

The Rocky Mountain Land Use Institute Presents  
the 24th Annual RMLUI Conference

# WESTERN PLACES

BUILDING FAIR & RESILIENT COMMUNITIES

# WESTERN SPACES



## MARCH 11-13, 2015

University of Denver Sturm College of Law • Denver, Colorado

**RMLUI**  
ROCKY MOUNTAIN  
LAND USE INSTITUTE



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**DENVER**

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**MARCH 11-13, 2015**

**WESTERN PLACES**  
BUILDING FAIR & RESILIENT COMMUNITIES  
**WESTERN SPACES**



## WESTERN PLACES/WESTERN SPACES BUILDING FAIR AND RESILIENT COMMUNITIES

Across the West, communities large and small are grappling with change. Our largest cities are thriving, but gentrification is making urban living unaffordable for many. As suburban communities transition towards more compact development and public transit, they are starting to lose the small town appeal that attracted so many. Rural communities struggle to balance their wild and rustic roots in the face of a changing economy. Set against a backdrop of increased risks associated with long-term drought, violent storms, flooding, and wildfire, the West is embracing its latest challenges.

The 2015 RMLUI Conference focuses on the innovative ways cities and towns across the West are building more resilient, equitable, and vital communities. The theme addresses how we can meet the many challenges of the future—including threats posed by climate change, a modern economy, and demographic shifts—while better addressing issues of social and environmental justice. The featured track on resilience explores the innovative approaches that communities across the West are thinking about as they work to rebuild and mitigate future risks.

### ABOUT THE ROCKY MOUNTAIN LAND USE INSTITUTE

The Rocky Mountain Land Use Institute seeks to elevate the law, policy and practice of sustainable development in the West to promote nature-friendly, prosperous and equitable communities. Through innovative research, education and professional development programs and its renowned annual conference, the Institute trains and connects students and professionals across disciplines, sectors and regions to build the sustainable development field while creating new possibilities for the future of the West's landscapes and livelihoods.

### ABOUT THE STURM COLLEGE OF LAW

The University of Denver Sturm College of Law is a top 100 law school with nationally ranked programs in environmental and natural resources law, legal writing, clinical training, international law, trial advocacy and tax law. At the heart of the law school's mission is the integration of skills and professional identity with a balanced curriculum. Our goal is to graduate practice-ready, client-focused students who understand and embrace the responsibilities of legal practice, both as a representative of the client and as a professional committed to improvement of the law and the community.

## FEATURED TRACK

### RESILIENT COMMUNITIES

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Communities across the West are working to improve their resiliency in order to mitigate future risks like fires, floods, and drought. Sessions will address both local and regional planning issues, as well as how to leverage funding and resources.

#### ■ HOT TOPICS

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An annual feature of the conference, this track covers new programs and emerging topics. This year, sessions will cover Property Assessed Clean Energy (PACE) programs, the use of technology in the planning process, and the impact of the sharing economy on local rental markets.

#### ■ WESTERN SPACES

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From large landscapes spanning state and national boundaries, to urban parks and town commons, these spaces are a defining characteristic of the Western landscape. This session will not only look at how these spaces are being conserved, but also how they are being used.

#### ■ NATURAL RESOURCES

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The West is home to abundant natural resources, from peaks to plains, forests to farms. This track looks at two big issues facing Western communities: oil and gas development and water.

#### ■ WESTERN PLACES

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As communities grow and demographics shift, issues of equity, health, and access become increasingly important. This track explores how we can use planning and land use tools to create equitable communities, as well as fair housing options.

#### ■ BUILDING COMMUNITIES

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Developers are taking advantage of the recovering economy to start new projects, with new challenges and new tools at their disposal. This session will look at development in small towns and brownfields, new partnerships, and how local communities can control growth.

#### ■ CONNECTING PLACES

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This track focuses on transit-oriented development (TOD) in both urban and suburban settings, the impacts of TOD on local communities, as well as a retrospective on Denver's FasTracks project over the past ten years.

#### ■ LAW & PLANNING

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These sessions provide an overview of recent developments in law and planning from across the West. Also included in this track are sessions on ethics for both lawyers and planners.



# 2015 CONFERENCE SCHEDULE

## WEDNESDAY, MARCH 11, 2015

RMLUI is offering an optional workshop on Wednesday, March 11. Local Responses to Fracking is a daylong event exploring the approaches that towns, cities, and counties are using to deal with the challenges and opportunities presented by oil and gas development. Opt in for just the workshop as a stand-alone event or combine it with a conference registration.

## THURSDAY, MARCH 12, 2015

7:00-8:30	REGISTRATION & BREAKFAST Law Forum				
8:30-10:00	WELCOME & KEYNOTE Davis Auditorium				
10:00-10:15	INTERMISSION BREAK				
10:15-11:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	
	■ Murphy Mountain Wants a Plan for its Birthday	■ Ethics for Land Use Lawyers	■ Planning for Resilience: The Legal Framework	■ Conservation Easements Contemporary Issues & Challenges	
12:00-1:00	LUNCH				
	<b>PLENARY LUNCH:</b> <b>The Genesis &amp; Future of Federal Large Landscape Conservation Policy</b> <i>You must have pre-registered for this lunch, Check your name in the mobile app or at the bottom of your nametag when you check in.</i>			GENERAL LUNCH	
1:15-2:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5
	■ Building Safe Communities Innovative Approaches to Resiliency	■ Urban TOD & Walkability	■ Rising Interest (and Tempers) Around Inclusionary Housing	■ Addressing Three Key Barriers to Development in Small Downtowns	■ Tools You Can Use to Manage Oil & Gas Developments
2:45-3:00	INTERMISSION BREAK				
3:00-4:30	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5
	■ Beyond Brochures: Policies & Regulations that Mitigate Hazards	■ TOD Goes Suburban: Making TOD Work Within—and Beyond—the Half-Mile Circle	■ Collaborative Real Estate Development	■ Managing Land for Long Term Health	■ The Problem of Amenity Migrants
4:30-7:00	NETWORKING RECEPTION Law Forum				

