

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

WESTERN PLACES

BUILDING FAIR & RESILIENT COMMUNITIES

WESTERN SPACES



MARCH 12-13, 2015

University of Denver Sturm College of Law • Denver, Colorado

PROGRAM GUIDE

Law & Planning

RMLUI
ROCKY MOUNTAIN
LAND USE INSTITUTE



UNIVERSITY of
DENVER

STURM COLLEGE OF LAW

CONTENTS

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WESTERN PLACES/WESTERN SPACES	- 1 -
BUILDING FAIR AND RESILIENT COMMUNITIES	- 1 -
About the Rocky Mountain Land Use Institute	- 1 -
About the Sturm College of Law.....	- 1 -
Law & Planning	- 2 -
Exactions: Ground Rules for Practitioners	- 2 -
Envisioning Tomorrow: Using Technology to Inform Planning.....	- 3 -
Recent Land Use Decisions in the Rocky Mountain West	- 4 -
Hot Topics in Local Government Law Scholarship	- 5 -
What's New with Planning on the Front Range?.....	- 6 -
Colorado's Commercial Property Assessed Clean Energy Program	- 9 -

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 focuses on resilience. In the wake of fires, flood, and on-going drought, communities across the West are thinking about resilience in many different contexts as they work both to rebuild and to 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.

LAW & PLANNING

These sessions provide an overview of recent developments in law and planning from across the West.

EXACTIONS: GROUND RULES FOR PRACTITIONERS

DESCRIPTION

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.

SPEAKER INFORMATION

MODERATOR:

Brian Connolly

Attorney, Otten Johnson Robinson Neff & Ragonetti, P.C.
Denver, CO

Brian Connolly represents clients in zoning, planning, and real estate matters. Previously, Brian was an urban planner for Westchester County, New York, and Brian has also worked in planning capacities at the federal and municipal government levels. Brian is co-author of several publications on land use law topics, including the Michigan Sign Guidebook (2012) and Group Homes: Strategies for Effective and Defensible Planning and Regulation (2014). Brian holds a J.D., magna cum laude, from the University of Michigan Law School, as well as a Master of Regional Planning and B.S. in urban studies, both from Cornell University. In this session, Brian will discuss the legal framework for exactions, will discuss negotiating strategies for developers and local governments, and will provide analysis of developers' and local governments' alternatives in the event public benefits discussions go awry.

SPEAKERS:

Karen Aviles

Assistant City Attorney, City of Denver
Denver, CO

Karen Aviles, an Assistant City Attorney since 1987, graduated summa cum laude from the University of Denver in 1981 and got her J.D. from Duke University Law School in 1984. She specializes in land use, development, real estate, and municipal financing (bonds, lease purchase transactions, special districts, tax increment financing). She has been involved with a number of the large-scale projects in the City, including Stapleton, Gates, Lowry, Colorado Convention Center, Denver Art Museum expansion, River North, Better Denver Bond projects, Fastracks, Central Platte Valley, Invesco Field, Pepsi Center, Coors Field, Denver Union Station, and Elitches. She has also been involved in Denver's new zoning code; right-of-way permits, vacations, and dedications; eminent domain, billboards, group home siting, and homeless issues.

Cameron Artigue

Attorney, Gammage & Burnham
Phoenix, AZ

Cameron Artigue specializes in solving hard problems. He has spent his entire career at Gammage & Burnham, and has handled over 100 appeals in state and federal courts. His experience and expertise span many of the firm's practice areas: health care, administrative law, and land use litigation. Mr. Artigue has helped shape

public policy through leading court decisions in constitutional law and government affairs. He is an Adjunct Professor of Law at the Sandra Day O'Connor College of Law at ASU. He is a strong supporter of the arts and has been elected 2014 President of the Arizona Theatre Company. He is a movie buff, a struggling golfer, and can talk about anything without being boring.

ENVISIONING TOMORROW: USING TECHNOLOGY TO INFORM PLANNING

DESCRIPTION

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.

