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MARCH 10-11, 2016
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The Rocky Mountain Land Use Institute Presents the 25th Annual RMLUI Conference

EXAMINING THE PAST
EXPLORING THE FUTURE

RMLUI
25 YEARS
UNIVERSITY OF DENVER
STURM COLLEGE OF LAW
ROCKY MOUNTAIN LAND USE INSTITUTE
The Rocky Mountain Land Use Institute was established to conduct education and research programs on legal and public policy issues related to land use and development. For 25 years, RMLUI has been leading a discussion in the West about the challenges presented by growth and innovative ideas for addressing them.

In celebration of its 25th year, RMLUI is pausing to look back and examine lessons learned that can guide our actions and policies as we move forward into the next 25 years.

This year’s *Western Places/Western Spaces* conference will address the transformative land use legal and policy developments in the Rocky Mountain West that have influenced the shape of our communities today. We will also explore the trends and innovations—like demographic shifts, climate change, and economic forces—that are likely to affect the future of the West.

RMLUI will continue to advance the dialogue on some recurring themes from past conferences—urban growth and density, regional planning and conservation, water, and housing—and consider emerging challenges facing the region.

In addition, RMLUI is offering an optional workshop on Wednesday, March 9. *Linking Land Use & Water: Tools to Grow Water-Smart* is a day-long workshop that seeks to bring together land use planners, water providers, policy makers, lawyers, and others to explore the legal framework that underlies efforts to regulate water use and best practices that local communities can use to integrate water and land use planning to maximize water efficiency and conservation.
Plenary Lunch Talks

Transforming Transportation
A panel of distinguished speakers will discuss the power of emerging technology to improve mobility in metropolitan regions utilizing innovations such as self-driving cars, apps, real time information, and ride sharing.

#WhatDoWeWant? #WarmCookies: Civic Engagement Can Be Fun!
Does the thought of public meetings give you heartburn? Have you ever wondered if there’s a way better understand what residents want and how to get there? Experience how Denver’s Warm Cookies of the Revolution reinvets the art of civic dialogue, fostering meaningful conversation on polarizing issues, hot topics, and cultivating civic pride. Our focus will be “Where do we want to be in 25 years?” This interactive session combines video from events like Stupid Questions, Stupid Talents; Tax Day Carnival; Neighborhood Olympics, or Civic Stitch & Bitch; real world applications; and opportunities to apply these ideas for civic engagement.

Walking Tours

Five Points Renaissance
Denver’s Five Points area has a rich cultural history and a storied past. For many decades, it has been home to Denver’s African-American residents, and in recent years has become increasingly gentrified. Located adjacent to downtown and connected by light rail, Five Points is currently one of the city’s “hot” neighborhoods. This walking tour will highlight both the historic buildings and new development. Relevant discussion with area leaders will consider ways that the history and cultural diversity of Five Points can remain intact while balancing rapid growth and increased density.

Denver’s Problem Isn’t Development, It’s Connectivity
Denver’s current development boom, while happening fast, is primarily focused in the “areas of change” identified in Blueprint Denver and supported by the City’s new zoning code, documents that reflect years of planning and public dialogue. But the City hasn’t kept pace in providing the multimodal infrastructure needed to support this growth. At current funding levels, the Denver Moves bicycle plan won’t be fully implemented for another 50 years, and the city spends virtually nothing to build or maintain badly needed sidewalks throughout the city. This walking tour will explore Denver’s connectivity problems first-hand while discussing strategies for addressing them.
2016 Session Tracks

Featured Track

Examining the Past, Exploring the Future  
What have we learned over the past 25 years that should guide our land use decisions in the future? This track examines the major themes addressed at the conference over the past 25 years to determine what we can learn from the past to better anticipate the future.

Hot Topics

An annual feature of the conference, this track covers new programs and emerging topics. This year, sessions will include the sharing economy, how to plan for potential hazards, and the issue of acid mine drainage.

Housing

Communities across the West are struggling with the need to provide housing for a rapidly growing population. Affordable housing is in short supply across the region, from large cities to resort towns and rural areas. These sessions demonstrate how communities across the West are addressing the need for fair and affordable housing.

Regional Planning & Conservation

Nature doesn’t respect boundaries, and neither does sprawl. The sessions in this track look at the big picture of planning, both for urban areas and landscape conservation, as well as issues related to the use and conservation of the region’s natural resources..