**TOUR**

Touring the Alliance Center: A Pioneering Sustainability and Collaboration Hub

*You must have pre-registered for this tour. Check your name in the mobile app or at the bottom of your nametag when you check in.*



# 2015 CONFERENCE SCHEDULE

FRIDAY, MARCH 13, 2015


7:00-8:30	REGISTRATION & BREAKFAST Law Forum					
8:30-10:00	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6
	■ Resilience for All: Equity and Social Justice	■ The (Rail) Road to Prosperity: How Cities Are Leveraging Light Rail	■ Envisioning Tomorrow: Using Technology to Inform Planning	■ Land Use & Colorado's Water Plan	■ Exactions: Ground Rules for Practitioners	■ Recent Land Use Decisions in Rocky Mountain West
10:00-10:15	INTERMISSION BREAK					
10:15-11:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6
	■ Follow the Money: Leveraging Resources to Improve Resilience	■ FasTracks 10 Years after the Vote: What We Have Learned	■ Creating an Environment for Affordable Housing: The Right Numbers, The Right Regulations, The Right Form	■ Preventing the Next Economic Calamity: Market-Based Demand Permitting	■ Making Low Impact Development the Norm Instead of the Exception	■ Hot Topics in Local Law Government Scholarship
12:00-1:00	LUNCH					
	<b>PLENARY LUNCH:</b> <b>From Smart Growth to the New Urban Economics</b> <i>You must have pre-registered for this lunch, Check your name in the mobile app or at the bottom of your nametag when you check in.</i>			<b>GENERAL LUNCH</b>		
1:15-2:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	<b>TOUR</b> <b>Denver Union Station</b>  <i>You must have pre-registered for this tour. Check your name in the mobile app or at the bottom of your nametag when you check in.</i>
	■ Bringing It All Home: The Local Role in Creating Integrated Strategies for Resilience	■ What's New with Planning on the Front Range?	■ Making the Case: Empowering Communities to Address a Changing Region	■ Endangered or Not? Colorado County Approaches to Gunnison and Greater Sage Grouse Protection	■ Changing the Face of the Place: Sustainability through Brownfields	
2:45-3:00	INTERMISSION BREAK					
3:00-4:30	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	
	■ Will the Sagebrush Rebellion Succeed?	■ The New Gold Rush: Using Reclaimed Water as an Innovative Tool for Community Resiliency	■ Colorado's Commercial Property Assessed Clean Energy Program	■ Assessing the Health Impacts of Land Use Decisions	■ The New "Cottage" Industry: The Relationship of the Sharing Economy's Rental Market to Land Use and Tax Regulation	



# AGENDA

## WEDNESDAY, MARCH 11, 2015

7:00am - 9:00am

REGISTRATION AND BREAKFAST — sponsored by  DENVER WATER

9:00am - 5:00pm

### LOCAL RESPONSES TO FRACKING

With the emergence of new fracking technology, oil and gas development is beginning to occur in communities that have never experienced it before, putting pressure on local governments to regulate the local land use impacts that can be associated with development. This all-day workshop will bring together experts in the field, as well as communities that are at the leading edge of using their regulatory authority, to provide a practice-focused overview of the wide range of practical tools and approaches that local governments can use to address potential land use impacts and opportunities that can arise from development. Colorado's legal framework will be used as the basis for this workshop, but many of the tools and approaches are transferrable to other jurisdictions.

**Moderator:**

Tushar Kansal, Associate, Consensus Building Institute

**Speakers:**

TBA

# RMLUI

ROCKY MOUNTAIN  
LAND USE INSTITUTE

**SAVE *the* DATE**  
March 11 & 12, 2016

Don't miss our 25th Conference!  
Celebrating 25 years of land use law, policy,  
and practice in the West.



# AGENDA

## THURSDAY, MARCH 12, 2015

### 7:00am - 8:30am

REGISTRATION AND BREAKFAST — sponsored by  Brownstein Hyatt Farber Schreck

### 8:30am - 10:00am

#### WELCOME ADDRESS

The Rocky Mountain Land Use Institute's 24th Annual Land Use Conference kicks off with a welcome by Sturm College of Law Dean Marty Katz and RMLUI Board President Tom Ragonetti.

**Speakers:**

**Martin Katz**, Dean, University of Denver Sturm College of Law

**Tom Ragonetti, Esq.**, Shareholder & Director, Otten Johnson Robinson Neff + Ragonetti, PC

#### KEYNOTE ADDRESS

In the West where water is scarce and fires are an annual event, communities are looking for innovative solutions. Timothy Beatley, a prolific author with titles such as *Biophilic Cities* and *Resilient Cities*, addresses the threats and uncertainty facing cities today and provides some insight on how to think about resiliency in a broader context. Moving beyond public transit, green building, and renewable energy, Beatley promotes the value and importance of incorporating natural systems into urban design and planning.

**Speaker:**

**Timothy Beatley**, Teresa Heinz Professor of Sustainable Communities & Chair, University of Virginia Department of Urban and Environmental Planning

### 10:00am - 10:15am

INTERMISSION BREAK — sponsorships available

### 10:15am - 11:45am

#### MURPHY MOUNTAIN WANTS A PLAN FOR ITS BIRTHDAY: THE AICP ETHICS CASE OF THE YEAR

Offers Ethics Credits

Join us as we wind through the ethical questions surrounding the development of a master plan for the town of Murphy Mountain. The Murphy Mountain saga is told in six parts, with each scenario evolving over time and growing more complicated. In this highly interactive session, we will pause after each scenario for audience discussion about the applicability of the AICP Code of Ethics. The Murphy Mountain cast of characters includes the usual suspects—planners, attorneys, consultants, property rights groups, no growth advocates and more. The speakers discuss issues such as conflict of interest, charges of a wired selection process and the dilemma of incomplete work.