SPEAKER INFORMATION

MODERATOR:

Reid Ewing

Professor, University of Utah Department of City and Metropolitan Planning
Salt Lake City, UT

Reid Ewing, Ph.D., is a Professor of City and Metropolitan Planning at the University of Utah, associate editor of the Journal of the American Planning Association, and columnist for *Planning* magazine, writing the bi-monthly column "Research You Can Use." Earlier in his career, he was director of the Voorhees Transportation Center at Rutgers University, research professor at the National Center for Smart Growth, state representative from northwest Tucson, and analyst at the Congressional Budget Office. He holds master's degrees in Engineering and City Planning from Harvard University, and a Ph.D. in Urban Planning and Transportation Systems from the Massachusetts Institute of Technology. Ewing's work is aimed at planning practitioners. His eight books include *Pedestrian and Transit Oriented Design*; *Growing Cooler—Evidence on Urban Development and Climate Change*; and *Best Development Practices*.

SPEAKERS:

Alex Joyce

Project Manager, Fregonese Associates Inc.
Portland, OR

For the past eight years, Alex Joyce has been a Project Manager for Fregonese Associates Inc. The firm works across the country and specializes in both large regional visions as well as transit-oriented, strategic plans in such places as Los Angeles, Salt Lake, Austin and Portland. He has lead the development of the open-source scenario planning software, Envision Tomorrow, in partnership with preeminent researcher,s such as Reid Ewing.

Sarah Hinners

Assistant Professor, University of Utah Department of City and Metropolitan Planning
Salt Lake City, UT

Sarah Jack Hinners, PhD., is a faculty member in the Department of City and Metropolitan Planning at the University of Utah and directs the Ecological Planning Center. She played a coordinating role in the collaborative development of research-based models and their incorporation into the scenario planning software Envision Tomorrow Plus and continues to explore its applications in ecological planning. Her current research explores the ecological, economic and social value of green infrastructure in cities. She holds a B.A. in Geography and Environmental Studies from McGill University and a PhD in Landscape Ecology from the University of Colorado.

Sylvia Leon Guerrero

Senior Planner, City of Austin Urban Design Division
Austin, TX

Sylvia Leon Guerrero is a Senior Planner for the Urban Design Division of the City of Austin and develops and implements corridor and small area plans and streetscape projects. She participated in the HUD-funded Sustainable Places Project and developed the Green Infrastructure “app” as a part of this effort. She has master’s degrees in landscape architecture and in city and regional planning from the University of Texas at Austin.

RECENT LAND USE DECISIONS IN THE ROCKY MOUNTAIN WEST

DESCRIPTION

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. Representing Arizona, Colorado, New Mexico and Utah, the panelists present a discussion on a broad range of case studies.

SPEAKER INFORMATION

MODERATOR:

Doug Jorden

Partner, Jorden Bischoff & Hiser, PLC
Scottsdale, AZ

Douglas A. Jorden is a founding member of the Jorden Bischoff & Hiser law firm in Scottsdale, Arizona. His practice emphasizes land use and zoning, municipal law, environmental regulation, real estate transactions, and Indian law. Mr. Jorden served as Town Attorney for Paradise Valley, Arizona, from 1978 to 1982, and as a Zoning Hearing Officer for the City of Phoenix. He currently serves as a Hearing Officer for Maricopa County. He has served as Chairman of the City of Phoenix Environmental Quality Commission and Chairman of the State Bar of Arizona's Continuing Legal Education Committee. He also is on the Regional Advisory Board of the Rocky Mountain Land Use Institute based in Denver, Colorado. Mr. Jorden is admitted in Arizona, Arkansas, California, and Colorado, is the co-author of Arizona Land Use Law, published by the State Bar of Arizona, and has lectured extensively on land use and environmental issues. Mr. Jorden has been recognized by his peers for his achievements in the fields of land use, zoning, real estate, and Native American law by his selection to Best Lawyers and to Super Lawyers.

SPEAKERS:

Anita Miller

Attorney, Anita P. Miller, Attorney at Law, LLC
Albuquerque, NM

Anita Miller teaches Land Use Law as an Adjunct Professor at the University of New Mexico School of Laws and College of Architecture and Planning. She recently retired as an Assistant City Attorney specializing in Land Use Law at the City of Albuquerque and is continuing her private practice as a land use lawyer in New Mexico.

