. 293 – 354 (*Loreto Development Co., Inc. v. Village of Chardon*, *Herandez v. City of Hanford*, *Conforti v. City of Manchester*, *City of Los Angeles v. Gage*, *City of Renton v. Playtime Theatres, Inc.*, *Adam Community Center v. City of Troy*).

The PowerPoint presentation for this class is available at this [link](#).

## Thursday, April 24, 2025

### Topics:

- Mixed Use Zoning, Form-Based Zoning, and Transit-Oriented Development.
- Zoning Changes, Moratoria, Variances.
- Conditional Use Permits, Special Exceptions, and Special Use Permits.

### Readings:

- Textbook Ch. 3 E. Mixed-Use Zoning, Form Based, and Transit-Oriented Development (Ends at Ch. 4) pp. 354 – 64.
- Textbook Ch. 5 A. The Role of Zoning Change (Ends E. The Zoning Amendment) pp. 433 – 82 (*Ecogen, LLC v. Town of Italy, Puritan-Greenfield Improvement Association v. Leo, Ziervogel v. Washington County Board of Adjustment, Fairfax County v. Southland Corp., Crooked Creek Conservation Gun Club, Inc. v. Hamilton County North Board of Zoning Appeals*).

The PowerPoint presentation for this class is available at this [link](#).

*Assignments: Last chance to turn in Case Brief #1 (due midnight the evening before the class for which the case is assigned).*

## Week 5

## Tuesday, April 29, 2025

### Topics:

- Exclusionary Zoning.
- Inclusionary Zoning.
- Fair Housing.
- Being Unhoused and the Law.

### Readings:

- Does urban sprawl hold down upward mobility? Pages 80 – 82 (you may stop reading at the end of Section 2.1) (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).
- Textbook Ch. 4 A. Exclusionary Zoning and Affordable Housing: State Law (Ends C. Discrimination Against Group Homes for the Handicapped) pp. 365 – 421 (*Southern Burlington County NAACP v. Township of Mount Laurel [I & II], Village of Arlington Heights v. Metropolitan Housing Development Corp., Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*).
- Textbook Ch. 4 Notes and Questions following *Larking* (Ends Ch. 5) pp. 427 – 31.

The PowerPoint presentation for this class is available at this [link](#).

## Thursday, May 1, 2025

### Topics:

- Vesting in Washington and Other States.
- Rezones.
- Downzoning.
- Floating zones and contract rezones.

### Readings:

- Textbook Ch. 5 E. The Zoning Amendment (Ends G. Site Plan Review) pp. 482 – 545, (*Western Land Equities, Inc. v. City of Logan, Kuehne v. Town of East Hartford, Board of Commissioners of Brevard County v. Snyder, Stone v. City of Wilton, Collard v. Incorporated Village of Flower Hill*).

The PowerPoint presentation for this class is available at this [link](#).

## Week 6

## Tuesday, May 6, 2025

### Guests: *Planning Law in Practice Panel*

- Nancy Eklund, Long Range Planning Manager, City of Tukwila
- Lauren Smith, Director of Regional Planning, King County

### Topics:

- Site Plan review.
- The Role of the Comprehensive Plan.

### Readings:

- Textbook Ch. 5 G. Site Plan Review (Ends A Note on Alternative Dispute Resolution) pp. 546 – 66 (*Charisma Holding Corp. v. Zoning Board of Appeals of the Town of Lewisboro, Haines v. City of Phoenix*).

The PowerPoint presentation for this class is available at this [link](#).

## Thursday, May 8, 2025

### Topics:

- Subdivisions, Planned Unit Developments, Cluster and Conservation Subdivisions, Dedications and Exactions.
- Impact Fees and Connection Charges.
- Liability for planning decisions or nondecisions.

## Readings:

- Textbook Ch. 6 (Ends with *Campion v. Board of Alderman of the City of New Haven*) pp. 597 – 42 (*Sparks v. Douglas County, Homebuilders Association of Tulare/Kings Counties, Inc. v. City of Lemoore*),
- Textbook Ch. 6 Notes and Questions following *Campion* (Ends Ch. 7) pp. 649 – 59, (*Sinkler v. County of Charleston*).

The PowerPoint presentation for this class is available at this [link](#).

## Week 7

**Tuesday, May 13, 2025**

*Mid-Term Presentations*

**Thursday, May 15, 2025**

*Mid-Term Presentations*

## Week 8

**Tuesday, May 20, 2025**

### Topics:

- Growth Management in Washington.
- Growth Management in Other States.