**Speakers:**

**Joanne Garnett**, Partner, Orion Planning Group

**Mary Kay Peck**, Founding Principal, MKPeck Associates





# AGENDA

## THURSDAY, MARCH 12, 2015

### ■ ETHICS FOR LAND USE LAWYERS

Offers Ethics Credits

The practice of land use law presents many ethical conundrums because of the very local, and often informal, nature of the work. This session will explore ethical issues that arise from various types of ex parte communications, whether and how to “cure” improper communication, how to deal with (un)represented staff, the use of social media, and dealing with repeat players

**Moderator:**

**Carolynne White**, Shareholder, Brownstein Hyatt Farber Scheck

**Speakers:**

TBA

### ■ PLANNING FOR RESILIENCE: THE LEGAL FRAMEWORK

Communities in the American West face increasing threats from climate change, including extreme drought and dangerous wildfires, as well as violent storms and flooding. As a result, planners must now consider, and plan for, these potential risks in new and different ways. This session will provide a basic overview of the federal and state programs and planning requirements related to hazard resiliency and disaster recovery planning and how to take advantage of them.

**Moderator:**

**Chris Duerksen**, Senior Counsel, Clarion Associates

**Speakers:**

**Molly Mowery**, Owner, Wildfire Planning International

**Darrin Punchard**, Principal Consultant, MWH Global

### ■ CONSERVATION EASEMENTS: CONTEMPORARY ISSUES AND CHALLENGES

An estimated 40 million acres are now encumbered by conservation easements, or an area about 18 times the size of Yellowstone National Park. As the number of easements continues to grow and existing easements age, a variety of issues and challenges have arisen, from the impact easements are having on land use planning to concerns about their proper interpretation and enforcement over the long term. The panelists will address these issues and challenges, highlighting the increasing role federal and state regulators play in both policing the tax incentives and ensuring the proper administration of easements on behalf of the public.

**Moderator:**

**Nancy McLaughlin**, Robert W. Swenson Professor of Law, University of Utah SJ Quinney College of Law

**Speakers:**

**Federico Cheever**, Professor of Law, University of Denver Sturm College of Law

**Eric Meyer**, First Assistant Attorney General, Colorado Department of Law

**Luke Ortner**, Attorney, Office of Chief Counsel, Internal Revenue Service



# AGENDA

## THURSDAY, MARCH 12, 2015

12:00pm - 1:00pm

PLENARY LUNCH — sponsored by



*You must have pre-registered for this lunch. Check your name in the mobile app or at the bottom of your nametag when you check in.*

### ■ THE GENESIS AND FUTURE OF FEDERAL LARGE LANDSCAPE CONSERVATION POLICY

Far-reaching issues preserving our national landscapes, mitigating the impacts of climate change, protecting biodiversity, and managing natural resources increasingly overlap local and state boundaries, requiring that any solutions be addressed at the scale of large landscapes. Spanning twenty years and three presidential administrations in the Department of the Interior, our distinguished panelists come together to discuss the past, present, and future of conservation policy in the United States.

**Moderator:**

**James Levitt**, Fellow & Principal Investigator, Lincoln Institute of Land Policy; Director of the Program on Conservation Innovation, Harvard Forest, Harvard University

**Speakers:**

**Jim Lyons**, Deputy Assistant Secretary for Land & Minerals Management, U.S. Department of the Interior; Former Advisor to Secretary Babbitt, Clinton Administration

**Lynn Scarlett**, Managing Director of Public Policy, The Nature Conservancy; Former Acting Secretary of the Interior & Chief Operating Officer and Deputy Secretary of the Interior to Secretary Kempthorne, George W. Bush Administration

**Will Shafroth**, Principal, Red Sheep Consulting; Former Principal Deputy Assistant Secretary for Fish and Wildlife and Parks & Counselor to Secretary Salazar, Obama Administration

### GENERAL LUNCH

Take advantage of some free time to network with other attendees and visit the exhibitors in the Forum.

1:00pm - 4:30pm

### ■ TOURING THE ALLIANCE CENTER: A PIONEERING SUSTAINABILITY AND COLLABORATION HUB

*You must have pre-registered for this tour. Check your name in the mobile app or at the bottom of your nametag when you check in.*

Ride the light rail downtown for a visit to Colorado’s Hub of Sustainability, The Alliance Center. The Alliance Center is a 106-year-old building, recently transformed into to a 21st century shared workspace where individuals and organizations can dream, work, and collaborate for the greater good. Tour The Alliance Center and explore how its unique space design increases innovation, collaboration and human productivity. Learn about the groundbreaking financing options that were utilized for funding and about the green building elements that create a culture of resource efficiency and healthy work conditions. Finally, discover how the sharing of workspaces and resources contributes to organizational resiliency.

**Speakers:**

**Anna Zawisza**, Executive Director, Alliance for Sustainable Colorado

1:15pm - 2:45pm

### ■ BUILDING SAFE COMMUNITIES: INNOVATIVE APPROACHES TO RESILIENCY

From transportation infrastructure to green space acquisition and from the construction of affordable housing infill to new master-planned developments, communities continually reinvent themselves in many different ways. This session focuses on strategies and approaches that put resiliency at the heart of the planning decisions that are made by communities and local governments day in and day out.

