

**University of Wisconsin-Madison**  
**DEPARTMENT OF URBAN PLANNING AND LANDSCAPE ARCHITECTURE**  
**Music Hall/925 Bascom Mall, Madison, Wisconsin 53706**

**URPL 833: PLANNING AND THE LEGAL SYSTEM**  
**LAW 830: LAND USE CONTROLS**

Semester 2, 2018-2019  
9:30 - 10:45 a.m. Tuesdays & Thursdays (3 Credits)  
Room 208 Music Hall

Professor Brian W. Ohm, J.D.  
Office Hours: 11 am – Noon, Tu. & Th. (Room 206 Music Hall)  
email: [bwohm@wisc.edu](mailto:bwohm@wisc.edu) phone: 262-2098

**Some notable planning quotes from the U.S. Supreme Court:**

“So-called ‘growth,’ ‘progress,’ and ‘development’ are more than symbols of power in modern society; they represent the goal which planners -- private and public alike -- establish and seek to attain.” Justice Douglas dissenting in *Hawaii v. Standard Oil Co.*, 405 U.S. 251 (1972).

In the opinion of urban planners and real estate experts who supported the ordinances, the location of several such businesses [adult entertainment establishments] in the same neighborhood tends to attract an undesirable quantity and quality of transients, adversely affects property values, causes an increase in crime . . . .” *Young v. American Mini Theatres, Inc.* 427 U.S. 50 (1976).

The parties stipulated that the Village Planner, the staff member whose primary responsibility covered zoning and planning matters, was never asked for his written or oral opinion of the rezoning request. The omission does seem curious . . . .” *Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977).

“. . . after all if a policeman must know the Constitution then why not a planner.” Justice Brennan in *San Diego Gas & Electric Co. v. City of San Diego*, 450 U.S. 621(1981).

“In a case where city planning commissions and zoning boards must regularly confront constitutional claims of this sort, it is a genuine misfortune to have the Court’s treatment of the subject be a virtual Tower of Babel, from which no definitive principles can be clearly drawn . . . .” Justice Rehnquist dissenting in *Metromedia, Inc., v. City of San Diego*, 453 U.S. 490 (1981).

“Planners have no obvious control over individual preferences.” *Transcontinental Gas Pipe Line Corp. v. State Oil & Gas Bd.*, 474 U.S. 409 (1986).

“. . . it would be of little solace to land-use planners who would still be left guessing about how the Court will react to the next case, and the one after that.” Justice Stevens dissenting in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987).

“We realize that even our present holding will undoubtedly lessen to some extent the freedom and flexibility of land-use planners and governing bodies of municipal corporations when enacting land-use regulations.” *First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304 (1987).

“It is no answer to say that ‘after all, if a policeman must know the Constitution, then why not a planner?’ . . . . Cautious local officials and land-use planners may avoid taking any action that might later be challenged and thus

give rise to a damages action. Much important regulation will never be enacted.” Justice Stevens dissenting in *First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304 (1987).

“Ray Couch, an urban planner for the city's Department of Planning and Development, testified: ‘[O]lder kids [whom the ordinance prohibits from entering certain dance halls] can access drugs and alcohol, and they have more mature sexual attitudes...’” *Dallas v. Stanglin*, 490 U.S. 19 (1989) (upholding city ordinance restricting admission to certain dance halls to persons between ages of 14 and 18).

“The Court's categorical approach rule will, I fear, greatly hamper the efforts of local officials and planners who must deal with increasingly complex problems in land-use and environmental regulation.” Justice Stevens dissenting in *Lucas v. S.C. Coastal Council*, 505 U.S. 1003 (1992).

“... landowners must wait...so that planners can make well-reasoned decisions....” *Tahoe-Sierra Pres. Council v. Tahoe Reg'l Planning Agency*, 535 U.S. 302 (2002).

“As a general matter, courts should not be in the business of second-guessing fact-bound empirical assessments of city planners.” *City of Los Angeles v. Alameda Books*, 535 U.S. 425 (2002).

“[L]ocal planners hoped that Pfizer would draw new business to the area, thereby serving as a catalyst to the area's rejuvenation.” *Kelo v. City of New London*, 545 U.S. 469 (2005).

“[U]rban planners in Detroit, Michigan, uprooted the largely ‘lower-income and elderly’ Poletown neighborhood for the benefit of the General Motors Corporation.” Justice O’Connor dissenting in *Kelo v. City of New London*, 545 U.S. 469 (2005).

