

URBDP 580 A: Legal And Administrative Framework For Planning

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Spring Quarter 2015

MW 8:30 – 9:50 A.M.

Gould Hall, Room 435

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Office Hours: By Appointment

Teaching Assistant: **Jason Scully, MA, MUP** (jyscully@gmail.com)
Office Hours: TBD, and by appointment; Gould Court

Overview

The 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.

Readings

Specific readings that are not described below will be assigned in class. We will progress through the textbook (Mandelker and Payne, *Planning and Control of Land Development*, 8th Ed.) as indicated on the course schedule. Washington law and cases as well as other material will also be assigned for discussion in

certain class sessions. This schedule and assigned readings may be amended from time to time. Assigned materials that are not in the casebook will be available on the class website. You can purchase the textbook through the UW Book Store [here](#)

(Links to an external site.)

The first “handout” is a primer on reading legal cases that will help you adjust to the particular writing style of judges and attorneys.

Download it by clicking here: [Reading_Cases.pdf](#).

Optional readings for this course include *Urbanism Without Effort*

(Links to an external site.)

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, by Charles R. Wolfe, available electronically through following links to [Amazon](#)

(Links to an external site.)

, Nook, etc. at Island Press E-ssentials

(<http://www.islandpress.org/essentials.html>

(Links to an external site.)

or searching directly on the websites of Amazon, Nook, etc.). Placemakers, a new urbanist planning firm, has developed a suggested reading list for those interested in new urbanism, particularly in the theory and implementation of placemaking. This extensive list of suggested material can be found on the firm’s website (<http://www.placemakers.com/how-we-teach/recommended-reading/>

(Links to an external site.)

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Handouts for Monday, April 13

-[APA_takings_commentary_Nov06Elections.pdf](#)

-[Koontz_v_StJohns_2013.pdf](#)

-[Gerla_and_Schechter_2006.pdf](#)

-[Lingle.pdf](#)

Handouts for Wednesday, April 15

-[Craddock.pdf](#)

-[Erickson.pdf](#)

-[Guimont.pdf](#)

Handouts for Wednesday, April 29

- Anderson_v._Pierce_County_86_Wn.App._290(1997).pdf
- Cougar_Mtn._Assocs._v._King_County_111_Wn.2d_742_(1988).pdf
- SEPA_Chart.pdf

Handouts for Monday, May 11

- <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70a>
(Links to an external site.)
- <http://apps.leg.wa.gov/wac/default.aspx?cite=365-196>
(Links to an external site.)
- CAO Updates ELUL Newsletter.pdf
- GMA Legal Primer for Planners.docx

Handouts for Wednesday, May 13

- Tim Trohimovich's presentation
GMA Planning, Critical Areas and SMA U of W May 2015.pptx

Handouts for Monday, May 18

- PELBrownfieldsPrimer.pdf
- WA State Brownfield Policy Recommendations.pdf
- WA_DOE_toxiccleanup_redevelopment.pdf
- PDF of class PowerPoint presentation: WolfeURBDP580Brownfields2015.pdf

Handouts for Wednesday, May 27

- ELUL Narrative.docx
- Wolfe Overview.pdfWolfe Overview.pdf
- Urbanism Without Effort
(optional): https://books.google.com/books?id=qKhNeXL_TK8C&lpg=PA1&pg=PA1&output=embed&hl=en
(Links to an external site.)
(Links to an external site.)
- PDF of class PowerPoint presentation: UW 2015 FBCI Presentation.pdf

Assignments and Grading

The following will determine your grade for the class:

Midterm	40%
Final Exam	50%
Class Contribution	10%

1. Midterm Project. The project “proposal” and team assignments will be handed out around April 13th and followed by team presentations, in class, the

week of May 4th. The presentation will require creation of a deliverable document with each team member responsible for a discrete one-page section. The Midterm Project will represent 40% of your final grade. Documents from all teams will be due on Sunday, May 3rd at 8:00 PM PST.

Select one person from your team to upload the written report and a PDF or PowerPoint of your presentation

here: <https://canvas.uw.edu/courses/968926/assignments/2780384>

The details of the Midterm Project can be downloaded here: [URBDP 580 Midterm assignment 2015.pdf](#)

Presentation schedule and further instructions: [URBDP 580 Midterm presentation schedule and instructions.pdf](#)

2. Final Examination. The final exam will be on Tuesday, June 9, 2015 from 8:30 to 10:20 a.m. in Gould 435. The Final Exam will represent 50% of your final grade. Additional details on the final format will be provided in May.

3. Class Contribution. Class contribution will be evaluated based on class participation. Class Contribution will represent 10% of your final grade. Your participation will be evaluated in one of four ways:

- (1) active participation in daily class discussion;
- (2) leading a facilitated discussion on a legal topic related to the reading (see "Discussions" in the menu to the left to sign up for a class);
- (3) providing an oral report on legal topic related to the reading (see "Discussions" in the menu to the left to sign up for a class); or
- (4) preparing up to five case briefs during the quarter, worth 1% each.

There will be limited opportunities to gain class participation points through Options (2) and (3), and those dates are indicated on the class schedule as "Report/Facilitated Discussion" opportunities. Students wishing to explore Options (2) and (3) are encouraged to discuss their plans with the teaching team well in advance of the scheduled date.

