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WESTERN PLACES/WESTERN SPACES: CREATING INCLUSIVE COMMUNITIES

Across the Rocky Mountain region, creating spaces that work for diverse populations—rich and poor, young and old, newcomers and natives—is a central challenge of our times. While the West is home to many thriving communities with robust economies and enviable amenities, there are also numerous communities that are struggling to keep pace economically and to manage the challenges of rapid growth. As our region continues to grow and change, increasing in density and diversity, questions about how to maintain affordability and livability, while promoting equity and inclusiveness, are top of mind in many of our fast-growing Western cities and towns.

The theme for the 2017 Western Places/Western Spaces conference, Creating Inclusive Communities, focuses on the challenges and strategies available to cities—large and small—to plan for and build communities in which everyone can thrive. We will address a range of topics, including:

- providing tools for developing more affordable communities to accommodate a rapidly increasing and diverse population;
- planning for mobility that includes not only traditional modes, but also innovative solutions like car sharing and driverless vehicles while providing for pedestrians and bicyclists;
- promoting economic growth while protecting existing businesses and residents from gentrification; and
- preparing to use big data to build “smart cities” in ways that enhance the lives of westerners without increasing the economic and cultural divides.

LEGAL DEVELOPMENTS

This track addresses recent legal changes in land use development and regulation. These sessions discuss how these changes may impact future growth and development and the preservation of our land and natural resources.
LAND USE AND THE FIRST AMENDMENT AFTER REED: A CASE LAW UPDATE

Reed v. Town of Gilbert, decided by the U.S. Supreme Court in 2015, changed the “business as usual” of sign regulation. But court cases since Reed have further clarified the First Amendment obligations of local governments, and have touched several areas, including sign and advertising regulation, commercial speech regulation, public forum doctrine, panhandling and homelessness, adult businesses, and other aspects of land use law. This session will provide an overview of recent First Amendment case law and its impact on local land use planning and zoning. We will also discuss practical strategies for complying with Reed.

SPEAKER INFORMATION

MODERATOR:
Brian Connolly
Attorney, Otten Johnson Robinson Neff + Ragonetti
Denver, CO
Brian Connolly is an attorney in the Land Use, Real Estate, and Litigation practice groups at Otten Johnson Robinson Neff + Ragonetti, P.C. in Denver. There, he represents public- and private-sector clients in matters relating to zoning, planning, development entitlements and other complex regulatory issues. Mr. Connolly specializes in the First Amendment and land use issues associated with outdoor sign and advertising regulation, and fair housing matters in local planning and zoning. Prior to practicing law, Mr. Connolly worked as an urban planner. He has served as lead co-author of two books, and he frequently writes on planning and land use law topics. Mr. Connolly regularly speaks at conferences relating to these matters, and serves on the Rocky Mountain Land Use Institute advisory board.

SPEAKERS:
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 also an Adjunct Professor of Law at the Sandra Day O’Connor College of Law at Arizona State University. Mr. Artigue is a strong supporter of the arts and has been elected 2014 President of the Arizona Theatre Company. He is a movie buff and struggling golfer, and can talk about anything without being boring.

John Peloso
Partner, Robinson+Cole
Stamford, CT
John Peloso, a partner in Robinson+Cole’s Business and Real Estate Litigation Groups, is a trial lawyer who represents companies, municipalities, and individuals in a wide range of matters. At the administrative, trial, and appellate levels, Mr. Peloso counsels clients and litigates business and real property disputes, including real estate, land use, environmental, securities, and tax matters. In the area of real estate litigation, Mr. Peloso represents clients in disputes involving title, zoning, wetlands, land use, RLUIPA, eminent domain, and other real property rights. Prior to joining Robinson+Cole, Mr. Peloso was a member of the litigation department at White & Case LLP in New York City, where he concentrated his practice in complex commercial, property, and securities litigation.
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. Learn how recent case law may impact planning ordinances, procedures, and general plans.

Speaker Information

Moderator:

Jason Morris
Partner, Withey Morris, PLC
Phoenix, AZ

Jason Morris is a founding partner of Withey Morris, PLC. Experienced and effective, his dynamic presentations at public hearings on behalf of his clients prove that an attorney can be both personable and tenacious. While attending the University of Arizona College of Law, Mr. Morris was the Managing Editor of the Arizona Law Journal of International & Comparative Law. He also spent time as a congressional staff member in Washington, D.C. Throughout his career, Mr. Morris's practice has been exclusively in land use, government relations, zoning, and administrative law. His expertise has been critical to state legislative efforts surrounding land use over the past two decades and his cases include many of the area’s most significant and notable developments. Mr. Morris's client list includes several national homebuilders, master plan developers, commercial-industrial land owners, national retailers, and Fortune 100 companies. He spends significant time giving back to the community by way of his involvement as State President of the Alliance of Boys & Girls Clubs as well as serving as the Mayor’s representative to the City of Phoenix Infill Advisory Board, and the Chairman’s appointment to the Maricopa County Board of Adjustment.