Jeff Parker

Partner, Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, PC
Denver, CO

Jeff Parker is a partner in the Denver law firm of Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, P.C. He specializes in representing municipalities, counties, and special districts in land use, employment, legislation, urban renewal, and similar local government matters.

Cullen Battle

Partner, Fabian & Clend
Salt Lake City, UT

Cullen Battle received his law degree from the University of Virginia, and has practiced at Fabian & Clendenin in Salt Lake City since 1981. He has served on the Utah Supreme Court's Advisory Committee on Civil Procedure, the Utah Solid and Hazardous Waste Control Board and Salt Lake City's Public Utilities Advisory Committee. His areas of practice include land use and environmental law, public utility law, and complex real estate and commercial litigation. Cullen is an Adjunct Professor of Law at the University of Utah, where he teaches Environmental Law Practice.

HOT TOPICS IN LOCAL GOVERNMENT LAW SCHOLARSHIP

DESCRIPTION

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.

SPEAKER INFORMATION**MODERATOR:****Tom Romero**

Professor of Law & Assistant Provost of IE Research and Curriculum Initiatives, University of Denver Sturm College of Law
Denver, CO

Tom Romero is an Associate Professor of Law and is Affiliated Faculty with the Department of History. He teaches and researches in the areas of the legal history of the American West, Latinos and the law, school desegregation in multiracial contexts, property, land use, water law, and urban development and local government in the United States and Latin America. His work on such topics have appeared in the Colorado Law Review, the Utah Law Review, the New Mexico Law Review, the Albany Law Review, the Journal of Gender, Race, and Justice, the Temple Political and Civil Rights Law Review, the Seattle Journal for Social Justice, the Oregon Review of International Law, and the Chicano-Latino Law Review, among others. A native Denverite and undergraduate alum of the University of Denver, Dr. Romero is graduate of the University of Michigan where he received his J.D. and Ph.D. in history.

SPEAKERS:**Patience Crowder**

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

Professor Patience Crowder joined the DU faculty in 2010 to create and teach the Community Economic Development Clinic. Prior to joining the faculty, she was the Wellspring Assistant Clinical Professor of Law at Tulsa College of Law, where she formed and taught a transactional legal clinic. Her scholarship examines the impact of contract, corporate, and local government law in transactional advocacy for the public interest, particularly the revitalization of inner-city and underserved communities. Her articles have been published by the Tennessee Law Review, the Journal of Affordable Housing & Community Development Law (reprint), and the Georgetown Journal on Poverty Law & Policy. She earned her J.D. from Rutgers School of Law – Newark,

where she was an Articles Editor of the Rutgers Law Review, and her B.A. in sociology from Georgetown University.

Audrey McFarlane

Professor of Law, University of Baltimore School of Law
Baltimore, MD

Audrey McFarlane teaches Property, Land Use, Local Government Law and Local Economic Development at the University of Baltimore School of Law. Her scholarly research focuses on the interplay of race and class in land use and economic development and includes articles on redevelopment and affluence as well as regulatory takings and eminent domain doctrine. Her current work is focused on dispossession and the connection between markets for real property and instability in land ownership. Professor McFarlane has an A.B. from Harvard College and a J.D. from Stanford Law School.

Matthew Parlow

Professor of Law & Associate Dean for Academic Affairs, Marquette University Law School
Milwaukee, WI

Matthew J. Parlow is the Associate Dean for Academic Affairs and a Professor of Law at Marquette University Law School. Dean Parlow's teaching and scholarship focus on Property, Land Use, Legislation, and Urban Redevelopment. Prior to his academic career, he was an associate with the Los Angeles firm of Manatt, Phelps & Phillips, LLP, specializing in real estate, land use, environmental, and local/state government law. He also served as a law clerk for the Honorable Pamela Ann Rymer of the United States Court of Appeals for the Ninth Circuit. Dean Parlow holds a J.D. from Yale Law School and a B.A. from Loyola Marymount University.