3.4. Case Brief. In order to ensure that all students develop an understanding of how to brief cases, the submission of one case brief will be required at the beginning of the quarter. Submissions are due on Monday, April 13th and will count as one of the five briefs for Option (4). You may brief any case covered in the readings up through the due date. Instructions for writing and submitting case briefs can be found here: [Case Briefing Outline_20150324.pdf](#)

Class Attendance, Readings, and Discussion

We expect class attendance and participation in class discussion. 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.

Academic Conduct

The University of Washington has a set of guidelines on how to respond to suspected cases of academic dishonesty, or "cheating." These cases include plagiarism in written assignments (copying directly from texts or another student's work) and referring to contraband or getting help from someone else in testing situations. You should familiarize yourself with these guidelines. If you have any questions about the boundary about what is or is not acceptable, ask one of the instructors or the TA to clarify.

As a student at the University of Washington you are held to "high standards of academic and professional honesty and integrity" by the Student Conduct Code. The Student Conduct Code can be read on the University's homepage at:

<http://www.washington.edu/students/handbook/conduct.html>
(Links to an external site.)

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Students with Disabilities

Students that believe that they may have any form of a disability should speak with the instructors as early as possible and consult the University's resources for students with disabilities: <http://www.washington.edu/students/drs/>
(Links to an external site.)

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Assigned Readings and Schedule

Instructor key

CW = Chuck Wolfe

JC = Jessica Clawson

JYS = Jason Scully

CK = Courtney Kalyor, Esq. McCullough Hill PS

PS = Pat Schneider, Esq. Foster Pepper

PL = Pearl Leung, Senior Community Relations Manager at Vulcan, Inc.

BW = Barb Wilson, Government Relations Officer at Vulcan, Inc.

TT = Tim Trohimovich, Director of Planning & Law at Futurewise

RS = Ryan Singer, Executive Director, NYC Board of Standards and Appeals

DHM = Dwight Merriam, Esq. Robinson & Cole, Hartford, CT, and co-author,

Planning and Control of Land Development: Cases and Materials, 8th edition.

Instructor	Date	Topic	Readings
1. CW/JC	3/30	• Overview of Class	Skim pp. 1-61
2. CW/JC	4/1	• The Legal System/Reading Cases • Overview of Land Use Law/Planning	Same as above; Read Penn Central case (pp. 108-126); Handout
3. CW	4/6	• Nuisances • Eminent Domain • Historical Takings	pp. 63-107
4. CW/JC	4/8	• Modern Takings	pp. 108-160
5. CW/JC	4/13	• Modern Takings (cont'd) • Other Constitutional Constraints • Special Property Rights Topics	Handouts-see links above (including Koontz), read pp. 160-172 & 198-204, skim pp. 180-187 Midterm Handout
6. PS/JC	4/15	• Substantive Due Process and Vesting • Practical Aspects of Vesting	Washington Cases-see handouts above.
7.	4/20	• CLASS CANCELED FOR APA Conference	
8. CW/JC/ RS/DHM	4/22	• MANDATORY CLASS! • History & Structure of Zoning • Recurring Zoning Issues • Zoning Amendments • Subdivisions • Exactions • Inclusionary Zoning	Read pp. 223-234, 269-292, 311-326; skim pp. 292-304 Read pp. 681-688 Skim pp. 689-706 Read pp. 706-747 Review Koontz
9. JC	4/27	• Commercial and Special Uses • Uses Subject to Special Protection • Variances and Conditional Uses	Skim pp. 326-340 Read pp. 340-378, 558-586
10. JC	4/29	• Environmental Review (SEPA)	SEPA, Wash. Law and cases
11. CW/JC/JYS	5/4	• Midterm Presentations	
12. CW/JC/	5/6	• Midterm Presentations	

JYS/PL/BW			
13. CW/JYS	5/11	<ul style="list-style-type: none"> • Subdivisions • Catch-up/recap on course so far • Introduction to the Growth Management Act 	Readings to date; handouts (GMA, Wash. Law and cases)
14. CW/TT	5/13	<ul style="list-style-type: none"> • Growth Management (cont'd) • Critical Areas and Shoreline Management Act 	Handouts (GMA, Wash. Law and cases)
15. CW/JYS	5/18	<ul style="list-style-type: none"> • Redevelopment, Infill, and Brownfields 	Handouts
16. CK/CW	5/20	<ul style="list-style-type: none"> • General Legal Procedures, Appeals, Mediation • Report/Facilitated Discussion 	pp. 234-269
	5/25	Memorial Day – No class	
17. CW/JC	5/27	<ul style="list-style-type: none"> • Other Land Use Issues • Historic Preservation, Urban Design, and “Urbanisms” • Report/Facilitated Discussion 	pp. 423-436, 864-900; Handouts Optional: Urbanism Without Effort; Placemakers Reading List
18. CW/JC/TBA	6/1	<ul style="list-style-type: none"> • Planning Directors, Growth Boards, and Hearing Examiners 	Handouts
19. CW/JC	6/3	<ul style="list-style-type: none"> • Sustainability, Hot Topics, Limits of Planning • Compact Development, Mixed Use, and the Shared Economy 	pp. 378-385, 448-452; Handouts

Final exam will be on Tuesday, June 9, 2015 from 8:30 to 10:20 a.m. in Gould 435