

**WESTERN STATE
COLLEGE OF LAW
LAND USE PLANNING
SECTION 449A**

**SYLLABUS, POLICIES, AND READING ASSIGNMENTS
2024 SPRING SEMESTER
Professor Sheppard**

CLASS MATERIALS:

Required Text: John R. Nolon, Patricia E. Salkin, Stephen R. Miller, and Johnathon D/ Rosenbloom, **Land Use and Sustainable Development Law Cases and Materials Ninth Edition** (2017 West Academic), ISBN: 978-1-68328-407-9

COURSE COVERAGE AND OPPORTUNITIES:

You will be presented with opportunities to acquire knowledge about foundational land use principles and emerging trends in land use law and the forces that have shaped and are shaping those trends. You will have the opportunity to review and apply various principles of Property law that you first encountered in the basic Property courses (Property I and Property II). You will also have the opportunities to acquire knowledge about principles of Property law which may not have been covered in your Property I and/or Property II classes. You will engage in collaborative, graded course exercises in this course. This course provides opportunities for you to hone your legal research skills, your legal analysis skills, and your legal writing skills.

The topics that will be covered in this course include:

- The modern origins of land use law
- Land use plans and the planning process
- The basics of zoning
- Subdivision controls
- Constitutional and statutory limits on land use regulations
- Advancements in land use law
- Environmental law and land use sustainability
- Human settlements and climate change

WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternative dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities and differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author's or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to effectively convey the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' backgrounds and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

COURSE METHODOLOGY:

Classroom instruction and interaction in this course will take the form of in-class discussions and collaborative learning activities.

COLLABORATIVE LEARNING GROUPS

Members of the class will be given the opportunity to form collaborative learning groups after the deadline to add or drop a course. The members of the class will be given the opportunity to select their respective collaborative learning group partners. If the members of the class cannot agree on the membership of each collaborative learning group, I will select the membership of collaborative learning group using a random selection process. The goal is for each collaborative learning group to be comprised of two to four students depending upon the number of students enrolled in the course. Because your course grade points, which, in turn, will determine your course grade, will be determined by the level of quality of the work product of your collaborative learning group, the goal is for every collaborative learning group to be comprised of the same number of members of the class. For example, if there are twelve students enrolled in the class, there will be four collaborative learning groups with each group comprised of three members of the class. As an additional example, if there are fifteen students enrolled in the class, there will be five collaborative learning groups with each group comprised of three members of the class. As a final example, if there are twenty students enrolled in the class, there will be five collaborative learning groups with each group comprised of four members of the class.

I will provide instructions to you regarding the manner in which your group's work product must be submitted to me for grading as part of the instructions regarding a course assignment.

NO FINAL EXAM

There will not be a final exam in this course.

SEMESTER ASSIGNMENTS AND CALCULATION OF COURSE GRADES

Your grade in the course will be determined by the points earned by your collaborative learning group regarding each graded, collaborative learning assignment.

Each member of a collaborative learning group will receive the same score regarding a collaborative learning assignment. For example, if I assess the work product submitted by "Group #1" to be worth 80 points out of a possible 100 points, each member of that group will be credited with 80 points for that assignment.

To determine the course grade earned by each member of a collaborative learning group, I will add the points earned by the members of the group on each course assignment and then divide that total by the number of assignments. For example, suppose there are six graded assignments during the semester. Also suppose the scores earned by the members of "Group #3" are 90, 85, 100, 75, 80, and 95; a total of 525 points. Dividing the sum of 525 by 6 equals 87.5 grade points which I would round up to 88 grade points. That would equate to a numeric course grade of 3.8 for each member of "Group 3."

EXPECTATION OF YOUR AMOUNT OF OUTSIDE PREPARATION TIME

I expect you to devote a MINIMUM of 4 HOURS a week to prepare for each hour of class time (i.e., a MINIMUM of 12 hours of study each week).

OFFICE HOURS, OFFICE TELEPHONE, E-MAIL, FAX:

I plan to maintain the following office hours **beginning** Tuesday, January 16, 2024, and **ending** Tuesday, April 30, 2024:

Tuesdays: 10 am – Noon; 1:30 pm – 3:00 pm
Wednesdays: 1:00 pm – 2:15 pm
Thursdays: 1:00 pm – 3:00 pm.

Office consultations or Zoom conferences for two or more students at a time are encouraged. I will need the names of each student who will participate in a requested Zoom conference so that I may send each student an email invitation to participate in the Zoom conference.

I will not have office hours during the semester break (Monday, March 4 through Sunday, March 10, 2024).

You may contact me via e-mail by addressing your communication to csheppard@wsulaw.edu.

You may contact me via telephone by calling (714) 459-1152.

The faculty fax number is (714) 525-2786. If you send a fax to me, be sure to include an appropriate cover sheet.

DECORUM

You are required to adhere to proper decorum when arriving for a class session, during a class session, and when departing from a class session. You are also required to adhere to the College of Law's "Principles of Community," the College of Law's "Honor Code," and other conduct policies of the College of Law and of Westcliff University.