Rick Su

Professor of Law, SUNY Buffalo Law School
Buffalo, NY

Rick Su received his B.A. from Dartmouth College in 2001 and his J.D. from Harvard Law School in 2004. Before joining the faculty at SUNY Buffalo Law School in 2007, he clerked for Hon. Stephen Reinhardt on the Ninth Circuit Court of Appeals and worked in the U.S. Department of Housing and Urban Development. In 2009 Su received the faculty teaching award from the graduating class. He will be a visiting professor at Harvard Law School in the fall semester of 2015. Professor Su writes and teaches in the areas of local government law, immigration, and federalism. His research has appeared in such law journals as the William & Mary Law Review, the North Carolina Law Review, and the Harvard Law & Policy Review.

WHAT'S NEW WITH PLANNING ON THE FRONT RANGE?

DESCRIPTION

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?

SPEAKER INFORMATION

MODERATOR:

Peter Pollock

Ronald Smith Fellow, Lincoln Institute of Land Policy
Boulder, CO

Peter Pollock, FAICP, is the Ronald Smith Fellow at the Lincoln Institute of Land Policy. For almost 25 years, he worked at the Boulder, Colorado Planning Department, acting as director from 1999 to 2006. During 1997-98, Mr. Pollock was a Harvard Loeb Fellow and a Lincoln Institute visiting fellow. Mr. Pollock began his career as the staff urban planner for the National Renewable Energy Lab in Golden, Colorado. He received his Masters in Landscape Architecture at UC Berkeley in 1978 and Bachelor in Environmental Planning at UC Santa Cruz in 1976. He lives in Boulder, Colorado.

SPEAKERS:

Brad Buchanan

Executive Director of Community Planning and Development, City & County of Denver
Denver, CO

Brad Buchanan was appointed executive director of Denver Community Planning and Development by Mayor Michael B. Hancock in 2014. In this role, he is responsible for implementing visionary city planning and ensuring safe, responsible, sustainable building throughout Denver. Mr. Buchanan was a member of the Denver Zoning Task Force that completed the first substantial rewrite of the 1956 Denver Zoning code. The form- and context-based code, one of the first of its kind for a large city, was adopted unanimously by Denver City Council in June of 2010 along with a corresponding revision of the zoning map for the city. He graduated with a bachelor's degree in Environmental Design from Miami University in Oxford, Ohio.

Robert Watkins

Director of Planning and Development Services, City of Aurora
Aurora, CO

Robert Watkins has been a professional planner for over 35 years. He has extensive experience in land use, transportation, environmental and historic preservation planning. He has served as planning director of Aurora, Colorado for ten years. He also served as Manager of Comprehensive Planning for Aurora for eight years and planning director of Frederick County, Virginia for ten years. He directed both day to day planning activities and large scale planning for two growing communities. He led various planning efforts including planning for the Boundary Area of the Fitzsimons Army Medical Base redevelopment and the E-470 Corridor in Aurora and Civil War battlefield preservation in Frederick County. He has been working on planning for transit and station areas since the late 1990's and is on the Board of Directors of the Transit Alliance. He also led the effort to incorporate social, economic and environmental sustainability as a key component of the Aurora Comprehensive Plan and has been leading the effort to implement the sustainability action program. The Aurora Planning and Development Services Department has developed special expertise in conducting community-based planning and stakeholder involvement.

Peter Wysocki

Director of Planning and Development, City of Colorado Springs
Colorado Springs, CO

Peter Wysocki, AICP, is the Director for Planning and Development for the City of Colorado Springs. A native of Poland, Wysocki came to the U.S. when he was 13 and spent his childhood in Fontana, California. He is a 1994 graduate of California Polytechnic University, where he earned a bachelor of science degree in urban and regional planning. Mr. Wysocki has worked in planning departments in Nevada, Wyoming, and Texas.

Susan Richstone

Deputy Director of Planning and Sustainability, City of Boulder
Boulder, CO

Susan Richstone is the Deputy Director of Community Planning and Sustainability at the City of Boulder. She has more than thirty years of local government planning experience, and for the past twenty years has worked for Boulder where she has managed a number of highly visible and complex planning efforts, and also served as Comprehensive Planning Manager. Ms. Richstone also worked as a planner for Adams County, the City of Aurora, and in Israel. She has a Bachelor's Degree in Geography from the University of Colorado and studied for her Masters in City and Regional Planning at the Technion in Israel.