## Readings:

- An Elected Official's Guide to the Growth Management Act (available on the class website at this [link](#) or in the Files/Readings subdirectory). You do not need to read the GMA goals in this document as the following version has the updated version.
- The Key Growth Management Act Climate Change Provisions (available on the class website at this [link](#) or in the Files/Readings subdirectory with the filename "Key Growth Management Act Climate Change Provisions.pdf").
- Textbook Ch. 7 C. An Introduction to Growth Management (Ends Ch. 8) pp. 681 – 734 (*Construction Industry Association of Sonoma County v. City of Petaluma, Golden v. Ramapo Planning Board, Maryland National Capital Park and Planning Commission v. Rosenberg, Land Watch of Lane County v. Lane County*).

The PowerPoint presentation for this class is available at this [link](#).

**Thursday, May 22, 2025**

### Topics:

- Critical Areas Ordinances.
- Planning and Regulating Coastal Areas and Shorelines.
- Sea Level Rise.

- Drafting Land Use regulations and ordinances.

#### Readings:

- Critical Areas Ordinance Updates (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).
- Textbook Ch. 7 B. Land Use Regulation and the Environment 2. Coastal Zone Management (Ends C. An Introduction to Growth Management) pp. 673 – 681.
- California Coastal Commission Sea Level Rise Policy Guidance Executive Summary p. 6, pp. 14 – 25 (2024 Update) (available on the class Canvas website at this [link](#) or in the Files/Readings subdirectory).
- “Drafting Defensible Regulations” (available on the class Canvas website at this [link](#) or in Files/Readings subdirectory).

The PowerPoint presentation for this class is available at this [link](#).

## Week 9

### Tuesday, May 27, 2025

#### Topics:

- Aesthetics: Design Review, Sign Regulation, and Historic Preservation.
- Environmental Review (SEPA/NEPA).

#### Readings:

- Textbook Ch. 8 A. Aesthetics as a Regulatory Purpose (Ends *Metromedia, Inc. v. City of San Diego* the California Supreme Court decision) pp. 735 – 740.
- Textbook Ch. 8 Notes and Questions following *Metromedia, Inc.* (Ends *In re Pierce Subdivision Application*) pp. 746 – 775 (*Metromedia, Inc. v. City of San Diego* (the U.S. Supreme Court decision) *State Ex Rel. Stoyanoff v. Berkeley*).
- Textbook Ch. 8 Notes and Questions following *In re Pierce Subdivision Application* (Ends *Fred F. French Investing Co. v. City of New York*) 778 – 809, (*Figarsky v. Historic District Commission*).
- *Cougar Mtn. Associates v. King County* (Available at the class Canvas website at this [link](#) or in Files/Readings subdirectory).

The PowerPoint presentation for this class is available at this [link](#).

*Assignment: Last chance to turn in Case Brief #2 (due midnight the evening before the class for which the case is assigned)*

### Thursday, May 29, 2025

#### Topic:

- Brownfields, CERCLA (Superfund), Model Toxics Control Act.
- Initiative and Referendum.
- Negotiation, Mediation, and Alternative Dispute Resolution.

## Readings:

- Textbook Ch. 5 A Note on Alternative Dispute Resolution (Ends I. Initiative and Referendum) pp. 566 – 70.
- Textbook Ch. 5 I. Initiative and Referendum (Ends Ch. 6) pp. 570 – 96 (*Township of Sparta v. Spillane*, *City of Eastlake v. Forest City Enterprises, Inc.*, *TriCounty Concrete Company v. Uffman-Kirsch*).
- State of Washington Department of Ecology Model Toxics Control Act webpage (available on the class Canvas website at this [link](#) or in Files/Readings subdirectory).
- Brownfields Planning and Process Primer (available on the Canvas website at this [link](#) or in the Files/Readings subdirectory).

The PowerPoint presentation for this class is available at this [link](#).

## Week 10

### Tuesday, June 3, 2025

#### Topics:

- Strategic Lawsuits Against Public Participation (SLAPP) Suits and the Uniform Public Expression Protection Act (UPEPA).
- Hearing Examiners.
- Judicial Review.

#### Readings:

- Textbook Ch. 2 [2] Barriers to Judicial Relief: Ripeness (Ends Problem) pp. 183 – 92 (*Knick v. Township of Scott*).
- Textbook Ch. 3 [A. The History and Structure of the Zoning System (Ends [3] Securing Judicial Review) pp. 195 – 223 (*Center Bay Gardens v. City of Tempe*, *Ben Lomond, Inc. Municipality of Anchorage*).

*Development Regulation submittal deadline is mid-night June 3, 2025.*

### Thursday, June 5, 2025

#### Topics:

- Class review.
- Student questions about the course

#### Readings:

- None.

## Finals Week, Week 11

Thursday, June 12th, 2025, 10:30am - 12:20pm. Final Examination Open Book

