UrbDP 580:
Legal and Administrative Framework for Planning

Syllabus

Spring Quarter, 2019
Monday & Wednesday, 8:30 – 9:50 am
Gould Hall, Room 322

Instructors

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Office Hours: Wednesday, 10–11am, 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

The class has two required textbooks:

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

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. 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 40%
- Case Briefs 10%
- Class Contribution 10%

Midterm Project

The midterm is a group project including a written report and an in-class 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 with each team member responsible for a discrete one-page section. Your work will be based on concepts and cases discussed in class through Week 5. Teams will present their work during Week 6 class periods. Documents from all teams will be due at 5pm on the Sunday before the week of presentations.

Final Examination

The final exam will be from 8:30 to 10:20am on Tuesday, June 11, in Gould 322. You will be allowed to bring 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.

Case Briefs

All students are required to submit three 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, 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 three briefs:

- Case Brief #1, from reading assigned for April 8 – April 15
- Case Brief #2, from reading assigned for April 17 – April 29
- Case Brief #3, from reading assigned for May 1 – May 29
Case briefs are due at 8pm 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.

**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.

**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

This 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., 9th ed.

WEEK 1

Mon. April 1

Topics  Class Overview
Instructors  Chuck Wolfe, Tim Trohimovich
Reading  Skim Textbook pp. 1–65.

Wed. April 3

Topics  The Legal System/Reading Cases
        Overview of Land Use Law and Planning
        Urbanism and the Role of the Law
Instructor  Chuck Wolfe
Reading  “Reading Cases.”
        “Writing Case Briefs.”
        Urbanism Without Effort, Intro – Chapter 2.

WEEK 2

Mon. April 8

Topics  Urbanism and Role of the Law (cont’d)
        Nuisances
        Historical Takings
Instructor  Chuck Wolfe
Reading  Urbanism Without Effort, Chapters 3 – Closing.

Wed. April 10

Topics  Eminent Domain
        Modern Takings
Instructor  Chuck Wolfe
        California Coastal Commission); pp. 196–230 (First English v. County of
        Los Angeles, Lucas v. South Carolina Coastal Council).
Assignment  Complete student survey
WEEK 3

Mon. April 15

Topics
Modern Takings (continued)
Other Constitutional Constraints
Special Property Rights Topics

Instructor Chuck Wolfe

Reading
American Planning Association commentary on takings.
Gerla & Schecter, Oregon Property Rights Initiative.

Assignments
Last chance to turn in Case Brief #1 (due Sunday, April 14, 8pm)
Midterm groups announced, assignment posted

Wed. April 17

Topics
Substantive Due Process and Vesting
Practical Aspects of Vesting

Guest Pat Schneider, Attorney, Foster Pepper

Reading
Guimont v. Clarke.
Lingle v. Chevron.
Erickson v. McLerran.
Cradduck v. Yakima.

WEEK 4

Mon. April 22

Topics
History & Structure of Zoning
Comprehensive Plans
Recurring Zoning Issues

Instructor Tim Trohimovich

Reading
Skim Textbook pp. 385–400 (Cleburne v. Cleburne Living Center).

Wed. April 24

Topics
Zoning Amendments
Subdivisions
Exactions
Impact Fees and Connection Charges

Instructor Tim Trohimovich
Skim Textbook pp. 883–902.

**WEEK 5**

Mon. April 29

*Topics* Commercial and Special Uses
Uses Subject to Special Protection

*Instructor* Tim Trohimovich


*Assignments* Last chance to turn in Case Brief #2 (due Sunday, April 28, 8pm)

Wed. May 1

*Topics* Variances and Conditional Uses
Environmental Review (SEPA/NEPA)

*Instructor* Tim Trohimovich

Anderson v. Pierce County.
*Cougar Mtn. Associates v. King County.*
SEPA Review Process chart.

**WEEK 6**

Mon. May 6

*Assignment* Midterm Presentations

Wed. May 8

*Assignment* Midterm Presentations

**WEEK 7**

Mon. May 13

*Topic* Growth Management
Planning Law in Practice

*Instructor* Tim Trohimovich

*Guests* Catherine Beam, Principal Planner, City of Redmond
Karen Wolf, Senior Policy Analyst, King County
John Owen, Partner, Makers Architecture & Urban Design
Reading  Growth Management Act Legal Primer for Planners.

Wed. May 15

Topics  Critical Areas Ordinance
        Shoreline Management Act

Instructor  Tim Trohimovich

Reading  Critical Areas Ordinance Updates.

WEEK 8

Mon. May 20

Topics  General Legal Procedures, Appeals, Mediation
        Judicial Review

Guest  The Honorable David S. Mann, Judge, State of Washington Court of
        Appeals

Reading  Textbook pp. 308–347 (Center Bay Gardens v. Tempe, Ben Lomond v.
        Skim RCW 36.70C Judicial Review of Land use Decisions.

Wed. May 22

Topics  Current Issues in Housing: Role of Zoning in Racial Discrimination,
        Affordable and Fair Housing, Inclusionary Zoning, Linkage Fees, Rent
        Control, Land Trusts, Regional Fair Share, Builders Remedy, Public
        Participation

Guests  Sally J. Clark, Director, Regional & Community Relations, UW
        Amy Gore, Senior Legislative Assistant to Councilmember Rob Johnson

Reading  Textbook pp. 595–602 (Burlington NAACP v. Mount Laurel I); pp. 606–635
        (Burlington NAACP v. Mount Laurel II); pp. 642–653.

WEEK 9

Mon. May 27

Memorial Day, no class

Wed. May 29

Topics  Design Guidelines
        Urban Design
        Other Land Use Issues

Guest  Janet Shull, Strategic Advisor, City of Seattle

**Assignments** Last chance to turn in Case Brief #3 (due Tuesday, May 28, 8pm)

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**WEEK 10**

**Mon. June 3**

**Topics** Current Issues in Housing (cont’d), Transit Oriented Development Brownfields, CERCLA (Superfund), Model Toxics Control Act

**Guest** Sara Maxana, Policy Advisor, Office of Mayor Durkan

**Instructor** Tim Trohimovich

**Reading** Overview of EPA’s Brownfields Program
Overview of Superfund: CERCLA
Superfund Cleanup Process
State of Washington Department of Ecology Model Toxics Control Act (also click on “What is a hazardous site” and “How is MTCA funded”.)
Brownfields Planning and Process Primer

**Wed. June 5**

**Topics** Current Issues: Ruckelshaus Center Roadmap to Washington’s Future, Climate Change Mitigation and Adaptation, Land Use and the Sharing Economy

**Guest** Joe Tovar, Ruckelshaus Center

**Instructor** Peter Dunn

**Reading** None

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**FINALS**

**Tues. June 11**

**Assignment** Final Exam
8:30 – 10:20am, Gould 322