## **Course Descriptions and Requisites**

### Course Descriptions

#### LAW/URPL 830 Land Use Controls

Limitations imposed upon the use of privately owned land by the court-made law of nuisance, by private covenant, and by public action; master plan, official map, subdivision regulation, zoning, and urban redevelopment.

#### URPL 833 Planning and the Legal System

An examination for students of planning of how the legal system influences community planning. Overview of the institutional framework for planning and the legal authority for tools used to create healthy and sustainable communities.

### Requisites

Graduate or professional standing.

### **Student Learning Outcomes:**

Knowledge: This course will provide students with an appreciation of the legal and institutional contexts within which planning occurs. For most people working on planning-related issues, the legal system influences what they do in some way. For example, planners and lawyers may find themselves working for a local unit of government drafting and interpreting local regulations, a private consulting firm drafting a contract for services, a state or federal agency drafting administrative rules, a nonprofit land

trust acquiring conservation easements, a local redevelopment authority doing real estate “deals,” etc. Legal mandates are often the reason why communities undertake planning.

This course will attempt to "demystify" the legal system by providing an interdisciplinary approach to understanding the operation and functioning of the legal system and its impact on planning. The course will provide a brief historical overview of the operation of law within a federalist form of government and provide students with an appreciation of the behaviors and structures of the different units of government available to bring about sound planning outcomes. The course will introduce students to the basic legal principles governing the areas of local government, real estate, contract, planning, zoning, environmental, administrative, and constitutional law. The course will explore the role of planners and lawyers within this system. While the course is primarily focused on the legal system in the United States, students will be exposed to foreign legal systems for comparative purposes.

**Skills:** Students will develop basic legal research skills that they will use to perform specific tasks required in the practice of planning. They will know how to find and analyze information from primary and secondary legal resources. Students will also be able to draft documents related to plan creation, implementation, and enforcement.

**Values and Ethics:** As a result of this class, students will have an appreciation of key issues of the ethics of public decision-making including the AICP Code of Ethics and state rules related to the unauthorized practice of law. They will have an appreciation of the role of officials, stakeholders, and community members in planning in a democratic society. They will also have an appreciation of sustainability, environmental quality, social justice, economic, and cultural factors in planning.

### **Course Requirements:**

The course will be conducted as a lecture/seminar. Class attendance is mandatory. Tardiness is frowned upon. Please let me know at the beginning of the semester about any dates you will be absent from class for religious or other anticipated reasons.

This class meets for two 75-minute class periods each week over the fall/spring semester and carries the expectation that students will work on course learning activities (reading, writing, assignments, studying, etc) for about 3 hours out of classroom for every class period. The syllabus includes more information about meeting times and expectations for student work.

There will be assigned readings. All readings are available on the Course Canvas site. Additional reading materials will be distributed during class or made available electronically. It is expected that students will read the assigned materials before class. The readings are meant to supplement the class lectures and contain material that will not be covered in the lectures. The only way to learn this material is to immerse yourself in the literature and master it.

### **Grading:**

1.) 5% - Overall class participation (attendance, participate in class discussions, discussion shows you have read the assigned readings). Students may be called upon at random to answer questions related to the readings, so please be prepared.

2.) 40% - Weekly assignments (7 total).

3.) 10% - Legal Proceedings. Over the course of the semester, you must attend two different legal proceedings related to planning (e.g., legislative hearing, city council meeting, plan commission meeting,

etc.) and write a 2-4 page summary of your observations comparing the two meetings. Additional guidelines for the summary will be provided in class. THE SUMMARY IS DUE APRIL 25th.

4.) 45% - Final Paper. An 11-14 page research paper that provides a succinct, practical treatment of a development in planning law that is of interest to you. The scope and style of the paper should be similar to articles in PAS Memo, Zoning Practice, or Planning & Environmental Law published by the American Planning Association or Zoning and Planning Law Report published by Thomson Reuters. More information about the paper will be provided in class. DUE AT 4 PM ON MONDAY MAY 6.

The Law School follows a different grading policy than the Graduate School. The different policies will apply to all assignments in the course.

For graduate students enrolled in URPL 833:

Grades are determined on the following basis: A (93% and above); AB (85-92%); B (77-84%); BC (69-76%); C (61-68%); D (45-60%); F (44% and below).

For law students enrolled in LAW 830:

Grades are determined on the following point basis: A+ (97-100%), A (93-96%), A- (90-92%), B+ (87-89%), B (83-86%), B- (80-82%), C+ (77-79%), C (73-76%), C- (70-72%), D+ (67-69%), D (63-66%), D- (60-62 points), F (59% and below). Law students may also elect to take the course on a pass/fail basis.

