

UrbDP 580: Legal and Administrative Framework for Planning

Syllabus

Spring Quarter, 2018
Monday & Wednesday, 8:30 – 9:50 am
Gould Hall, Room 322

Instructor: **Chuck Wolfe, Esq.** (cwolfe@crwolfelaw.com)

Charles R. Wolfe, Attorney at Law
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Office Hours: By Appointment

Teaching Assistant: **Peter Dunn** (ptdunn@uw.edu)

Office Hours: Monday & Wednesday, 10:00 - 11:00 am,
Gould Court (or by appointment)

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, Daniel R. et al. *Planning and Control of Land Development: Cases and Materials*, 9th 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 at the University Bookstore.

Optional readings for this course include *Seeing the Better City* by Charles R. Wolfe, available at the University Bookstore or electronically through Amazon, Nook, iTunes etc. (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/>)

Assignments and Grading

The following will determine your grade for the class:

Midterm Project	40%
Final Exam	50%
Class Contribution	10%

Midterm Project

The project “proposal” and team assignments will be handed out around April 9th and followed by team presentations, in class, the week of April 30th. A survey will be distributed during the first class to assess your skills so that each group for the midterm project will reflect a diverse range of backgrounds and experiences. The presentation will require creation of a deliverable document with each team member responsible for a discrete one-page section. You will be expected to draw solely upon concepts and cases discussed in class through Week 5. The Midterm Project will represent 40% of your final grade. Documents from all teams will be due on Sunday, April 29th at 5:00 PM.

Final Examination

The final exam will be on Tuesday, June 5, 2017 from 8:30 to 10:20 a.m. (Gould 322). The Final Exam will represent 50% of your final grade. You will be allowed to bring in your textbook, class handouts, and case briefs that **you** have produced into the examination room. Additional details on the final format will be provided in May.

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) In a group of 2-3 preparing, leading, and facilitating a discussion on a legal topic related to the reading.
- (3) Providing an oral report on legal topic related to the reading.
- (4) Preparing up to five case briefs during the quarter, worth 1% each.

There are limited opportunities to gain class participation points through Options (2) and (3), and those dates are indicated in the Assignments column of the class schedule below. These spots are first-come, first-serve; please contact the instructors to sign up. 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.

More Information on Case Briefs

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 at 8:00 pm on the night before Monday, April 9th 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. Case briefs submitted for credit may only be submitted up to the night before the chosen case is discussed in class. The last day to turn in case briefs is at **8:00 pm on Tuesday, May 29th.**

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.

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 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 the instructor 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>

The University has a license agreement with Turnitin, an educational tool that helps prevent or identify plagiarism from Internet resources. Your instructor may use the service in this class by requiring that assignments are submitted electronically to be checked by Turnitin. The Turnitin Originality Report will indicate the amount of original text in your work and whether all material that you quoted, paraphrased, summarized, or used from another source is appropriately referenced.

Students with Disabilities

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: <http://www.washington.edu/students/drs/>

Assigned Readings and Schedule

Instructor/Guest Speakers:

CW = Chuck Wolfe

PD = Peter Dunn

Pages refer to Mandelker, et al., 9th ed. All other readings are available on Canvas.

Date	Topic	Instructor/ Guest Speaker	Readings	Assignments
Week 1				
3/26	Overview of Class	CW	Skim pp. 1-65	
3/28	The Legal System/Reading Cases Overview of Land Use Law/Planning	CW	Read: <ul style="list-style-type: none"> • Reading Cases • Writing Case Briefs Read pp. 127-149	Student Survey open
Week 2				
4/2	Nuisances Eminent Domain Historical Takings	CW	Read pp. 67-127	
4/4	Modern Takings	CW	Read pp. 127-158; 196-230	Complete Student Survey

