MEMORANDUM

TO: Students - Planning Law and Institutions – URPL 5020.001 and 5020.002

FROM: Gilbert F. McNeish

DATE: August, 2015

RE: Class Syllabus - Fall, 2015

A. Course Focus

The course is intended to provide (1) an understanding of the governmental institutional setting within which public planning and control of land development take place; (2) a general overview of selected legal doctrines through student preparation and oral presentation of assigned legal case materials related to specific planning problems; (3) a selected review of sample statutory and ordinance material; (4) practical information on the legal aspects of planning (substance and procedure); and, (5) experience in drafting materials in memo and letter form related to planning law and professional ethics.

B. Materials

The required text for this course is Planning and Control of Land Development: Cases and Materials, Eighth Edition, Daniel R. Mandelker, et al., Matthew Bender & Company, Inc., LexisNexis Group. The text has also been published in a discounted loose-leaf version (ISBN 9781422481646). The loose-leaf version has been ordered and will be available at the Auraria Campus Bookstore, and it may also be available through other commercial text book providers. Professional journal articles and supplemental case reprints, as assigned, will be distributed in class or via e-mail.
C. Grades

Determination of grades will be based on the following three factors, subject to the provision in 4., below, and paragraph E., below:

1. Letter assignment due in class the week of September 7, 2015 (10%), (the letter assignment, including directions regarding format, will be distributed in class the week of August 24, 2015).

2. Two research memorandums due in class the weeks of October 5, 2015 (20%) and November 30, 2015 (20%).
   a. Each research memorandum must be submitted in a soft black cover with your name, research title, course name, and date typed on outside cover label.
   b. Each research paper must be written in a memorandum format, addressed from you to me, and the text of the memo must follow and include each element outlined below:
      (1) Issue/Problem (State the issue or problem which you are evaluating in a question form.)
      (2) Conclusion (State your short answer to the issue or problem. Include a very brief summary of key points from your analysis which supports your answer.)
      (3) Facts (Set the factual environment for the issue, including a context which describes why there is a problem.)
      (4) Analysis [Review literature, cases and other source materials. Critically review and evaluate major elements of the problem, including possible options and solutions. Select a course of action or preferred solution. Establish the basis or foundation for your conclusion which is set forth in (2), above.]
   c. Endnotes and a bibliography are required and must be included in graduate level form, and each must be submitted on separate pages following the research memo text. Recognized guides for professional research citations are sufficient regarding form for endnotes and bibliography.
d. Text for each memo is limited to a maximum of 5 typed pages (one side only, double spaced, normal margins, page numbers, Times New Roman font, etc.) excluding bibliography and endnotes, as noted in c., above.

e. All research sources and materials, notes, etc. which form the basis of each research memo must be retained by you until the end of the semester term for review by me, if requested.

f. Issue topics must be selected from the following areas:

(1) The Uses and Effects of Master/Comprehensive Plans (Local Government Level)

(2) Zoning Flexibility Devices

(3) The "Taking Issue"/Compensation/Vested Rights

(4) Land Use Controls, Race and Poverty/Exclusionary Zoning

(5) Land Banking/Farmland and Open Space Preservation

(6) Public Control of Aesthetics/Design

(7) Historic Preservation

(8) Impact Fees/Land Dedication Requirements

(9) Growth Management/Moratoria/Urban Boundaries

(10) Religious Uses, Group Homes, or Adult Uses

(11) Development Agreements

3. Class preparation and oral presentation regarding assigned cases in the text and other assigned reading materials (50%). Each oral case presentation in class must include a discussion by the student of the following:

a. Issue/Problem

b. Facts (Summary)

c. Findings, conclusions, and rationale of the court
d. Your own critical opinion of the case result/holding

Students will be selected at random during each class session to present assigned cases. Class attendance is not required, however, a student will be penalized if he or she is not present when selected for class presentation. The selection process and grading system will be explained in more detail during the first class session.

The process for case presentation in class is generally called a case "brief." The exercise is intended to test your ability to summarize the case and critically analyze it. You should not simply "parrot" back all of the case details. During your oral case presentation and follow-up discussion with me, I expect you to demonstrate skills in factual presentation, evaluation and analysis of case materials, as well as opinion formulation and judgment regarding issues raised in the case.