### **Academic Policies**

The instructor retains the right to modify this syllabus as needed.

### **ACADEMIC INTEGRITY**

By enrolling in this course, each student assumes the responsibilities of an active participant in UW-Madison's community of scholars in which everyone's academic work and behavior are held to the highest academic integrity standards. Academic misconduct compromises the integrity of the university. Cheating, fabrication, plagiarism, unauthorized collaboration, and helping others commit these acts are examples of academic misconduct, which can result in disciplinary action. This includes but is not limited to failure on the assignment/course, disciplinary probation, or suspension. Substantial or repeated cases of misconduct will be forwarded to the Office of Student Conduct & Community Standards for additional review. For more information, refer to [studentconduct.wiscweb.wisc.edu/academic-integrity/](http://studentconduct.wiscweb.wisc.edu/academic-integrity/).

### **ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

McBurney Disability Resource Center syllabus statement: "The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform faculty [me] of their need for instructional accommodations by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. Faculty [I], will work either directly with the student [you] or in coordination with the McBurney Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student's educational record, is confidential and protected under FERPA." <http://mcburney.wisc.edu/facstaffother/faculty/syllabus.php>

## DIVERSITY & INCLUSION

Institutional statement on diversity: “Diversity is a source of strength, creativity, and innovation for UW-Madison. We value the contributions of each person and respect the profound ways their identity, culture, background, experience, status, abilities, and opinion enrich the university community. We commit ourselves to the pursuit of excellence in teaching, research, outreach, and diversity as inextricably linked goals.

The University of Wisconsin-Madison fulfills its public mission by creating a welcoming and inclusive community for people from every background – people who as students, faculty, and staff serve Wisconsin and the world.” <https://diversity.wisc.edu/>

### **Class Schedule:**

#### **Unit 1: An Introduction to the Legal System and the Institutions of Planning: Who Does What and Why**

##### **1. January 22 Introductions - “Making Great Communities Happen”/“Localism”/The Intersection of Law and Planning**

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

Deborah Rosenthal, "From the Ground Up: Unshared Assumptions in Land and Planning," 49 Urb. Law. 591 (2017).

Brian Ohm, “New Rule Defining the Unauthorized Practice of Law Impacts Certain Planners,” Wis. Chapter, Am. Planning Assoc. September Case Law Update (Sept. 30, 2010).

##### **2. January 24 The Institutional Framework of Government in the U.S.: Who Plans for What? -- Sources of Authority**

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

Declaration of Independence.

United States Constitution (skim).

Wisconsin Constitution (skim).

Brian W. Ohm, “Some Modern Day Musings on the Police Power,” 47 Urb. Law. 625 (2015). Read pages 625-643.

Barron v. Baltimore, 32 U.S. 243 (1833).

George J. Siedel, III, and Robert J. Aalberts, “Introduction to the Legal System,” Chapter 1 in Real Estate Law, 6th edition (2006) [Excerpts].

### **3. January 29 The Institutional Framework Continued: The First Nations; The Judicial System**

#### **Assigned Readings:**

Rebecca Webster, Andrew Adams III, and David Armstrong, "An Introduction: American Indian Tribes and Law in Wisconsin," 88 Wis. Law. 17 (May 2015).

Rebecca M. Webster, Tribes and Local Governments: Jurisdictional Challenges within Shared Spaces," 89 Wis. Law. xx (January 2016).

"Constitutional Law," Chapter 6 in Jasper Kim, American Law 101: An Easy Primer on the U.S. Legal System (2014).

Shirley S. Abrahamson, "Land-Use Law in the Courts: One Judge's Observations," Chapter 15 in Daniel Mandelker, ed., Planning Reform in the New Century (2005).

### **4. January 31 Planning and the Common Law**

#### **Assigned Readings:**

Prah v. Maretti, 108 Wis. 2d 223, 321 N.W.2d 182 (1982). (Expansion of the Common Law to Promote Renewable Energy)

American Association of Law Libraries, How to Read a Legal Citation.

American Association of Law Libraries, How to Research a Legal Problem: A Guide for Non-Lawyers.

### **5. February 5 Local Government**

#### **Assigned Readings:**

Gerald E. Frug, "A Legal History of Cities," Chapter 2 in City Making: Building Communities Without Building Walls (1999).