**Speakers:**

**Jad Daley**, Climate Conservation Program Director, The Trust for Public Land

**Peg Elmer**, Principal, Community-Resilience.org

**David Mallory**, Floodplain Manager, Urban Drainage and Flood Control District





### ■ URBAN TOD AND WALKABILITY

This presentation focuses on transit oriented development (TOD) in the urban environment and highlights some of the latest planning practices being used to activate a built environment that is often ripe for redevelopment and in need of updated connectivity infrastructure. Successful urban TOD requires more than a plan for mixed-use redevelopment. Urban TOD today is rooted in walkability, active transportation, access to jobs, housing options and community awareness and behavior that supports the changing land use pattern. Today's urban TOD is really what some refer to as a "20-minute neighborhood". Learn how redevelopment tools, integrated connectivity infrastructure and community education are minimizing the need for park-n-rides and increasing last-mile access from the station via bus, bike or foot. Case studies from Denver and Salt Lake will illustrate new ideas around the urban TOD.

**Moderator:**

**Alexis Moore**, Associate Planner/Project Manager, City of Lakewood

**Speakers:**

**JJ Folsom**, Chief Projects Officer, City of Denver

**Matt Miller**, Planner, Metro Analytics

**Susie Petheram**, Associate Principal, CRSA

**Beth Vogelsang**, Principal, OV Consulting

### ■ RISING INTEREST (AND TEMPERS) AROUND INCLUSIONARY HOUSING ORDINANCES

As the economy recovers from the Great Recession of 2008, the growing problem of affordable/workforce housing is back in the limelight. Over one half of renters now pay more than 30% of their income for rent, and a growing number of households with good jobs cannot find a way to buy a starter home of any kind. In light of these pressures, cities and counties around the Rocky Mountain West are struggling to find new affordable housing tools, and many of them are looking at Inclusionary Housing Ordinances (IHOs). This panel will discuss the evidence as to whether IHOs work, under what conditions, with what side effects on housing and development in general, whether the design of programs is changing, and whether we can expect to see more communities using IHOs in the future.

**Moderator:**

**Don Elliott**, Director, Clarion Associates

**Speakers:**

**Diane Barrett**, Chief Projects Officer, City of Denver

**Peter Pollock**, Ronald Smith Fellow, Lincoln Institute of Land Policy

**Kirsten Webb**, Planner, Park City

### ■ DOWNTOWN ALIVE! ADDRESSING THREE KEY BARRIERS TO REDEVELOPMENT IN SMALL DOWNTOWNS

Small downtowns in many Colorado and Mountain West communities are enjoying a renaissance. But initiating and sustaining downtown revitalization outside of metro areas presents many challenges, and even the most vibrant downtowns can become victims of their own success. This session will present a variety of tactics to catalyze strategic redevelopment and investment in small downtowns. Three key barriers will be addressed: implementing planning strategies that create real estate value; attracting residential development and residents downtown; and connecting developers and investors with priority sites.

**Moderator:**

**Jeremy Nelson**, President and Development Advisor, REgeneration Strategies

**Speakers:**

**Ian Ross**, CEO & Founder, OppSites

**Deana Swetlik**, Owner and Urban Design Director, Entelechy



# AGENDA

## THURSDAY, MARCH 12, 2015

### ■ TOOLS YOU CAN USE TO MANAGE OIL AND GAS DEVELOPMENT

Towns, cities, and counties hosting oil and gas development deal with a variety of opportunities and challenges felt at the local level. These issues have become increasingly pressing in recent years as advances in technology have brought a surge in unconventional oil and gas development to new areas. This session will explore the diverse approaches that local jurisdictions are taking in response to the challenges presented by oil and gas development. Participants will walk away with an overview of the tools available to local jurisdictions, detailed insight into a handful of promising approaches, and information about how to explore further.

**Moderator:**

**Tushar Kansal**, Associate, Consensus Building Institute

**Speakers:**

TBA

2:45pm - 3:00pm

INTERMISSION BREAK — sponsorships available

3:00pm - 4:30pm

### ■ BEYOND BROCHURES: POLICIES AND REGULATIONS THAT MITIGATE HAZARDS

Communities can take proactive steps now to avoid a wildfire, flood, or other disaster later. By implementing better planning policies and regulations, communities can move past a reliance on voluntary measures and public education. But what does it really take for a community to apply and enforce politically palatable planning mechanisms that ensure public safety while respecting other goals and interests? This session takes an in-depth look at the “what and how” of the community planning process as it relates to potential hazards like wildfire. Topics covered will include community design, and subdivision and zoning regulations that bolster resilience.

**Speakers:**

**Molly Mowery**, Owner, Wildfire Planning International

**Ray Rasker**, Executive Director, Headwaters Economics

**Ed Thomas**, President, Natural Hazard Mitigation Association

**Tareq Wafaie**, Associate, Clarion Associates

### ■ TOD GOES SUBURBAN: MAKING TRANSIT-ORIENTED DEVELOPMENT WORK WITHIN—AND BEYOND—THE HALF-MILE CIRCLE

Over the past two decades, most plans and regulations for transit-oriented development have focused on stations in downtowns and other highly urbanized areas. As transit systems are being extended into suburban and exurban jurisdictions in places like Denver, Dallas, and Hartford, communities are now recognizing that TOD policies and standards that were a good fit in big city locales need to be reassessed and tailored for more suburban locations. Moreover, it has been an article of faith that the real estate market responds to rail station proximity within a half-mile circle. This sessions presents data regarding the the range of market-based planning distances for different land uses, and will draw on recent experiences in Aurora, Colorado, and communities in the Dallas, Texas, and Hartford, Connecticut, regions to discuss how suburban and exurban local governments can address critical issues like density/intensity of development, uses, parking, and design and development standards to promote compatible TOD in their jurisdictions.



