Course Description:
This 1.5 credit course is offered fall semester every year. The course covers the role of law and its influence on the planning profession. Specifically, it addresses the role of law in regulating and shaping urban development, land use, environmental quality, and local/regional governmental services, and the interface between the public and private sector in land use changes.

Prerequisites:
Graduate status or written permission. Since PA 5013 is a required course, preference is given to urban and regional planning majors.

Class Time/Location:
Mondays 6:00 to 8:45 pm
September 14 to October 26
Room - Humphrey 25

Instructor:
Jean Coleman, Esq.
(612) 588-4904
jcoleman@crplanning.com

Best method for communicating with me: As an adjunct professor, I am not available at all times. The best way to communicate with me about the course is by e-mail and I will respond within 24 hours. If for some reason I do not respond within 24 hours, please feel free to call me.

Office hours:
The instructor does not hold office hours.

Teaching Assistant:
Brittany Berner
Master of Urban and Regional Planning Candidate | 2016
Humphrey School of Public Affairs | University of Minnesota
C: 952-212-4397
berne060@umn.edu

Office hours:
Teaching assistant office hours are by appointment.
Required Readings, Assignments, Exam Schedule:


Additional materials may be assigned and will be posted on the class Moodle site. No additional materials will be assigned for the first two classes.

Because the course is condensed into one-half of a semester, the weekly readings are lengthy. Discussion during class will be more interesting and fulfilling if you have read the assignments prior to class. The midterm and final exams test on all assigned materials.

Assignments and examinations are included below in **bold** text.

<table>
<thead>
<tr>
<th>Class date and topics</th>
<th>Readings TO BE COMPLETED PRIOR TO THE CLASS FOR WHICH THEY ARE LISTED</th>
<th>Assignments and Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>September 14</strong></td>
<td><strong>TO BE COMPLETED BEFORE THE SEPT. 14 CLASS</strong></td>
<td></td>
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</tbody>
</table>
| Using law in the planning profession | Textbook readings:  
1. *Mandelker* Chapter 1 – all  
2. *Mandelker* Chapter 2 – pp. 63-74 |                           |
| Historical roots of zoning | Other readings:  
| Zoning administration | 4. The Minnesota Office of the Revisor of Statutes website at [www.revisor.mn.gov/](http://www.revisor.mn.gov/) is the repository for all Minnesota Statutes and Rules. Learn to use the website by finding and reading Minnesota Statute Chapter 473, sections 473.123, 473.145, 473.175 (selected provisions on powers of the Metropolitan Council related to land use planning) and 473.851 to 473.871 (Land Use Planning for the Metropolitan Area). |
| Minnesota land use organization | Resource:  
Visit and explore *Law of the Land blog* by Patricia Salkin found at: [https://lawoftheland.wordpress.com/](https://lawoftheland.wordpress.com/) | ASSIGNMENT TO BE COMPLETED AFTER CLASS:  
LEGAL BRIEF assigned during class – ungraded, but must be submitted on class Moodle site by MIDNIGHT on Sunday Sept. 20 |
<table>
<thead>
<tr>
<th>Class date and topics</th>
<th>Readings TO BE COMPLETED PRIOR TO THE CLASS FOR WHICH THEY ARE LISTED</th>
<th>Assignments and Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 21</td>
<td>TO BE COMPLETED BEFORE THE SEPT. 21 CLASS</td>
<td>ASSIGNMENT TO BE COMPLETED AFTER CLASS:</td>
</tr>
<tr>
<td>Takings</td>
<td>Textbook readings:</td>
<td>LEGAL BRIEF assigned – ungraded, but must be submitted on class Moodle site by MIDNIGHT on Sunday Sept. 27</td>
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<tr>
<td>Due Process</td>
<td>1. Mandelker Chapter 2 – pp. 74-203</td>
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<td>Other readings:</td>
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<td>Cases:</td>
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<td>2. City of Richfield v. Walser Auto Sales, 641 N.W.2d 885 (Minn. 2002)</td>
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<td>Articles:</td>
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<td>September 28</td>
<td>TO BE COMPLETED BEFORE THE SEPT. 28 CLASS</td>
<td>ASSIGNMENT TO BE COMPLETED AFTER CLASS:</td>
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<tr>
<td>Types of zoning</td>
<td>Textbook readings:</td>
<td>Take home MIDTERM exam must be submitted on class Moodle site by MIDNIGHT on Sunday October 4</td>
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<td></td>
<td>Mandelker Chapter 3 – pp.537-596; and 643-658</td>
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<td>October 5</td>
<td>TO BE COMPLETED BEFORE THE OCT. 5 CLASS</td>
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<tr>
<td>Environmental issues</td>
<td>Textbook readings:</td>
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<td></td>
<td>1. Mandelker Chapter 4 – pp. 423-456</td>
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<tr>
<td>Class date and topics</td>
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<td><strong>October 12</strong></td>
<td>TO BE COMPLETED BEFORE THE OCT. 12 CLASS</td>
<td>ASSIGNMENT TO BE COMPLETED AFTER CLASS:</td>
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<td>Subdivision and other review processes</td>
<td><strong>Textbook readings:</strong></td>
<td>LEGAL BRIEF assigned – ungraded, but must be submitted on class Moodle site by <strong>MIDNIGHT on Sunday October 18</strong></td>
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<td>1. <em>Mandelker</em> Chapter 7 – pp. 681-750</td>
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<tr>
<td><strong>October 19</strong></td>
<td>TO BE COMPLETED BEFORE THE OCT. 19 CLASS</td>
<td>ASSIGNMENT TO BE COMPLETED AFTER CLASS:</td>
</tr>
<tr>
<td>Aesthetic controls</td>
<td><strong>Textbook readings:</strong></td>
<td>Take home <strong>FINAL</strong> exam must be submitted on class Moodle site by <strong>MIDNIGHT on Sunday Nov. 1</strong></td>
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<td>First Amendment issues</td>
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<td><strong>October 26</strong></td>
<td>To be determined</td>
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<tr>
<td>Misc. topics</td>
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Course Objectives:
This course is designed for the non-lawyer who is interested in how law affects the practice of land use planning. The primary focus is federal law with selected Minnesota topics. Topics covered include law affecting planning, land use, zoning, subdivision, and environmental protection. Course objectives are:

1. To introduce the major legal concepts and issues affecting land use planning and development.
2. To provide the legal basis for, and limits of, government regulation of private land.
3. To acquaint planners with basic legal reasoning concepts.

Teaching Method:
This course is taught through the use of court decisions and statutes which establish the boundaries for governmental action in land use areas. Students are introduced to legal reasoning and the use of court decisions. Students are expected to read court decisions, analyze them, and discuss the facts and holdings of the decisions in class. The instructor focuses on how court decisions and statutes influence day-to-day actions of the practicing planner.
Each class period includes both lecture and student participation. Student participation may include full-class discussion or small-group discussion. The instructor also asks students to play roles associated with applying legal concepts, for example staff planner, city council member, landowner, or community member.

Grading:
Your grade will be based on the following criteria:

- Submission of 3 legal briefs – 15 possible points - The briefs are ungraded but are required.
  Each brief submitted and meeting the required form will receive 5 points. Briefs not submitted or missing required elements will receive 0 points.
- Mid-term examination - 30 possible points
- Final examination - 40 possible points
- Class Participation – 15 possible points – Class participation points are earned by attending and signing in to each class and participating in class discussion and presentation of assigned legal briefs in class.

Class preparation and participation:
You are expected to have read the assigned material prior to the class and be prepared to discuss the materials in class. However, it is assumed you have no previous knowledge of law and that discussion will be from the perspective of a planning student, not a law student. Class participation is a portion of your grade so attendance and discussion in class is important. You are encouraged to raise your hand and ask questions or risk being called upon.
Classroom etiquette and use of personal electronic devices in the classroom:
Using personal electronic devices in the classroom setting can hinder instruction and learning, not only for the student using the device but also for other students in the class.
Please keep all CELL PHONES TURNED OFF during class.
Laptops for note-taking are fine but please, PLEASE STAY OFF THE INTERNET, FACEBOOK, ETC. It is rude to the rest of the class and you are only hurting yourself by not focusing on the instruction and materials.

Extra credit:
If you are interested in extra credit for the course, it is available in the form of drafting up to 5 legal briefs on cases beyond the three case briefs assigned during classes. Cases may be selected from any of the assigned readings. Completed extra credit briefs must be completed and turned in to the instructor by December 1st. Extra credit briefs will receive a score of 1 or 2 points depending on quality. Completion of 5 case briefs of high quality could earn 10 points toward a student’s grade.

Missed or late work:
This course is very condensed with three assignments and two exams. Work that is missed or turned in late will receive a grade of 0. If you find you have missed work or turned in an exam late, please contact the instructor as soon as possible.