4. NOTE: While the grading system has three weighted factors, it is not a precise mathematical formula. For example, consistent weakness in either the writing assignments or class preparation will cause a reduction in the overall grade.

D. Students with Disabilities

Students with disabilities who want academic accommodations must register with Disability Resources and Services (DRS), North Classroom 2514, 303-556-3450, TDY 303-556-4766. DRS requires students to provide current and adequate documentation of their disabilities. Once a student has registered with DRS, DRS will review the documentation and assess the student’s request for academic accommodations in light of the documentation. DRS will then provide the student with a letter indicating which academic accommodations have been approved. Once you provide me with a copy of DRS’s letter, I will provide those accommodations which DRS has approved.

E. Absences, Tardiness, and Late Assignments

Except for documented health or disability reasons, excused absences, or tardiness must receive prior approval from me. Written case briefs must be submitted to me for any class in which attendance is excused. Documentation of disability or health related issues must be provided to DRS, North Classroom 2514, 303-556-3450, TDY 303-556-4766.

Classes will begin and end on the scheduled times unless otherwise announced. Research memo and letter assignments that are turned in late may receive a grade reduction unless otherwise excused, subject to my discretion.
F. Returning Papers

1. Research memos and the letter will be distributed after they are graded by U.S. mail, or in a scheduled class session or your student box for you to pick up at your convenience.

2. I will announce when research memos and the letter will be available to be picked up in your student box if they are not to be returned during class or mailed.

G. Plagiarism

Students are expected to know, understand, and comply with the ethical standards of the university, including rules against plagiarism. Plagiarism is the unauthorized use of another person’s ideas or words without acknowledgement. The incorporation of another person’s work into yours requires appropriate identification and acknowledgement. The following are considered to be forms of plagiarism when the source is not noted: word-for-word copying of another person’s ideas or words; the “mosaic” (interspersing your own words here and there while, in essence, copying another’s work); the paraphrase (the rewriting of another’s work, while still using their basic ideas or theories); fabrication (inventing sources); submission of another’s work as your own; and, neglecting quotation marks when including direct quotes.

H. Classroom Decorum

The following ground rules apply to all students and are designed to ensure a classroom environment conducive to learning for all students:

1. Pagers, beepers, cellular telephones, and handheld electronic devices must be deactivated before class begins and remain deactivated throughout the entire class period.

2. Children and others who are not registered in the course are not permitted to attend any class without my prior approval.

3. Students who engage in disruptive classroom behavior will be reported to the Office of Student Life for appropriate disciplinary action under the CU-Denver Code of Student Conduct and, when appropriate, to the Auraria Campus Police for investigation of possible criminal action. The Code of Student Conduct can be found on the CU-Denver website, under Office of Student Life and Student Activities. Disruptive classroom behavior includes, but is not limited to, arriving late to class without explanation or apology; leaving class early without
explanation or apology; reading a newspaper or magazine; reading a book or viewing other materials on a computer which have no connection to the content of the course; engaging in prolonged private conversations; sleeping in class; eating, drinking, and/or gum chewing; passing notes; being under the influence of drugs or alcohol; harassment or verbal or physical threats to another student or to the instructor; failing to deactivate pagers, beepers, cellular phones, and/or handheld electronic devices; and, bringing children or others who are not registered in the course to class.

I. Intellectual Property Copyright on This Syllabus and All Lectures

Students are prohibited from selling, or being paid by any person or commercial firm for taking notes or recording any class presentation or discussion without my advance express written permission. Exceptions are permitted for students with a disability who are approved in advance by DRS for note taking or tape recording as an academic accommodation.

J. On Campus Writing Resource

The Writing Center at CU Denver is available to students who need assistance with any type of writing assignment. The Center’s contact information is: Writing.Center@ucdenver.edu; or, (303) 556-4845, North Classroom 4014.

K. Student Meetings

I will be available during the semester to meet with any student registered in the class who has questions or issues related to the course. I am generally available for informal, brief discussions during class breaks or after class, or I can be reached through my business e-mail (gmcreish@spencerfane.com). An appointment can be scheduled for a meeting in my office by speaking with me during a class break, calling me or sending me an e-mail.