CRPLAN 6320: Land Use Policy Seminar  
Tuesday 6:00pm 8:40 pm  
Knowlton Hall 176

Instructor: Robert W. Oast, Jr.  
Office: 289 Knowlton Hall  
Office Hours: Wednesday 10 AM – 2 PM (and appointment)  
telephone: 614/292-7412  
e-mail: oast.1@osu.edu

Credit hours = 3

Course instruction and content level = second year graduate (masters)

Course Goal

The course description for this seminar is as follows:

*CRP 6320: Seminar in Land Use Policy*

This seminar will examine the relationship between law and the problems of urban growth and development. Topics will include alternatives to conventional land use regulation such as flexible and performance zoning, smart growth, urban form based codes, LEED certification, neotraditional town planning, and transit oriented development. In addition we will look at responses to sprawl and environmental waste including ethical land use principles, green building, infill development, brownfield redevelopment, land and water conservation, smart grid infrastructure, public-private partnerships, land banking, right to farm laws, urban farming, historic preservation, clean energy, regional governance, transportation equity and environmental justice, and additional topics of student interest.

This seminar builds on the concepts covered in Planning Law I, and explores the public policy implications of land use and regulatory issues, and other issues of particular interest to planners. The seminar will also cover some processes and techniques for drafting and presenting a land use ordinance, and how to address policy considerations within that context. The topics covered will vary depending on the interests of the students in the seminar. The seminar will begin with consideration of a current and broadly applicable public policy concern, such as environmental justice or climate change, and review how that concern influences or should influence local land use processes. Case studies will be used; following consideration of some case studies selected by the instructor, students will identify and present case studies for discussion by the group.

Students will then apply the concepts and techniques learned to their own particular areas of interest. Students will identify topics that they wish to cover, and identify or supply references to material on that topic, to be read by the group. Using the seminar sessions as the “sounding board,” students will present their topic, and their proposals for regulating or otherwise addressing it, to the group: why is the topic of interest to the student; why should it be of interest to the public (or other planners); what
are the competing policy considerations; what is the outcome that the student thinks should be achieved; what are the tools available to achieve that outcome? Following the presentation and discussion by the group, students will prepare issue papers describing the topic, summarizing their research and class discussions, and prepare an ordinance or policy document that is intended to effectuate the desired result.

**Course Objectives**

This seminar is intended to provide an opportunity to undertake an in-depth consideration of the policy implications of land use regulation. All land use regulations have proponents and opponents, and it is important for planners to consider an issue from multiple points of view. Some uses are controversial and emotionally charged, and public input will not be lacking; some are not controversial, but nevertheless have competing policy considerations. The course will also include some work on local policy development and implementation.

The focus of the seminar will be on the role of local government participants (including government officials and advocates) in identifying and responding to the policy concerns associated with land use regulation, and in developing appropriate policies and strategies for local governments. The main objectives of the seminar include:

- identifying and accounting for conflicting or competing policy (and political) objectives
- familiarizing students with the methods and techniques of drafting ordinances and regulatory proposals that account for the policy objectives, and with the legal and constitutional bases (and limitations) for regulating them
- developing and implementing strategies to achieve policy objectives at the local level

At the end of the course, students should be able to:

- understand how to incorporate policy objectives into an ordinance or other regulatory vehicle.
- present regulatory proposals in a manner that addresses multiple policy considerations
- propose and develop local land use policies

**Course requirements**

This course will be a combination of discussion, and group work. There will be very little lecture by the instructor. Students are responsible for all material regardless of format. The course requirements include an expectation of active participation in class discussion, based on the reading and individual research. Students will be expected to have read the assigned materials prior to the class so that they may participate in class discussions.

The primary texts are (1) *Planning and Control of Land Development* by Daniel Mandelker, et al. (the same text as for Planning Law I), and *Urban Planning and Politics* by William C. Johnson (available from the APA). In order to provide a framework for the first class discussions and case studies, we will also
use *Addressing Community Concerns: How Environmental Justice Relates to Land Use Planning and Zoning*, a report from the National Academy of Public Administration (2003). It is available on-line at [http://www.epa.gov/environmentaljustice/resources/reports/annual-project-reports/napa-land-use-zoning-63003.pdf](http://www.epa.gov/environmentaljustice/resources/reports/annual-project-reports/napa-land-use-zoning-63003.pdf). Other material, such as sample ordinances, laws, cases, and government publications may be assigned. I will try to use material that is available on-line.

There will also be links to online materials posted on Carmen or other common site. Note that not all the material presented in class will be in the readings; it is important that you attend class lectures.

During the course of the semester, students will be expected to present and lead class discussion on two planning-related issues or case studies of particular interest to the student.