Date	Topic	Instructor/ Guest Speaker	Readings	Assignments
Week 3				
4/9	Modern Takings (cont'd) Other Constitutional Constraints Special Property Rights Topics	CW	Read pp. 183-195; 230-244; 264-269 Skim pp. 244-250 Read: <ul style="list-style-type: none"> American Planning Association commentary on takings Gerla & Schecter, Oregon Property Rights Initiative 	Case Brief #1 due Sun., April 8, 8pm Midterm groups announced. Review Midterm Assignment.
4/11	Substantive Due Process and Vesting Practical Aspects of Vesting	Guest: Pat Schneider	Read: <ul style="list-style-type: none"> Guimont v. Clarke Lingle v. Chevron Erickson v. McLerran Craddock v. Yakima 	
Week 4				
4/16	History & Structure of Zoning Recurring Zoning Issues	CW	Read pp. 295-308, 348- 358; 370-384; 405-424 Skim pp. 385-400	Oral report (optional) Facilitated discussion (optional)
4/18	Zoning Amendments Subdivisions Exactions Inclusionary Zoning	CW	Read pp. 158-183; 873-883; 902-929 Skim pp. 883-902 Review pp. 183-195 (Koontz)	

Date	Topic	Instructor/ Guest Speaker	Readings	Assignments
Week 5				
4/23	Commercial and Special Uses Uses Subject to Special Protection	CW	Skim pp. 425-442 Read pp. 442-502	
4/25	Variances and Conditional Uses Environmental Review (SEPA)	CW Guest: Jessie Clawson	Read pp. 718-752 Read: <ul style="list-style-type: none"> • Anderson v. Pierce County • Cougar Mtn. Associates v. King County • SEPA Review Process chart 	
Week 6				
4/30	Midterm Presentations	CW/PD		Midterm report and presentation due Sun., April 29th, 5pm.
5/2	Midterm Presentations	CW/PD		
Week 7				
5/7	Growth Management	Guest: Tim Trohimovich Director of Planning & Law at Futurewise	Read Growth Management Act Legal Primer for Planners	
5/9	Critical Areas and Shoreline Management Act	Guest: Tim Trohimovich	Read Critical Areas Ordinance Updates	

Date	Topic	Instructor/ Guest Speaker	Readings	Assignments
Week 8				
5/14	General Legal Procedures, Appeals, Mediation, Land Use Decisions	Guest: Courtney Kaylor	Read pp. 308-347 Read Hearing Examiner Rules of Practice and Procedure Skim RCW 36.70C Judicial Review of Land Use Decisions	Oral report (optional) Facilitated discussion (optional)
5/16	Current Issues: UW Campus Master Plan HALA / Rezone	Guest: Sally Clark, UW Regional & Community Relations Guest: Amy Gore, Office of Seattle Councilmember Rob Johnson	<i>No Readings</i>	
Week 9				
5/21	Design Guidelines Other Land Use Issues Historic Preservation, Urban Design, and “Urbanisms”	Guest: Janet Shull, City of Seattle	Read pp. 1066 - 1106 Read Form-Based Codes Overview Read Chuck Wolfe articles: <ul style="list-style-type: none"> • With an "urban diary", everyone's a city planner (<i>City Metric</i>) • A visual tool for guiding urban change (<i>Governing</i>) • Seeing the better city, making a better place. (<i>Planetizen</i>) Optional: <ul style="list-style-type: none"> • Read <i>Seeing the Better City</i>, ch. 5 (pp. 137-175) on implementation, and skim remainder • Recommended reading list from Placemakers 	Oral report (optional) Facilitated discussion (optional)

Date	Topic	Instructor/ Guest Speaker	Readings	Assignments
5/23	Brownfield, Redevelopment, & Infill	CW	Read: <ul style="list-style-type: none"> • Washington State Brownfield Policy Recommendations • APA Brownfields Primer • Wash. Dept. of Ecology report on toxics cleanup and redevelopment 	

Week 10

5/28 **Memorial Day
- No Class**

5/30	Sustainability, Hot Topics, Limits of Planning Density, Mixed Use, and the Shared Economy	CW	Read pp. 503 -512, 551-558	Last chance to submit a case brief is Tues., May 29, 8pm
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Final

6/5	Final Exam - Tuesday, June 5 from 8:30 to 10:20 AM (Gould 322)	CW/PD		
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