# AGENDA

THURSDAY, MARCH 12, 2015

**Moderator:**

**Chris Duerksen**, Senior Counsel, Clarion Associates

**Speakers:**

**John Fernandez**, FasTracks/TOD Team Leader, City of Aurora Planning Department

**Emily Hultquist**, Senior Planner and Policy Analyst, Capitol Region Council of Governments (Hartford, CT)

**Arthur C. Nelson**, Professor & Associate Dean for Research, University of Arizona Department of Planning and Real Estate Development

■ **COLLABORATIVE REAL ESTATE DEVELOPMENT: CREATING CONSENSUS AMONG STAKEHOLDERS TO BUILD PLACES THAT LAST**

The panel will review the role and successes of the Community Coordinating Metropolitan District No. 1 in building a platform for communication, access, and partnership creation among private/public/non-profit organizations in redeveloping areas with many stakeholders, including commercial and residential property owners, residents, service providers and the homeless population. The panel will also consider how this unique Metro District could be used in the future.

**Moderator:**

**MaryAnn McGeady**, Attorney, McGeady Sisneros, P.C.

**Speakers:**

**Amy Harmon**, Founder & Owner, Urban Market Partners, LLC; Founder & President, Community Coordinating District No. 1

**Sam Sharp**, Managing Director, D.A. Davidson & Co.

**Erin Trapp**, CEO, Biennial of the Americas

■ **MANAGING LAND FOR LONG TERM HEALTH: ACHIEVING CONSERVATION OBJECTIVES ON STATE & FEDERAL MULTIPLE USE LANDS**

This session explores a variety of conservation strategies that can be effectively used to achieve conservation outcomes on state trust lands or federal lands that are not typically managed for their ecological values. The session will focus on state trust lands in the West that are managed primarily to generate revenue for trust beneficiaries, and federal lands managed for multiple use goals. The tools examined in this session range from ecosystem services markets and land tenure adjustment to conservation designations through the master planning process.

**Moderator:**

**Summer Waters**, Program Director, Sonoran Institute

**Speakers:**

**Susan Culp**, Principal, NextWest Consulting, LLC

**Tobin Follenweider**, Deputy Director, Colorado State Board of Land Commissioners

**Genevieve Johnson**, Coordinator, Desert Landscape Conservation Cooperative



# AGENDA

THURSDAY, MARCH 12, 2015

## ■ THE PROBLEM OF AMENITY MIGRANTS IN NORTH AMERICA

Throughout North America, economically well-off homebuyers, known as “amenity migrants,” often seek permanent or part-time residence in attractive areas away from their homes, where they can gain access to high-quality natural and cultural resources. Not coincidentally, such locations often are popular tourist destinations. These “vacation” homes have serious consequences on housing prices in the area and availability for local residents, as well as local land use resources. They may also affect the quality of the natural environment, impacting wildlife habitat and air/water quality. The session discusses how local governments have coped with, and are now addressing, this influx of amenity migrants.

**Moderator:**

**Jan Laitos**, John A. Carver Jr. Professor of Law, University of Denver Sturm College of Law

**Speakers:**

**Dan Gibbs**, County Commissioner, Summit County Government

**Heidi Ruckriegle**, Law Clerk to the Honorable Justice Hobbs, Colorado Supreme Court

4:30pm - 6:00pm

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NETWORKING RECEPTION — sponsorships available

Law Forum



# AGENDA

## FRIDAY, MARCH 13, 2015

7:00am - 8:30am

REGISTRATION AND BREAKFAST — sponsored by

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8:30am - 10:00am

### ■ RESILIENCE FOR ALL: EQUITY AND SOCIAL JUSTICE

Low income communities are often least able to prepare for disaster and least resilient when disaster strikes. Often they live in areas more vulnerable to natural and other disasters. How do we better incorporate concerns about equity and social justice in planning and building for a more resilient future? And how do we ensure that our responses to disaster result in more equitable outcomes for affected populations?

**Moderator:**

**Olivia Stinson**, Recovery Specialist, Colorado Division of Homeland Security and Emergency Management

**Speakers:**

**Peg Elmer**, Principal, Community-Resilience.org

**Jeff Su**, Executive Director, Plains Conservation Center

### ■ THE (RAIL) ROAD TO PROSPERITY: HOW CITIES ARE LEVERAGING LIGHT RAIL TO REVITALIZE THEIR ECONOMIES

Over the past decade, light rail projects have bloomed in the American West, from Denver to Albuquerque to Salt Lake City. These projects represent a massive regional investment with great potential for stimulating economic development and promoting alternative transportation. This session will discuss the investments, incentives, and impacts of TOD.

**Moderator:**

**John Fernandez**, FasTracks/TOD Team Leader, City of Aurora

**Speakers:**

**Steve Gordon**, Comprehensive Planning Manager, City of Denver

**Shannon Scutari**, Executive Director, Sustainable Cities Collaborative

**Jonathan Thompson**, Senior Editor, High Country News

### ■ ENVISIONING TOMORROW: USING TECHNOLOGY TO INFORM PLANNING

Some of today's most vexing problems, such as urban sprawl, highway congestion, oil dependence, physical health, and climate change, are prompting states and localities to turn to land planning and urban design for solutions. Increasingly, planners are using programs like Envision Tomorrow Plus (ET+) to inform their decisions. This panel provides insight into how ET+ is being used to model transportation, land cover, and green infrastructure in development scenarios.

**Moderator:**

**Reid Ewing**, University of Utah Department of City and Metropolitan Planning

**Speakers:**

**Sarah Hinners**, Assistant Professor & Director of the Ecological Planning Center, University of Utah

**Alex Joyce**, Project Manager, Fregonese Associates Inc.

**Sylvia Leon Guerrero**, Senior Planner, City of Austin Urban Design Division



# AGENDA

## FRIDAY, MARCH 13, 2015

### ■ LAND USE AND COLORADO'S WATER PLAN

The need for more integration of water supply planning into land use planning has become more apparent in recent years as the Statewide Water Supply Initiative (SWSI) has illustrated a looming gap between supply and demand across the state. This presentation will highlight the need for training of water and land use professionals together, incentives for integration of water and land use, as well as the creation of partnerships to facilitate cross-pollination between these two planning sectors.