(a) One presentation should focus on an issue of localized importance. For example, if the community where you live or work is considering adopting an ordinance dealing with an issue such as allowing urban agriculture or rooftop solar collectors, or attracting a certain business, that would be an appropriate topic for presentation or discussion. The key consideration is that the policy implications of the issue should be primarily local.

(b) The other presentation should focus on an issue of regional or national significance, such as responding to climate change, a housing shortage, or disaster preparedness/recovery. The key consideration is that the policy implication extend beyond local boundaries. Environmental issues fit within this context.

In consultation with the instructor, students will identify the issues and select readings for the class, and formulate a presentation outline and questions for discussion. Non-presenting students are expected to read the material selected, and to participate actively in class discussions. The intent of these exercises is to acquaint students with different approaches to analyzing an issue, gathering various points of view, and responding to competing policy considerations. The presentations will occur in two parts: the first part will be the initial presentation and discussion where the class will have an opportunity to learn about the issue and the proposed means of addressing it, debate among themselves, and suggest alternatives or additional factors to consider. The second part will occur in the next class, where the presenting student will make an abbreviated re-presentation of the issue again, revised to reflect or respond to the comments and suggestions from the previous class.

The final project will be the drafting of a staff report and draft ordinance on a subject of the student’s choosing. Presentations of these projects will occur during the final two classes.

In each class, or as often as the schedule permits, students will review and discuss one or more legal cases on planning and land use regulation. Students should feel free to suggest cases of interest to the. The intent of these discussions is to familiarize students with the administrative and legal processes that are common in local government.
**Attendance policy**

The success of this seminar depends on active participation. In order for all students to have a good experience in class, attendance and participation are expected. If you are going to be absent for a particular class, or need to arrive late or leave early, let me know in advance if possible, with an explanation. Excessive unexcused (or poorly explained) absences will result in the loss of one grade increment (e.g., B+ to B) for the course.

**Planning Accreditation Criteria**

- Legal studies including knowledge about constitutional rights and principles, state and local government law, and public policy.

- The institutions that both shape and respond to plans and planning related activities including knowledge of the economic, legal, and political institutions that influence planning and that are susceptible to purposeful change.

- The adoption, administration, and implementation of policies and programs in the context of land use planning, including knowledge of the relevant regulations (zoning, review processes), and techniques, and the agencies conducting planning or employing planners.

- Knowledge of the ways in which planners and planning practice have succeeded in implementing regulations that acknowledge and respect competing or conflicting positions.

- Knowledge of the ways in which planners and planning practice have succeeded in developing and implementing policies and programs on the local level.

**Grading**

Students will present one case study (20 points) for class discussion (Weeks 4-8), and one regulatory proposal (20 points) for class discussion (Weeks 9-13). This will include providing readings, or references to readings and other material. Non-presenting students are expected to read and be prepared to discuss assigned readings. Students will also prepare a final report or project in the form of a Staff Report and proposed ordinance (or other project approved by the instructor) (40 points) (Weeks 14-15). Depending on the wishes of the class, the final project may be a team project. Attendance and active participation (20 points).

**Grading scale**

A = >95  A- = 90-94.99

B+ = 87-89.99, B = 83-86.99  B- = 80-82.99

C+ = 77-79.99, C = 73-76.99, C- = 70-72.99


E = < 60.
There will be no grading curve in the class. If you are encountering circumstances beyond your control that may prevent you from performing in the class or are in fear of failing the course, please see the instructor as soon as possible to discuss options; do not wait. *Only those students whom the instructor deems to have legitimate external issues will be given opportunity to make up projects.*

All grading will be done as fairly and as consistently as is reasonably possible. Lateness is not acceptable. In some cases, however, there are extenuating circumstances that may lead to a late assignment. Requests to turn in an assignment late must be made in advance, in writing. Requests will considered on a case-by-case basis, and extra work may be assigned.

Students wishing to appeal the grading of an assignment must make the appeal in writing within 5 calendar days after an assignment/exam is returned. As per University policy, you have one term to appeal a final grade.

**Course Policies**

All students are held responsible for knowing and abiding by the Department’s policies on plagiarism and the University’s policies on academic misconduct. These have been distributed to all CRP students. If you have not received a copy, please obtain one from the graduate studies office on the first floor of Knowlton Hall. Students are encouraged to share ideas in intellectual discussions relating to the class. However, all assignments (exercises, papers, projects) **MUST** include proper citations within the text and proper references/bibliographies at the end. This is a critical component of any scholarly writing effort as well as any effort that uses other sources of information. Violations fall under academic misconduct regulations and can result in dismissal from the program and the University. If you do not know proper citation procedures, contact the OSU Center for the Study and Teaching of Writing (http://www.cstw.osu.edu/writingcenter). You may also see me during office hours.