If it becomes necessary to conduct an "office conference" or a class session via Zoom:

- You should find a dedicated quiet space to minimize the chances that you will be disrupted during the session.
- Arrive to a class Zoom session early and dressed as you would to attend an in-person class session.

- Your camera must be turned on for the duration of either a class Zoom session or a Zoom office conference. If you desire, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class session or an in-person office conference. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
 - Zoom classes are not YouTube, or Netflix, or some other streaming service. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.
- If you have to miss a Zoom session, or arrive late, or leave early, notify me in advance; as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify me so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes or Zoom office conferences on social media. Such actions will constitute a violation of the Student Honor Code. If you need access to a recording of a Zoom session, please contact me.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify me in advance to avoid being marked as absent.
- Unless I instruct you otherwise, mute your microphone when you are not speaking. Unmute your microphone to ask a question, or to respond to a question, or to make a comment.
- If you intend to use your computer to take notes and/or to use the eBook version of the course text, you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. You must figure out how you will resolve that technological issue before a Zoom class session and consider possible modifications to your normal

mode of note taking (e.g., switch to taking notes by hand) or using a two-screen set-up.

- Zoom has a number of tools available for you to use as a student: yes/no symbols, raise hand and thumb icons, share screen if I permit you to use that tool, chat windows, etc. Please familiarize yourself with those tools before class so that you can use them to the extent I allow you to use those tools. I will provide additional information to you about the way in which you are to use a particular tool during a particular Zoom class session.
- From time-to-time, I may utilize various interactive functions in Zoom such as polling questions, breakout rooms, etc. I will expect you to participate fully in any such activities and functions; for example, answering polling questions, speaking with your classmates during breakout sessions, and so forth.

LEXISNEXIS CLASSROOM WEB COURSE:

You will be able to enroll in the course Lexis Classroom platform on and after 9:00 a.m., Monday, January 8, 2024. The last day to access the web course material is Friday, May 31, 2024. To enroll in the web course:

1. Log into LexisNexis for Law School at <https://www.lexisnexis.com/lawschool/>.
2. In the **Student** view, click the **Add A Course** link found on the right-hand side of the page.
3. Locate my name (Sheppard); then click my name.
4. Locate **Select Course to Enroll**; locate Land and click.
5. Follow the instructions to enroll in the Land LexisNexis Classroom
6. If you are directed to enter a password, enter: ELXRTJ

If you encounter a problem while attempting to enroll in the web course, please contact Faculty/Academic Support person, agonzalez@wsulaw.edu, (714) 459-1128), or Faculty/Academic Support person Helen Terzis, helenterzis@wsulaw.edu, (714) 459-1163, or a LexisNexis representative.

ATTENDANCE, CLASS PARTICIPATION, DECORUM, AND SEATING:

Class attendance is mandatory. If you miss more than six hours of class sessions, you will be subject to being administratively withdrawn from the course. I refer you to the applicable sections of the *Western State University College of Law Student Handbook* (“*Handbook*”) regarding attendance. Please take note that by this reference, those provisions of the *Handbook* are incorporated into as part of this syllabus as though they were reprinted verbatim in this portion of this syllabus.

You should be prepared to participate in class on a regular basis. In order to be properly prepared for class, you are required to study all portions of the reading assignments. Properly preparing yourself for class includes, but is not limited to, reading and briefing each of the principal cases included in the assigned reading, making an effort to resolve each of the assigned text questions, and reading and reviewing all footnotes included in the assigned reading.

SEATING CHART

I will circulate a class seating chart during the second week of class. You will be required to legibly print your name on the seating chart.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

READING ASSIGNMENTS

You are required to complete the study of all of the text material included in the assigned reading prior to the commencement of the class during which that material will be addressed. You will not gain the full benefit of the classroom discussions or other in-class activities if you have not actively studied the assigned reading before those discussions or activities occur.

NOTE: Following are reading assignments for week 1, week 2, and week 3. When I complete deciding upon the reading assignments and graded assignments for the remaining portion of the course, I will send you the completed table of assignments.

Wk	Wed.	Text Pages	Topics
1	01 – 17	1–5; 30 –66	Course Syllabus; Course Coverage and Objectives Origins of land use law; from nuisance to zoning
2	01 – 24	67 – 101	Continuing development of land use planning; public policy and the economics of land use regulation; the content and effect of the master plan
3	01 – 31	102 – 161	Conformance with the comprehensive plan; ethics and professionalism in the land use arena; organization of a typical zoning ordinance; amending a zoning ordinance;
4	02 – 07	161 – 224	Variance cases; special use permit case; nonconforming uses; amortization – uses and limitations; accessory uses
5	02 – 14		
6	02 – 21		
7	02 – 28		
8	03 – 06	-----	NO CLASS SESSION – SEMESTER BREAK
9	03 – 13		
10	03 – 20		
11	03 – 27		
12	04 – 03		
13	04 – 10		
14	04 – 17		
15	04 – 24		