Steve Glueck

Director of Community and Economic Development, City of Golden
Golden, CO

Steve Glueck has been a proponent of vital, healthy, and economically strong urban environments throughout his thirty-five year career in municipally oriented city planning, economic development, sustainability and community development. He has degrees from Michigan State University and the University of Colorado at Denver, and has focused his professional career in the cities of Lakewood and Golden, Colorado as well as international work through the international program of the International City and County Managers Association (ICMA). Mr. Glueck is currently the Director of Community and Economic Development for Golden, Colorado and serves as director of the city's Urban Renewal Authority and Downtown Development Authority.

Cameron Gloss

Planning Manager, City of Fort Collins
Fort Collins, CO

Cameron Gloss, AICP, is the Planning Manager for the City of Fort Collins. Since entering the field in 1984, his public and private sector experience includes an array of work including comprehensive community planning, subarea and neighborhood planning, transportation master planning, land development review, sustainability modeling, and the crafting of land use regulations.

Prior to his most recent role with the City of Fort Collins, Mr. Gloss spent five years working with the Fort Collins offices of both AECOM and Clarion Associates where he acted as a Senior Planner, leading community planning projects over a dozen states, primarily within the western region.

Travis Parker

Planning Director, City of Lakewood
Lakewood, CO

Travis Parker was appointed Planning Director for Lakewood in August 2011. Since that time, he has led the update of the Lakewood zoning code and major planning efforts surrounding the West Corridor light rail. His previous experience includes over fifteen years of planning at the city and county level in Virginia, Indiana, Iowa and the District of Columbia. Between 2007 and 2011, Mr. Parker led Washington D.C.'s efforts to review and update its 50-year old zoning ordinance. His career has focused on land use planning with an emphasis on writing and interpreting zoning and he has been involved with the update of four different zoning codes. He has a Masters of public administration from George Washington University a degree in urban planning from Iowa State University.

Glen Van Nimwegan

Director of Community Development, City of Littleton
Littleton, CO

Glen Van Nimwegan is the Community Development Director for the City of Littleton, Colorado. He has been involved in finalizing the Downtown Neighborhood Plan and Citywide Plan, a vision for Littleton that supports sustainable transit-oriented development. He is currently working on updating development tools and impact fees for the city. Glen is a native of Arizona. He received both a bachelor's and master's degree from Arizona State University (ASU) in urban planning and management. He spent the previous twenty-six years working for four cities in the Phoenix metropolitan area. Most recently he was Director of Planning and Community Development for Peoria, Arizona, a city of 158,000 located northwest of Phoenix.

COLORADO'S COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM

DESCRIPTION

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.

SPEAKER INFORMATION

MODERATOR:

Keirstin Beck

Attorney, Packard and Dierking, LLC
Boulder, CO

Attorney Keirstin K. Beck has a transactional practice that focuses mainly on land use, real estate and business. Her extensive land use experience includes representation of landowners and developers in all aspects of the entitlement process including negotiation of annexation agreements, development agreements and vested rights agreements as well as acquisition, disposition and leasing of real property. Her true passion is assisting her clients in complicated redevelopment projects that involve challenging land use and financing hurdles. She has substantial experience negotiating public/private partnership agreements, including TIF, sales tax sharing and other economic incentives. In addition, Ms. Beck possesses unique knowledge of alternative financing options for complex transactions, including New Markets Tax Credits, EB-5 financing and PACE. Her innovative approach has yielded positive results to provide strong community support for projects.

SPEAKERS:

Paul Scharfenberger

Director of Finance & Operations, Colorado Energy Office
Denver, CO

Paul Scharfenberger manages the Colorado Energy Office's market-facing finance programs and oversees CEO's accounting, contracting, and grant management activities. As director he manages all operations and finances of the office, providing strategic oversight and continuous management.

Mark Job

Branch President, Citywide Banks
Denver, CO

Mark Job has been a commercial banker for nearly thirty-years. He is a Colorado native and has worked for large national banks in California and Denver. For the last eighteen years, he has been with Citywide Banks, a metro-wide community bank. Mr. Job is a generalist and provides a variety of lending products to his customers. However, he is predisposed to real estate and tends to focus his business development efforts in that area. Mr. Job graduated from St. Mary's College of California with degrees in Business and Economics.