Sandra M. Stevenson, "Introduction to Local Government" and "Local Authority," Chapters 1 & 2 in Understanding Local Government (2nd, Edition, 2009) [excerpts].

Monaghan v. Armatage, 218 Minn. 108, 15 N.W.2d 241 (1944). (The Community's Relationship with the State)

### **6. February 7 Local Government - some important concepts**

#### **Assigned Readings:**

Apartment Association of South Central Wisconsin, Inc. v. City of Madison, 2006 WI App 192, 722 N.W.2d 614 (2006) (State pre-emption)

Walag v. Wisconsin Department of Administration, 2001 WI App 217, 247 Wis. 2d 850, 634 N.W.2d 906. (City Formation – Incorporation)

Town of Pleasant Prairie v. City of Kenosha, 75 Wis. 2d 322; 249 N.W.2d 581 (1977). (Expansion of city boundaries – Annexation)

## **7. February 12 Real Property**

### **Assigned Readings:**

George J. Siedel, III, and Robert J. Aalberts, “Types of Ownership,” Chapter 5 in Real Estate Law, 6th edition (2006) [Excerpts].

George J. Siedel, III, and Robert J. Aalberts, “Rights and Duties of Landowners and Occupants,” Chapter 12 in Real Estate Law, 6th edition (2006) [Excerpts].

George J. Siedel, III, and Robert J. Aalberts, “Rights in Land of Others,” Chapter 4 in Real Estate Law, 6th edition (2006) [Excerpts].

Thomas L. Daniels and John C. Keene, "The Conservation Easement," Chapter 4 (excerpts) in The Law of Agricultural Land Preservation in the United States (2018).

## **8. February 14 Water Law**

### **Assigned Readings:**

George J. Siedel, III, and Robert J. Aalberts, “The Scope of Real Property,” Chapter 3 in Real Estate Law, 6th edition (2006) [Excerpts].

Phillips Petroleum Co. v. Mississippi, 484 U.S. 469 (1988) (The Public Trust Doctrine).

Stop the Beach Renourishment, Inc., v. Florida Dept. of Env'tl Protection, 560 U.S. 702 (2010).

Unit 2: The Relationship of Government to the Individual

## **9. February 19 Eminent Domain (condemnation)**

### **Assigned Readings:**

Brian W. Ohm, An Overview of Eminent Domain in the United States (2010)

Power of eminent domain: some general statements from the courts

Newcomb v. Smith, 2 Wis. 131 (1849).

Berman v. Parker, 348 U.S. 26 (1954)

Michigan Supreme Court Historical Society, “Poletown Neighborhood Council v. Detroit: Private Property and Public Use,” from The Verdict of History: Michigan and the Culture Wars.

Kelo v. City of New London, 545 U.S. 469 (2005)

## **10. February 21 Government as Land Use Regulator: The Police Power**

### **Assigned Readings:**

State Ex Rel. Carter v. Harper, 182 Wis. 148; 196 N.W. 451 (1923)

Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922).

Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926).

Nectow v. City of Cambridge, 277 U.S. 183 (1928).

## **11. February 26 Limits on Governmental Power: Equal Protection and Due Process (Procedural and Substantive)**

### **Assigned Readings:**

“Primer on Due Process and Equal Protection as an Issue for Planners,” Excerpt Dawn Jourdan and Eric J. Strauss, Planning for Wicked Problems (2016).

Shelley v. Kraemer, 334 U.S. 1 (1948).

Village of Willowbrook v. Olech, 528 U.S. 562 (2000).

Village of Belle Terre v. Boraas, 416 U.S. 1 (1974).

Moore v. City of East Cleveland, 431 U.S. 494 (1977).

Polenz v. Parrott, 883 F.2d 551 (7th Cir., 1989).

City of Cuyahoga Falls v. Buckeye Community Hope Foundation, 538 U.S. 188 (2003).

## **12. February 28 Limits on Governmental Power: Regulatory Takings (inverse condemnation)**

### **Assigned Readings:**

Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978).

Keystone Bituminous Coal Assn. v. DeBenedictus, 480 U.S. 470 (1987).

Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992).

Lingle v. Chevron U.S.A. Inc., 544 U.S. 528 (2005).

## **13. March 5 Regulatory Takings (continued)**

### **Assigned Readings:**

First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 482 U.S. 304 (1987).

Suitum v. Tahoe Regional Planning Agency, 520 U.S. 725 (1997).



Palazzolo v. Rhode Island, 533 U.S. 606 (2001).

Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302 (2002).