**Speakers:**

**James Eklund**, Director, Colorado Water Conservation Board

**Kevin Reidy**, State Water Conservation Technical Specialist, Colorado Water Conservation Board

### ■ EXACTIONS: GROUND RULES FOR PRACTITIONERS

The Supreme Court's Koontz decision was the "land use rage" of 2013 and 2014. Now that the dust has settled, what do practitioners need to know about exactions? This session will provide practice-based tips on what can be required of developers, and will review strategies for planners, lawyers and other parties negotiating over exactions in the context of real-world development applications. We will discuss applicable law relating to exactions, the types of exactions that are common to the development process (impact fees, land dedications, public improvements, affordable housing, etc.), and techniques for all parties to reduce legal risk.

**Moderator:**

**Brian Connolly**, Attorney, Otten Johnson Robinson Neff & Ragonetti, P.C.

**Speakers:**

**Cameron Artigue**, Attorney, Gammage & Burnham

**Karen Aviles**, Assistant City Attorney, City of Denver

### ■ RECENT LAND USE DECISIONS IN THE ROCKY MOUNTAIN WEST

Always engaging, the region's top experts in land use law provide detail and analysis of recent court decisions, legislative activities, and important local legal issues.

**Moderator:**

**Doug Jorden**, Partner, Jorden Bischoff & Hiser, PLC

**Speakers:**

**Cullen Battle**, Partner, Fabian Law

**Anita Miller**, Attorney, Anita P. Miller, Attorney at Law, LLC

**Jeff Parker**, Partner, Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, PC

**10:00am - 10:15am**

INTERMISSION BREAK — sponsored by







# AGENDA

## FRIDAY, MARCH 13, 2015

10:15am - 11:45am

### ■ FOLLOW THE MONEY: LEVERAGING RESOURCES TO IMPROVE RESILIENCE

Whether improved community resilience requires buyouts, or relocations, or improved infrastructure, or simply more robust planning, implementation measures often cost money. This session explores the use of traditional sources of funding, as well as specific disaster recovery grant programs that may be activated in the event of a declared disaster, to enable communities to maximize the dollars available to mitigate risk, increase resiliency and “build back better.”

**Moderator:**

**Carolynne White**, Shareholder, Brownstein Hyatt Farber Scheck

**Speakers:**

**Ray Rasker**, Executive Director, Headwaters Economics

**Ed Thomas**, President, Natural Hazard Mitigation Association

### ■ FASTRACKS 10 YEARS AFTER THE VOTE: WHAT WE HAVE LEARNED

In November 2004, voters in metropolitan Denver approved the Regional Transportation District (RTD) FasTracks program with the intention of expanding rail transit by 122 miles in six corridors throughout the region. While the FasTracks program has faced numerous challenges with rising costs and declining revenues, RTD has been able to make considerable progress toward completion of FasTracks, including opening of the refurbished Union Station in 2014. On the 10-year anniversary of the referendum that approved FasTracks, this panel will consider what lessons we have learned about the implementation of the FasTracks program.

**Moderator:**

**Andrew Goetz**, Professor, University of Denver

**Speakers:**

**Jon Caldara**, President, Independence Institute

**Clarence Marsella**, Former General Manager, Regional Transportation District

### ■ CREATING AN ENVIRONMENT FOR AFFORDABLE HOUSING: THE RIGHT NUMBERS, THE RIGHT REGULATIONS, THE RIGHT FORM

This is a session on getting affordable housing implemented. It deals with the issue of how much affordable housing can be built locally before infringing on a climate of acceptance. It also deals with how do you calculate affordable housing need at the local level? The session deals with reducing regulatory barriers to affordable housing and the necessary subsidies that must accompany it. The session deals finally with affordable housing location (urban, suburban) and affordable housing form. What types of affordable housing can be built, where? Do we build significant amounts of new affordable housing in gentrifying areas?

**Moderator:**

**Robert W. Burchell**, Professor & Director of Urban Planning and Policy Development, Rutgers University Edward J. Bloustein School of Planning and Public Policy

**Speakers:**

**Edward G. Goetz**, Professor & Director of CURA, University of Minnesota Humphrey School of Public Affairs

**Anton C. Nelessen**, Professor & Director of Undergraduate Programs, Rutgers University Edward J. Bloustein School of Planning and Public Policy



# AGENDA

FRIDAY, MARCH 13, 2015

## ■ PREVENTING THE NEXT ECONOMIC CALAMITY: MARKET-BASED DEMAND PERMITTING

Major real estate market implosions, including the recent Great Recession, have taught that entire regions experience economic distress when local governments allow exuberant overbuilding. In this session, participants will learn about specific steps that states, local governments, and regional planning agencies can take to check this exuberance and ensure community resilience through a demand-based permitting requirement. The presenters will offer possible implementation strategies, including discussion of enabling legislation and local government ordinances necessary to establish a demand-based permitting requirement.

**Moderator:**

**Dwight Merriam**, Partner, Robinson + Cole LLP

**Speakers:**

**Arthur C. Nelson**, Professor & Associate Dean for Research, University of Arizona Department of Planning and Real Estate Development

**James Nicholas**, Emeritus Professor, University of Florida

## ■ MAKING LOW IMPACT DEVELOPMENT THE NORM INSTEAD OF THE EXCEPTION

Low Impact Development (LID) is a movement to use natural site features rather than hard infrastructure to management storm water quality and quantity. Many communities around the Rocky Mountain West have adopted policies supporting the use of LID techniques to manage storm water, but use of LID still remains the exception rather than the norm. One reason is that the job of organizing on-site open space is often done by planners, while storm water management review is done by engineers—and the two are often not working together. This session will explore the basic principles, approaches, and successes with LID, as well as a recent program by Aurora, Colorado, explore rewriting its landscaping and open space standards to make the use of LID the norm rather than the exception.