Urban Growth & Density

Land use experts have long called for increased density as part of a Smart Growth agenda, but that agenda is under attack in many places. These sessions examine some of the issues associated with density, such as accessibility, curbing sprawl, and gentrification.

Law & Planning

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.
**2016’s Featured Track:**

**Examining the Past, Exploring the Future**

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**The Evolution of the Energy/Land Use Nexus: A 25-Year Perspective**

This panel will discuss the transformative changes in technology and energy policy that have resulted in myriad new legal issues associated with land use for the purposes of generating and delivering energy products and services. The rapid rise in deployment of renewable energy sources, the advances in horizontal drilling and hydraulic fracturing technology and other transformative changes in the past quarter-century have created new issues and have necessitated new thought and innovation in the legal structures that support our energy-related activities. Similarly, and on a parallel path, policies and public concerns about climate change and environmental issues are driving the energy sector toward changes in the way energy products and services are created and delivered and the ways in which land is used to meet our energy needs.

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**Federal Public Lands: The Heart of the Rocky Mountain West**

This session will examine the role of public lands in the Western region and the federal agencies in charge of protecting them.

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**Financing**

Land use policies and regulations have continued to adapt and change. This session looks at the financing strategies for turning plans into reality.

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**Housing in the West: Looking Backward and Forward**

Over the past 25 years, issues of fair and affordable housing in the nation and the West have become increasingly complex from both a practical and legal perspective. But have we really made any progress on ensuring that housing is attainable for all people within our communities? This session will review some of the demographic and economic changes that have occurred over the past 25 years, as well as the legal tools we have used to respond to those changes. We will analyze whether those legal tools have made a difference and what, if any, approaches to providing fair and affordable housing might be more effective over the next several decades.
PROCESS/PLANNING TOOLS
This session is an opportunity to learn strategies for effective community outreach and engagement around land use and zoning issues from experts in the field. Panelists will discuss how strategies have continued to change and adapt and how these changes impact results. They will also discuss strategies for engaging the public.

PRIVATE LAND CONSERVATION: 25 YEARS PAST & FUTURE
This session will look at the private land conservation over the past twenty-five years and how it is likely to change over the coming twenty-five years.

TRANSPORTATION
This session looks at the shifting priorities in managing transportation options in the West. From trains to complete streets to infrastructure, the panelists will discuss the challenges and opportunities of transportation planning.

TRUE WEST: PROMISE FULFILLED OR DRY MIRAGE
In 2003, the Rocky Mountain Land Institute, in collaboration with the American Planning Association, published the acclaimed book, True West: Authentic Development Patterns for Small Towns and Rural Areas. It examined positive historic western development patterns and then through a series of detailed case studies throughout the West, explored planning and legal tools and techniques to produce developments worthy of our unique landscape and heritage. In this session, co-authors Chris Duerksen and James Van Hemert summarize the lessons of True West and in squint-eyed fashion revisit several of the case study communities and developments to determine the good, the bad, and ugly—what went right and what went wrong. From this experience they make recommendations for the next 25 years of growth and development in the Intermountain West.

WATER’S ROLE IN SHAPING THE ROCKY MOUNTAIN WEST
This session provides an overview of the importance of water to the economy, environment, and society in the states comprising the Rocky Mountain West. It offers an introduction to the availability and use of the region’s water resources and the legal framework that governs their allocation and use among its diverse peoples. The panelists will also discuss important regional trends associated with uses of water over the past 25 years, including urbanization, environmentalism, climate change, demographic transformation, and shifting cultural values. It concludes by offering a view of future directions for the region’s water future.
**Hot Topics**

**2015 Supreme Court Review: Signs, Fair Housing, Takings and Clean Air**
The U.S. Supreme Court was busy in 2015 making decisions that affect land use planning and legal practice. Major decisions included Reed v. Town of Gilbert addressing local government regulation of outdoor signs, Horne v. Department of Agriculture pertaining to takings of personal property, Texas Department of Housing and Community Affairs v. Inclusive Communities Project relating to fair housing, and Michigan v. EPA governing power plant emissions. This panel will include several subject matter experts discussing these cases and their implications for land use planners and lawyers.