Murr v. Wisconsin, \_\_\_ U.S. \_\_\_, 137 S. Ct. 1933 (2017).

#### **14. March 7 Limits on Governmental Power: Regulatory Takings (Exactions); The First Amendment (Freedom of Religion)**

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

Nollan v. California Coastal Commission, 483 U.S. 825 (1987).

Dolan v. City of Tigard, 512 U.S. 374 (1994).

Koontz v. St. Johns River Water Management Dist, 568 U.S. \_\_ (2013).

Robert A. Sedler, "The First Amendment and Land Use," Chapter 1 in Local Government, Land Use, and the First Amendment: Protecting Free Speech and Expression (Brian J. Connolly, editor) (2017).

#### **15. March 12 Limits on Governmental Power: The First Amendment – Freedom of Speech (Signs and SOBs)**

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

Randal R. Morrison, "Sign Regulation: Private Signs on Private Property," Chapter 2 in Local Government, Land Use, and the First Amendment: Protecting Free Speech and Expression (Brian J. Connolly, editor) (2017).

Scott D. Bergthold, "Regulation of Sexually Oriented Businesses," Chapter 7 in in Local Government, Land Use, and the First Amendment: Protecting Free Speech and Expression (Brian J. Connolly, editor) (2017).

### **Unit 3: The Authority to Plan and Plan Implementation Tools**

#### **16. March 14 The Plan**

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

Stuart Meck, "The Legislative Requirement that Zoning and Land Use Controls Be Consistent with an Independently Adopted Local Comprehensive Plan: A Model Statute," 3 Journal of Law and Policy 295 (2000).

Brian W. Ohm, Universities as Participants in Land Use Enabling Law Reform. Chapter 13 in Knaap, Gerrit and Wim Wiewel, eds. Universities and Smart Growth (2005). (Excerpts)

Wisconsin's Comprehensive Planning Law, Wis. Stat. § 66.1001. (SKIM)

Case Studies on the Consistency Issue

Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (1993).

NAPA Citizens for Honest Government v. NAPA County Board of Supervisors, 91 Cal. App. 4th 342 (2001).

Friends of Lagoon Valley v. City of Vacaville, 154 Cal. App. 4th 807; 65 Cal. Rptr. 3d 251 (2007).

### **17. March 26 Zoning**

#### **Assigned Readings:**

Zwiefelhofer v. Town of Cooks Valley, 2012 WI 7, 338 Wis. 2d 488, 809 N.W.2d 362.

Zoning, Chapter 5 in Ohm, Wisconsin Land Use and Planning Law (2013). (Pages 5-1 to 5-72 only. Skip the footnotes.)

### **18. March 28 Official mapping/subdivision regulations**

#### **Assigned Readings:**

Southeastern Wis. Regional Planning Commission, Official Mapping Guide, 2nd Ed. (1996), pp. 3-9.

Subdivision Regulations, Chapter 6 in Ohm, Wisconsin Land Use and Planning Law (2013).

### **19. April 2 The Evolution of PUDs, TNDs, Form Based Codes, and Formula Business Ordinances; Aesthetic Regulations**

#### **Assigned Readings:**

Daniel R. Mandelker, Planned Unit Developments (PAS Report # 545, 2007) [Excerpts from Chapter 1, “Planned Unit Development as a Zoning Concept,” and Chapter 5, “The Law of Planned Unit Development.”]

Excerpts from Chapters 3 and 4 in A Legal Guide to Urban and Sustainable Development for Planners, Developers, and Architects, Daniel K. Slone and Doris Goldstein, editors (2008).

Wal-Mart Stores, Inc. v. City of Turlock, 138 Cal. App. 4th 273; 41 Cal. Rptr. 3d 420 (2006).

Island Silver & Spice, Inc., v. Islamorada, 542 F.3d 844 (11th Cir., 2008).

State ex rel. Saveland Park Holding Corp. v. Wieland, 269 Wis. 262; 69 N.W.2d 217 (1955).

### **20. April 4 Other Redevelopment and Community Development Tools**

#### **Assigned Readings:**

League of Wisconsin Municipalities, “Special Assessments: A General discussion,” Part I in Special Assessments in Wisconsin (2001)

Impact Fees, Section 7.03 from Ohm, Wisconsin Land Use & Planning Law (2013).

Richard Briffault, "A Government For Our Time? Business Improvement Districts and Urban Governance," 99 Colum. L. Rev. 365 (1999).