Makeup work for legitimate absences:
Students will not be penalized for absence during the semester due to unavoidable or legitimate circumstances. Such circumstances include verified illness, participation in intercollegiate athletic events, subpoenas, jury duty, military service, bereavement, and religious observances. Such circumstances do not include voting in local, state, or national elections. For complete information, please see:
http://policy.umn.edu/Policies/Education/Education/MAKEUPWORK.html.

Student Conduct Code:
The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University. Similarly, the University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.

As a student at the University you are expected adhere to Board of Regents Policy: Student Conduct Code. To review the Student Conduct Code, please see:

Note that the conduct code specifically addresses disruptive classroom conduct, which means "engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities."
Scholastic Dishonesty:
You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis. (Student Conduct Code: http://www1.umn.edu/regents/policies/academic/Student_Conduct_Code.html) If it is determined that a student has cheated, he or she may be given an "F" or an "N" for the course, and may face additional sanctions from the University. For additional information, please see: http://policy.umn.edu/Policies/Education/Education/INSTRUCTORRESP.html.

The Office for Student Conduct and Academic Integrity has compiled a useful list of Frequently Asked Questions pertaining to scholastic dishonesty: http://www1.umn.edu/oscai/integrity/student/index.html. If you have additional questions, please clarify with your instructor for the course. Your instructor can respond to your specific questions regarding what would constitute scholastic dishonesty in the context of a particular class—e.g., whether collaboration on assignments is permitted, requirements and methods for citing sources, if electronic aids are permitted or prohibited during an exam.

Appropriate Student Use of Class Notes and Course Materials:
Taking notes is a means of recording information but more importantly of personally absorbing and integrating the educational experience. However, broadly disseminating classroom notes undermines instructor interests in their intellectual work product while not substantially furthering instructor and student interests in effective learning. Such actions violate shared norms and standards of the academic community. For additional information, please see: http://policy.umn.edu/Policies/Education/Education/CLASSNOTESTUDENTS.html.

Grading and Transcripts:
The University utilizes plus and minus grading on a 4.000 cumulative grade point scale in accordance with the following:

- A 4.000 - Represents achievement that is outstanding relative to the level necessary to meet course requirements
- A- 3.667
- B+ 3.333
- B 3.000 - Represents achievement that is significantly above the level necessary to meet course requirements
- B- 2.667
- C+ 2.333
- C 2.000 - Represents achievement that meets the course requirements in every respect
- C- 1.667
- D+ 1.333
D 1.000 - Represents achievement that is worthy of credit even though it fails to meet fully
the course requirements
S Represents achievement that is satisfactory, which is equivalent to a C- or better.

For additional information, please refer to:
http://policy.umn.edu/Policies/Education/Education/GRADINGTRANSCRIPTS.html.

Sexual Harassment:
"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and/or other
verbal or physical conduct of a sexual nature. Such conduct has the purpose or effect of
unreasonably interfering with an individual's work or academic performance or creating an
intimidating, hostile, or offensive working or academic environment in any University activity
or program. Such behavior is not acceptable in the University setting. For additional
information, please consult Board of Regents Policy:
http://www1.umn.edu/regents/policies/humanresources/SexHarassment.html

Equity, Diversity, Equal Opportunity, and Affirmative Action:
The University will provide equal access to and opportunity in its programs and facilities,
without regard to race, color, creed, religion, national origin, gender, age, marital status,
disability, public assistance status, veteran status, sexual orientation, gender identity, or
gender expression. For more information, please consult Board of Regents Policy:

Disability Accommodations:
The University is committed to providing quality education to all students regardless of ability.
Determining appropriate disability accommodations is a collaborative process. You as a
student must register with Disability Services and provide documentation of your disability.
The course instructor must provide information regarding a course's content, methods, and
essential components. The combination of this information will be used by Disability Services
to determine appropriate accommodations for a particular student in a particular course. For
more information, please reference Disability Services: http://ds.umn.edu/student-
services.html.

Mental Health Services:
As a student you may experience a range of issues that can cause barriers to learning, such as
strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty
concentrating and/or lack of motivation. These mental health concerns or stressful events may
lead to diminished academic performance and may reduce your ability to participate in daily
activities. University of Minnesota services are available to assist you. You can learn more
about the broad range of confidential mental health services available on campus via the
Student Mental Health Website: http://www.mentalhealth.umn.edu.
Academic Freedom and Responsibility:
Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Reports of concerns about academic freedom are taken seriously, and there are individuals and offices available for help. Contact the instructor, the Department Chair, your adviser, the associate dean of the college, or the Vice Provost for Faculty and Academic Affairs in the Office of the Provost.