**Planning for Hazards: Colorado’s New Guide for Applying Land Use Strategies to Hazard-Prone Areas**
Recent floods and fires have taught Colorado that we should be better prepared for natural and man-made hazards. Strengthening our communities requires us to integrate knowledge of high-risk hazards into planning and land use efforts. The Colorado Department of Local Affairs partnered with Clarion Associates to develop a Colorado-specific guide that provides a step-by-step approach to identifying hazards, selecting appropriate land use planning and policy strategies, and implementing them using model code language. This panel discussion will describe the guide, highlight effective land use strategies for reducing risk to hazards, and provide cases of successful implementation in Colorado.

**Sagebrush Rebellion III? The Effort to Transfer Ownership of Public Lands**
The Utah Transfer of Public Lands Act (TPLA), which asserts that the federal government is legally obligated to transfer BLM and national forest system lands to the state, has prompted copy-cat bills across the west and spawned growing congressional attention. This session assesses the legal arguments for and against both the TPLA and federal legislation that would restructure federal public land management, and addresses the political and policy implications of wholesale land transfers, including its potential impact on resource management and federal-state relations.

**Sharing Economy**
From AirbnB to Zipcar, the sharing economy has taken off in a major way. This session examines how communities across the West are adjusting to and regulating this new market.
To Superfund or not to Superfund: That’s the question when it comes to fixing acid mine drainage. When 3 million gallons of heavy metal-laden water burst out of the Gold King Mine in southwestern Colorado in August 2015, it woke the public up to an old and insidious problem: acid mine drainage. Thousands of abandoned mines litter the Rockies, many of them draining acidic, heavy metal-loaded water into streams, impairing water quality and potentially harming wildlife and downstream users. The question is, how do you fix this pressing problem? Is Superfund the answer? Or are there alternatives that better address the issue’s complex and dispersed nature?
CREATIVE SOLUTIONS TO THE AFFORDABLE HOUSING CRISIS
What are the non-regulatory solutions available to local communities to address the growing crisis in affordable housing? This panel will address some particular tools – community land trusts, land banking, repurposing existing housing stock to meet the needs of changing demographics, and new options for addressing the needs of the “missing middle.”

DOES HUD UNDERSTAND US? APPLYING FAIR HOUSING REQUIREMENTS TO CITIES IN THE WEST
Now, more than ever, is the time for city planners and lawyers to pay attention to how well their programs, policies and land use regulations promote or prohibit housing equity. The U.S. Supreme Court’s ruling on disparate impact and HUD’s release of a new tool to measure fair housing barriers requires greater scrutiny of housing planning, zoning and land use regulations and land use decisions. Attendees will learn about the these developments and how they apply to their communities.

THE FUTURE OF TINY HOMES
This session will review how zoning, subdivision, and building codes do or do not accommodate those cute-as-a-button Tiny Houses you see rolling down the highway or sitting on vacant lots.

HOUSING AND THE ECONOMY: THE DENSITY PARADOX
Panelists will discuss the paradox between higher-density housing benefits versus NIMBYism by exploring infill housing options that can enhance (or hurt) existing neighborhoods. A presentation of what different densities actually look like, with a focus on the Missing Middle housing typologies will be a precursor to an overview of metrics that explore the relationships between density, household demographics, workforce, and local businesses and entrepreneurship.
CONSERVE, REDEVELOP, AND UNDEVELOP: NEW FRONTIERS IN LAND CONSERVATION

Like the mantra of Reduce, Reuse, and Recycle, the new frontiers of land protection will be to Conserve, Redevelop, and Undevelop. This session focuses on land trusts as new social entrepreneurs shepherding the movement from large-scale, raw land protection to small-scale, interconnected repurposing of land and its uses. Presenters will share their experiences and examples of working within, and developing new, legal, practical, and functional frameworks for land trusts conserving creating, and interconnecting people and parcels of land for public parks, community gardens, cooperative farms, and public forests; redeveloping, reimagining, and reinventing the already-built environment for new public purposes such as affordable housing, recreation, and community places; and undeveloping, recovering, and restoring developed, degraded, or polluted lands to support revitalized ecological and human systems. Presenters also will use their examples to provide financial, legal, and regulatory guidance for land trusts endeavoring projects on the new frontiers.

DON'T SELL THE RANCH: ALTERNATIVES TO “BUY AND DRY” IN THE SOUTH PLATTE RIVER BASIN.