Dina Schlossberg, "Tax increment financing," Chapter 7 in Roger A. Clay & Susan R. Jones, Editors, *Building Health Communities: A Guide to Community Economic Development for Advocates, Lawyers, and Policymakers* (2009).

David L. Callies, Cecily Taibert Barclay and Julie A. Tappendorf, "Development Agreements," Chapter 2 in *Development by Agreement* (2012) (planning by contract)

## **21. April 9 Historic Preservation**

### **Assigned Readings:**

Julia H. Miller, *A Layperson's Guide to Historic Preservation Law: A Survey of Federal, State, and Local Laws Governing Historic Resource Protection* (2004).

## **22. April 11 Local Regulation and the Challenge of Affordable housing**

### **Assigned Readings:**

Ken Zimmerman and Arielle Cohen, "Exclusionary Zoning: Constitutional and Federal Statutory Responses," Chapter 3 in Tim Igesias and Rochelle E. Lento, *The Legal Guide to Affordable Housing Development*, Second Edition (2011).

*Hills v. Gautreaux*, 425 U.S. 284 (1976). Read "What is Gautreaux?"

*City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995)

Ohm, "Court Upholds 'Disparate-Impact' Analysis Under the Federal Fair Housing Act", APA-WI June Case Law Update (2015)

HUD, AFFH FACT SHEET: The Duty to Affirmatively Further Fair Housing (2015).

Fair Housing Faces an Uncertain Fate

## **23. April 16 No Class (American Planning Association's National Planning Conference, April 13-16)**

## **24. April 18 Growth Management/Environmental Law**

### **Assigned Readings:**

*Golden v. Planning Board of Town of Ramapo*, 30 N.Y.2d 359 (1972).

Robert H. Freilich, Sitkowski, and Mennillo, "State Growth Management Legislation Utilizing Ramapo Techniques", *From Sprawl to Sustainability: Smart Growth, New Urbanism, Green Development and Renewable Energy* (2010).

*City of Lake Elmo v. Metropolitan Council*, 685 N.W.2d 1 (Minn. 2004).

## **25. April 23 Regional Planning/Governance**

Guest lecture by John Kari, former principal planner with the Metropolitan Council of the Minneapolis-St. Paul Metropolitan Area

### **Assigned Readings:**

Explore the website for the Metropolitan Council: <http://www.metrocouncil.org>

Brian W. Ohm, “Is There a Law of Regional Planning?” Belmont L. Rev.

## **26. April 25 Environmental Law**

### **SUMMARY OF LEGAL PROCEEDINGS DUE**

### **Assigned Readings:**

The Debate, Environmental Forum (Jan. 2018)

Brian W. Ohm, et al., Planning for Natural Resources: A Guide for Including Natural Resources in Local Comprehensive Planning (2002) [QUICKLY SKIM].

Integrating State Environmental Policy Acts with Local Planning, Chapter 12 in APA Growing Smart Legislative Guidebook (2002) [QUICKLY SKIM].

Eric S. Laschever, “The Endangered Species Act and Its Role in Land Use Planning: Lessons Learned from the Pacific Northwest, 1 Seattle J. Env’t L. 103 (2011) [QUICKLY SKIM].

William I. Penny and Gregory T. Young, “The Clean Water Act’s Impact on Project Development” (2012).

USEPA, Clean Water Rule: Definition of “Waters of the United States”; Final Rule (Read the Executive Summary).

## **27. April 30 Environmental Law (continued)**

### **Assigned Readings:**

Federal Highway Administration and Federal Transit Administration, The Transportation Planning Process [Read pages 15-20 on air quality.]

David A. Gold, et al., “SB 375 Becomes Law, Pushing Greenhouse Gas Reduction to the Forefront of California Transportation, Economic and Land use Planning,” Morrison & Forester Legal Updates & News (Oct. 2008).

## **28. May 2 Open meetings/public records - Course Conclusions**

### **Assigned Readings:**

Michael P. May, “Robert’s Rules of Order” [PowerPoint Overview].

Michael P. May, "Robert's Rules in Short: A Guide to Running an Effective Meeting," City of Madison Attorney's Office (2007).

West Central Wisconsin Regional Planning Commission, Wisconsin Open Meetings Law - Summary

Wis. Dept. of Justice, Wisconsin Public Records Law Compliance Outline (2012).

For similar open government laws elsewhere in the U.S. see the National Freedom of Information Council: <http://www.nfoic.org/>

**FINAL PAPERS DUE MONDAY MAY 6TH AT 4 PM.**