**Statement on Academic Misconduct**

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term “academic misconduct” includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the Committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct, http://studentlife.osu.edu/csc/.

**Course Communication**

Initially, the primary means of communication about the course will be via e-mail to the class roster. My e-mail address is oast.1@osu.edu. *Carmen* will be the primary repository for information about the class, including class announcements, assignments, submission deadlines, and similar information.

This course will also make use of our library and digital media. You will likely rely heavily on online information which provides additional insights into classroom lectures; supplemental information will also be provided as possible from these resources. Students also will be expected to conduct much of
the background research for the group project on their own time using digital resources available from the OSU Libraries web site and official governmental websites, including Ohio LINK.

ADA Policy Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. Professors rely on the Office for Disability Services for assistance in verifying the need for accommodations and developing accommodation strategies.

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated and should inform the instructor as soon as possible of their needs. The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone (614) 292-3307, TDD (614) 292-0901; http://www.ods.ohio-state.edu/.

Sexual Harassment

The nature of the material of this class is such that there is sexual content and language and images that some may find offensive. It is important to know that there is a line between discussing sex for educational purposes and when it can become harassment. It is also important to know that there are some images and content that it is illegal to view or disseminate. If you are in doubt about these things, please check with the instructor before proceeding. O.S.U.'s Sexual Harassment policy, which applies to all faculty, staff, and students, includes lewd remarks and inappropriate comments made in the classroom and computer labs as well as the "display of inappropriate sexually oriented materials in a location where others can see it." Given the nature of the research you will be conducting in this class, be cognizant of the environment in which you are working. For example, if you are conducting research in the computer lab or studio area make sure you are doing so in a way that others would not obviously see the material that you are researching. Additionally, while you may wish to share with other students not in the class the topics you are studying, make sure that you are conscious of other students and what they may deem as appropriate discussion. Students can file a complaint by contacting Student Judicial Affairs at 292-0748. Sanctions for violating the Sexual Harassment Policy range from reprimand to suspension or dismissal from OSU.
Course Schedule

Below is the proposed schedule for this class; please note that some changes are possible and I will try to provide as much advance notice as possible to any change. You are responsible for the content of required readings only; optional readings will provide you with a richer understanding of key topics and information on related topics.

LAND USE POLICY SEMINAR AUTUMN 2015 Schedule

Week 1 Sept. 2
Introduction, housekeeping, general discussion, structure of seminar
Reading: NAPA Foreword, Exec Summary, Chapters 1 and 3, Mandelker pp. 33-58

Week 2 Sept. 9
Policy and planning in the context of environmental justice; case study #1 (TBA)
Reading: NAPA Chapters 2 and 4; Johnson Chapter 1

Week 3 Sept. 16
Policy and planning in the context of local governmental processes; case study #2 (TBA)
Reading: NAPA Chapter 5; Johnson Chapter 3

Week 4 Sept. 23
Review of case study #2 policy/action recommendation
Student (______) case study/issue presentation #3 (local)
Reading: Johnson Chapter 4
Discussion of recent court opinions

Week 5 Sept. 30
Review of student case study #3 policy/action recommendation
Student (_____ ) case study/issue presentation #4 (local)
Reading: Johnson Chapter 5
Discussion of recent court opinions

Week 6 Oct. 7
Review of case study #4 policy recommendation
Student (______) case study/issue presentation #5 (local)
Discussion of recent court opinions
Week 7  Oct. 14

Review of case study #5 policy/action recommendation
Student (______) case study/issue presentation #6 (local)
Discussion of recent court opinions

Week 8  Oct. 21

Review of case study #6 policy/action recommendation
Student (______) case study/issue presentation #7 (regional)
Reading:  Johnson Chapter 6
Discussion of recent court opinions

Week 9  Oct 28

Review of case study #7 policy/action recommendation
Student (______) case study/issue presentation #8 (regional)
Reading:  Johnson Chapter 11
Discussion of recent court opinions

Week 10  Nov. 4

Review of case study #8 policy/action recommendation
Student (______) case study/issue presentation #9 (regional)
Discussion of recent court opinions

Week 11  Nov. 11 (no class)

Week 12  Nov. 18

Review of case study #9 policy/action recommendation
Student (______) case study/issue presentation #10 (regional)
Discussion of recent court opinions

Week 13  Nov. 25

Review of case study #10 policy/action recommendation
Student (______) case study/issue presentation #11 (regional)
Discussion of recent court opinions

Week 14  Dec. 2

Review of case study #11 policy/action recommendation
Final presentations begin

Week 15  Dec. 9

Final presentations conclude; class wrap up