Colorado’s Front Range cities have historically turned to agricultural water rights to meet increasing water demands caused by urban growth, purchasing and removing water from farms in a phenomenon termed “buy and dry.” Coloradans recognize the economic and cultural value that agriculture brings to our state. But, with population expected to double by 2050, buy and dry will continue unless sound alternatives are developed. Join Colorado water experts to learn about and discuss the viability of buy and dry alternatives currently being developed. We will consider storage projects, alternative water transfer mechanisms, and land conservation in an interactive dialogue.

REGIONAL COLLABORATION IN THE WEST: SALT LAKE CITY, DENVER & SOUTHERN NEVADA

The U.S. Departments of Housing and Urban Development (HUD), Transportation (DOT) and Environmental Protection Agency (EPA) awarded grants to the Salt Lake City, Denver, and Southern Nevada regions through the Sustainable Communities Regional Planning Grant Program which supported locally-led collaborative planning and implementation activities region-wide. This session will compare the three regions’ experiences and lessons learned and the net result of those efforts today.
RESILIENT COMMUNITIES: LEARNING FROM THE WORLD'S BEST

Communities throughout the West are facing a host of challenges related to climate change: water shortages, wildfires, violent storms, flooding, and landslides. This session will provide a detailed look at the planning and land use regulatory tools that cities around the world, that are on the cutting edge of climate change and adaption, are using to meet these challenges. It will draw on the results of the international 100 Resilient Communities (100RC) project being funded by the Rockefeller Foundation which includes seventy cities world-wide, including Sydney, Phnom Penh, Juarez, Accra, and Belgrade and Boulder, Dallas, Tulsa, New Orleans, and El Paso in the United States as well as Norfolk, VA, widely recognized as being the U.S. city most threatened by climate change. The 100RC project focuses not only on the shocks—fires, floods, etc.—but also the stresses that weaken the fabric of a city on a day-to-day basis such as chronic water shortages, high unemployment, and inefficient public transportation systems. It provides financial assistance to its network cities to establish a chief resilience officer, expert support for development of a comprehensive resilience strategy, and connections with its global network of member cities.

SAME TUNE, DIFFERENT VERSE? REFLECTIONS ON THREE DECADES OF AMENITY-BASED DEVELOPMENT

In keeping with the conference theme, “Examining the Past, Exploring the Future,” this panel will look back in time, examining the challenges posed by amenity-based development, the strategies used to mitigate these challenges, and the lessons learned in the process. It will explore the demographic and economic factors that have led extraction-based communities to transition to amenity-based economies, and identify ways for communities to maintain local character and build economic sustainability. The panel also will look forward to the future, outlining policy changes needed to confront emerging rural land use challenges and recommending design guidelines for rural conservation developments.

“SMART TOURISM” AS A STRATEGY FOR SUSTAINABLE LAND USE PRESERVATION AND DEVELOPMENT

In past discussions about land use, the tourism industry is generally seen as a bad actor, one that despoils the landscape and then invites hordes of insensitive tourists to overrun the land and deplete natural resources. This session would present an alternate view of Tourism development that shows it to be an effective strategy for land and heritage preservation. Tourism has the unique ability to bring land use experts, preservationists and economic developers together to determine the best way to broaden a region's economy without undermining its most valuable resources. Both are essential ingredients to the sustainability of a region.
WILDFIRE: EQUIPPING PLANNERS WITH 21ST CENTURY TOOLS FOR SUCCESS

Over the past 25 years, wildfire discussions at the community level have evolved as more communities face increased risk of wildfire due both to changing conditions and ballooning development in wildfire-prone areas, and also as more communities experience the direct impacts and high costs of wildfire. As a result, local governments are embracing planning and regulations to reduce their risk. This session will highlight this evolution, and primarily focus on how community tools are being utilized to comprehensively address wildfire. Through local and regional examples, attendees will learn about tangible ideas for putting these tools into action within their own communities.
ALBUQUERQUE TACKLES EVERYTHING FROM ABC TO Z

This session will explore the Albuquerque ABC-Z project -- an ambitious 2-year project to update the Albuquerque / Bernalillo County Centers and Corridors comprehensive plan, as well as the city's zoning and subdivision controls and technical development standards.

COMMUNITIES & DEVELOPMENT VS. RAILROADS & HAZARDOUS CARGO: HOW CAN WE ALL GET ALONG?