**Moderator:**

**Don Elliott**, Director, Clarion Associates

**Speakers:**

**Andrew Earles**, Vice President of Water Resources, Wright Water Engineers, Inc.

**Karen Hancock**, Environmental Planning Supervisor, City of Aurora

## ■ HOT TOPICS IN LOCAL GOVERNMENT LAW SCHOLARSHIP

This panel will highlight some of the emerging and cutting edge scholarship in local government law today. Led by law faculty pushing the boundaries of local government law in their classroom and research, the conversation will focus on how such scholarship can help state and local government officials serve the needs of their constituencies. As these officials are faced with complex legal issues requiring special knowledge in myriad areas from land use to civil rights, the panel hopes to bring together law faculty and local government professionals in critical and sustained dialogue.

**Moderator:**

**Tom Romero II**, Professor of Law & Assistant Provost of IE Research and Curriculum Initiatives, University of Denver Sturm College of Law

**Speakers:**

**Patience Crowder**, Assistant Professor of Law & Director of the Community Economic Development Clinic, University of Denver Sturm College of Law

**Audrey McFarlane**, Professor of Law, University of Baltimore School of Law

**Matthew Parlow**, Professor of Law & Associate Dean for Academic Affairs, Marquette University Law School

**Rick Su**, Professor of Law, SUNY Buffalo Law School



# AGENDA

## FRIDAY, MARCH 13, 2015

### 12:00pm - 1:00pm

**PLENARY LUNCH** — sponsored by



*\*\*You must have pre-registered for this lunch. Check your name in the mobile app or at the bottom of your nametag when you check in.*

#### ■ FROM SMART GROWTH TO THE NEW URBAN ECONOMICS

In post WWII America, conventional urban economics called for high-value, mostly nonresidential, land uses to command urban centers; higher income households to command the suburban fringe; and everything else to command the in-between areas. Now, an increasing market preference for smart growth is changing all that. Downtown and closer-in higher-value residential demand pushes many nonresidential land uses outward, and drives lower-value residential demand to the fringe. In effect, “smart growth” is reshaping the urban economy. This plenary will explain how smart growth is leading to the New Urban Economics.

**Speaker:**

**Arthur C. Nelson**, Professor & Associate Dean for Research, University of Arizona Department of Planning and Real Estate Development

#### GENERAL LUNCH

Take advantage of some free time to network with other attendees and visit the exhibitors in the Forum.

### 1:00pm - 4:30pm

#### ■ TOUR: DENVER UNION STATION

*\*\*You must have pre-registered for this tour. Check your name in the mobile app or at the bottom of your nametag when you check in.*

This tour will take participants to Denver’s Union Station, which recently underwent a major renovation to become the new transit hub of downtown Denver.

**Speakers:**

TBA

### 1:15pm - 2:45pm

#### ■ BRINGING IT ALL HOME: THE LOCAL ROLE IN CREATING INTEGRATED STRATEGIES FOR RESILIENCE

Although myriad federal and state programs exist that can support resilience, local governments understand, and are ultimately responsible for, the risks and vulnerabilities that face their communities, and for developing and implementing plans that mitigate those risks. This session will cover best practices regarding how to do integrated planning to address both pre-disaster planning, community recovery, and a range of issues to create a community that is as resilient as possible.

**Moderator:**

**Kristin Cisowski**, Associate, Clarion Associates

**Speakers:**

**Joe Gierlach**, Mayor, Town of Nederland

**Breece Robertson**, Director of Conservation Vision & GIS, The Trust for Public Land

**Abby Shannon**, Long Range Planning Manager, Boulder County Land Use Department

**Brian Wilkerson**, Managing Director, Revolution Advisors LLC



# AGENDA

## FRIDAY, MARCH 13, 2015

### ■ WHAT'S NEW WITH PLANNING ON THE FRONT RANGE?

The metropolitan region along the Front Range of Colorado is made up of many local governments, each one plotting its own course. As key political appointees, each city's planning director becomes the lightning rod for issues as diverse as urban design, neighborhood character, and redevelopment. What do they see on the horizon as we emerge from the Recession? What are the issues that are still unresolved? What are some of the new directions that might unfold over the next several years? What new innovations in policy, planning, programs and projects do they see coming?

**Moderator:**

**Peter Pollock**, Ronald Smith Fellow, Lincoln Institute of Land Policy

**Speakers:**

**Brad Buchanan**, Executive Director of Community Planning and Development, City & County of Denver

**David Driskell**, Executive Director of Planning and Sustainability, City of Boulder

**Cameron Gloss**, Planning Manager, City of Fort Collins

**Steve Glueck**, Director of Community and Economic Development, City of Golden

**Travis Parker**, Planning Director, City of Lakewood

**Glen Van Nimwegan**, Director of Community Development, City of Littleton

**Robert Watkins**, Director of Planning and Development Services, City of Aurora

**Peter Wysocki**, Director of Planning and Development, City of Colorado Springs

### ■ MAKING THE CASE: EMPOWERING PEOPLE AND COMMUNITIES TO ADDRESS A CHANGING REGION

The Denver Regional Council of Governments has partnered with AARP Colorado and Mile High Connects to develop innovative and replicable web-based tools allowing an array of stakeholders to explore issues, effectively putting the power to make more informed policy and programming decisions in the hands of more people. As in many areas of the country, our region faces a series of complex challenges and opportunities as it grows and evolves, including how to leverage transit system expansion and prepare for unprecedented growth in the older adult population. We strive to provide access to opportunity for all ages, incomes and abilities.