Railroads have long crossed through many communities – they supply needed commodities and transport services and in many places railroads founded those communities. Many towns and cities are seeing much wanted redevelopment of former industrial lands close to rail lines. But changes in hazmat cargos and headlines about rail incidents have people and communities taking note in Colorado and across North America and asking “what if it happened here”. This session will explore communities and development in close proximity to railways, changes in hazmat transport from growing US oil & gas production, the federal regulatory framework and local/state options involving emergency preparedness and land use authority.

DON'T TRIP OVER PARKING: TOOLS FOR PLANNERS

Communities all over the intermountain west specify parking minimums in their zoning codes. Parking in proximity to transit stations sucks up capacity for housing, office and retail uses. What is the right parking minimum? Is the Institute of Transportation Engineers (ITE) Trip Generation manual the right tool to determine demand? This panel discussion will include speakers who are evaluating parking code and looking at methods of calculating trip generation and questioning business as usual methods. Case studies are key to identifying ways to improve the way planners are planning for parking.

THE ROLE OF THE NEIGHBORHOOD ASSOCIATION IN THE LAND USE APPROVAL PROCESS

The growing power of neighborhood associations in the development process is frequently overlooked in discussions of that process. Often when these associations oppose a development, the elected official representing the area in which they are located will oppose the development, in order to court his electorate, even when the proposed development meets all of the requirements of zoning for the area. Although the "usual" opposition is to the location of a Walmart or other "big box" store in an area, increasingly, opposition is to affordable housing proposed in an upscale, or even a middle class community. Our speakers today will address the
recent Boulder affordable housing proposal and the ordinances it generated, as well as the more usual big box proposal in areas in which homeowners feel threatened by the development.

STEWARDSHIP DEVELOPMENT: THE CURE FOR URBAN SPRAWL

Building community requires intentional long term planning and implementation through stewardship development. Come hear Brad Buchanan, Planning Director with the City and County of Denver along with Grant McCargo, CEO with Bio-Logical Capital, LLC and CEO of Urban Villages speak about the past, present and future of the city, how we are shaping it today, and the importance of stewardship development in the creation of our cities. Attendees will learn about the successes, hurdles and challenges of robust long term planning efforts as well as case studies for catalytic projects and placemaking.
ETHICS—HERE COMES THE BIG BOX: AICP ETHICS CASE OF THE YEAR

Join us for the AICP Ethics Case of the Year as we wind through five planning scenarios in the fictional town of Waverton. The scenarios evolve over time and grow more complicated, much like planner’s daily work lives. Discuss how Waverton planners can achieve quality design when a major national retailer proposes a typical suburban style big box strip center. Talk about how the AICP Code of Ethics applies as the Waverton planners encounter political pressure and employment threats. Consider if the scenarios warrant filing formal ethics charges.

ETHICS—ETHICS FOR LAND USE LAWYERS

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.

FORTRESS MENTALITY: WHY GATED COMMUNITIES ARE NOT THE ANSWER

Millions of Americans live behind brick walls, iron grillwork, and guarded gates in search of a safe and stable home environment. But do gated communities live up to their billing as secure enclaves? The short answer is no and our panelists will explain why that is the case. Data suggests that living in gated communities: does not make families safer, unravels residents’ bonds with their communities, and fails to provide significant protection for residents’ property values. Gated communities also impose heavy financial burdens on local governments when they fail, such as was seen across the Sunbelt during the Great Recession. This panel will examine the history of gated communities, the state and local policies that have promoted their growth, their troubled track record, and the reasons why gated communities are a bad idea for communities who desire to foster a healthier social, economic, and political environment.

NEW DIRECTIONS IN PLANNING TOOLS

This session will explore innovative planning tools and technologies that help communities plan for future uncertainty and engage the public. The session will highlight exploratory scenario planning methods and how the approach has been used to address future various challenges in communities. In addition, a variety of inventive computer technologies and tools will be presented that visualize future scenarios and engage the public. Participants will have an opportunity to demo some of the tools.
RECENT LAND USE DECISIONS IN THE ROCKY MOUNTAIN WEST

Hear from the region's top experts, discussing trending cases of significance from all levels of the federal and state court system involving the latest in land use and zoning law as well as an opportunity to discuss areas ripe for further court or legislative action.

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. Bringing together the planning directors from some of the Front Range's leading communities can help paint a picture of the larger region's future. 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 the building boom takes hold? What new directions might unfold over the next several years? What new innovations in policy, planning, programs and projects do they see coming?