**Moderator:**

**Brad Calvert**, Metro Vision Manager, Denver Regional Council of Governments

**Speakers:**

**Ashley Kaade**, Outreach Specialist, Denver Regional Council of Governments

**Jennifer Newcomer**, Director of Research, The Piton Foundation at Gary Community Investments

### ■ ENDANGERED OR NOT? COLORADO COUNTY APPROACHES TO GUNNISON AND GREATER SAGE GROUSE PROTECTION

In western Colorado, Garfield, Montrose and Gunnison Counties are intimately engaged in unique conservation strategies in an effort to preclude the placement of the Greater and Gunnison Sage Grouse on the endangered species list. These species occur in areas where recreation, grazing and natural resource development are prevalent and also serve as significant economic drivers for the region, state and US. This session will describe local efforts to navigate complicated public policy, species conservation and recovery, and socio-economic issues inherent in pending Endangered Species Act listing decisions at the local, state and federal levels.

**Moderator:**

**Fred Jarman**, Director of Community Development, Garfield County

**Speakers:**

**Jim Cochran**, Wildlife Conservation Coordinator, Gunnison County

**Mike Pelletier**, GIS Manager, Gunnison County

**Jon Washbusch**, Government Affairs Director, Montrose County



# AGENDA

## FRIDAY, MARCH 13, 2015

### ■ CHANGING THE FACE OF THE PLACE: SUSTAINABILITY THROUGH BROWNFIELDS

To develop and sustain economic stability, communities plan for land uses that will support the right balance of residential, commercial and industrial space, while also promoting social justice and equity. Revitalization of neighborhoods tainted by prior industry, such as “brownfields,” present the opportunity for unconventional relationships with state and federal incentive programs that ultimately benefit the communities involved. This panel will discuss brownfields’ role in community development, available funds and credits for redevelopment and address the differing property interests and legal challenges that arise when purchasing brownfields.

**Moderator:**

**Rebecca L. Almon**, Environmental Law Attorney, Ireland Stapleton Pryor & Pascoe, PC

**Speakers:**

**Tim Kelley**, Environmental Protection Specialist, Colorado Division of Oil & Public Safety

**Doug Jamison**, Superfund/Brownfields Unit Leader, Colorado Department of Public Health and Environment

**Jesse Silverstein**, Vice President & Senior Economist, Development Research Partners

2:45pm - 3:00pm

INTERMISSION BREAK — sponsored by



3:00pm - 4:30pm

### ■ WILL THE SAGEBRUSH REBELLION SUCCEED?

Clive Bundy in Nevada is refusing to stop grazing on federal land, nor is he paying his fees. New Mexico ranchers with water rights are also organizing to fight the US... The same thing all over again? Will they win this time?

**Moderator:**

**Anita Miller**, Attorney, Anita P. Miller, Attorney at Law, LLC

**Speakers:**

TBA

### ■ THE NEW GOLD RUSH: USING RECLAIMED WATER AS AN INNOVATIVE TOOL FOR COMMUNITY RESILIENCY

Back in the day, people came to Colorado looking for gold; now people are looking for water. As the population across the West continues to grow, water shortages and drought remain a growing concern. This session will address how reclaimed water can become an integral part of the water supply for Colorado’s growing population and its food production capabilities. Panelists will address the use of reclaimed water in urban and rural settings, the economic impacts of reclaimed water, and address concerns of using reclaimed water for food production.

**Moderator:**

**Rusty Collins**, Denver County Extension Director, Colorado State University Denver Extension

**Speakers:**

**Damian Higham**, Recycled Water Compliance Technician, Denver Water

**Carmine Iadarola**, President, AquaSan Network, Inc.

**Dawn Thilmany**, Professor of Agribusiness & Agribusiness Extension Economist, Colorado State University



### ■ COLORADO'S COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM

Property Assessed Clean Energy (PACE) programs provide an innovative way to finance energy efficiency and renewable energy improvements. The program has been widely used in California, and has been approved for use in Colorado. This session will provide an overview of Colorado's PACE program and its potential to transform energy finance and create economic opportunity in the real estate industry.

**Moderator:**

**Keirstin Beck**, Attorney, Packard and Dierking, LLC

**Speakers:**

TBA

### ■ ASSESSING THE HEALTH IMPACTS OF LAND USE DECISIONS

The nexus between health and planning is gaining momentum. We know that how we build our communities has a significant impact on the health outcomes on those who live, work and play in them. For some communities, healthy and sustainable community design is what draws people there. In other communities, incorporating health into the planning process is a social justice issue for which policy tools and program strategies are needed. This session will address how different urban, suburban and rural communities are working to engage people in creating healthier places.

**Moderator:**

**Josh Radoff**, Principal & Co-Founder, YR&G

**Speakers:**

**Sheila Lynch**, Land Use Program Coordinator, Tri-County Health Department

**Lisa Malde**, Director, LiveWell Chaffee County

**Paul Schmiechen**, Business and Community Sustainability Manager, City and County of Denver

### ■ THE NEW "COTTAGE" INDUSTRY: THE RELATIONSHIP OF THE SHARING ECONOMY'S RENTAL MARKETS TO LAND USE AND TAX REGULATION

The new sharing economy has greatly expanded the availability of private short-term rental properties. Web-based clearinghouses for short-term rentals, like VRBO and AirBnB, have changed the economic and regulatory landscape of short-term rental markets. The negative and positive social and economic impacts of these changes are felt in municipalities of all sizes. This session will explore the relationship of the short-term rental sector of the sharing economy to land use and tax regulation, and the social and economic impacts of this new sector on rural destination communities and metropolitan areas.

**Moderator:**

**Phillip Supino**, Planner II, City of Durango

**Speakers:**

**Brian Duffany**, Vice President, Economic Planning Systems

**Jessica Garrow**, Long-Range Planner, City of Aspen