Speakers:

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

Anita P. Miller, Esq., a practicing land use attorney in Albuquerque, New Mexico, representing New Mexico municipalities and counties, as well as private clients, on land use, growth management and environmental matters. She is an adjunct professor of Land Use Law at the University of New Mexico School of Architecture and Planning and School of Law.

Jeff Parker
Partner, Hoffmann, Parker, Wilson & Carberry, PC
Denver, CO

Jefferson Parker is a director at the firm of Hoffmann, Parker, Wilson & Carberry, P.C. He specializes in representing local governments, including municipalities, counties, and special districts, in a variety of matters, including land use issues.
David Foster
Partner, Foster Graham Milstein & Calisher, LLP
Denver, CO

David Foster is co-managing partner of Foster Graham Milstein & Calisher, LLP. Originally founded in 1999, FGMC was quickly recognized as one of Denver's "up and coming" law firms by providing effective and innovative legal representation focused on the achievement of client goals. Mr. Foster's practice is adept at balancing public and private interests and has been achieving serious results for his clients for nearly 20 years by consistently finding a better way to do the deal—better in terms of creativity, efficiency and the ability to bring parties with seemingly disparate interests to common ground. Mr. Foster earned a BA from the University of Colorado, Boulder. He earned his JD at the University of Denver and then went on to earn his MPA from the University of Colorado, Denver.
SMART CITIES: NEW URBAN TECHNOLOGIES AND THE LEGAL QUESTIONS THEY RAISE

Technology is increasingly woven seamlessly into the built environment from the earliest moments of planning and development. This includes sensors that produce data from the patterns of ordinary life, which in turn offer new approaches to regulation and incentives. It also includes the proliferation of apps—public and private—that help us navigate the city and control our environments in completely new ways. The potential environmental and economic benefits are profound; so, too, are the potential problems. This session will investigate what the land use community need to know to make the most of smart city technology while avoiding its pitfalls.

SPEAKER INFORMATION

MODERATOR:
Stephen Miller
Associate Professor of Law, University of Idaho College of Law
Boise, ID
Stephen R. Miller is an Associate Professor of Law at the University of Idaho College of Law. Among his recent projects are a land use law casebook, a book on the sharing economy, a co-edited book of essays on climate change, and a three-year wildfire planning project with the U.S. Forest Service. Mr. Miller has served locally as a planning commissioner and a board member of a neighborhood association and internationally as a land use adviser for OECD and the government of Cambodia. He holds an undergraduate degree from Brown University, a master’s degree in city and regional planning from the University of California, Berkeley, and his J.D. from the University of California, Hastings College of Law. He writes the Land Use Prof Blog.

SPEAKERS:
Cole Finnegan
Regional Managing Partner, Hogan Lovells
Denver, CO
Cole Finnegan is the Hogan Lovells’ Regional Managing Partner of the Americas and Managing Partner of the Denver office. He works locally and nationally with businesses and governmental entities to create and expand public-private partnerships. Mr. Finnegan has been involved in almost every major private-public partnership in Denver, including the redevelopment of Stapleton Airport, the Gates Rubber Company facility, and most recently Denver Union Station. Over the last 20 years, he also has represented clients in regulatory, land use and development, and legislative and public policy law. Mr. Finnegan was recently recognized as a "Lawyer of the Decade" and "Lawyer of the Year" for 2013 by Law Week Colorado. He was also named one of the most influential people in Denver by 5280 magazine ("The 5280 Fifty").

Stephen Miller
Associate Professor of Law, University of Idaho College of Law
Boise, ID
Stephen R. Miller is an Associate Professor of Law at the University of Idaho College of Law. Among his recent projects are a land use law casebook, a book on the sharing economy, a co-edited book of essays on climate change, and a three-year wildfire planning project with the U.S. Forest Service. Mr. Miller has served locally as a planning commissioner and a board member of a neighborhood association and internationally as a land use adviser for OECD and the government of Cambodia. He
holds an undergraduate degree from Brown University, a master’s degree in city and regional planning from the University of California, Berkeley, and his J.D. from the University of California, Hastings College of Law. He writes the Land Use Prof Blog.

**Jamila Jefferson-Jones**
Associate Professor, University of Missouri–Kansas City
Kansas City, MO

Jamila Jefferson-Jones is an Associate Professor of Law at the University of Missouri - Kansas City where she teaches courses in Property, Real Estate Transactions, and Housing Law. Ms. Jefferson-Jones is an expert on the emerging housing segment of the sharing economy and serves as the Vice Chair of the ABA Section of State and Local Government Law Sharing Economy Committee. Ms. Jefferson-Jones has written a number of law review articles on the sharing economy and is also the co-author of the forthcoming book The State & Local Government Sharing Economy Manual: Strategies for Regulating and Managing On-Demand, which she is writing along with Professor Stephen Miller of the University of Idaho School of Law. Prior to entering academia, Ms. Jefferson-Jones practiced law at firms in the District of Columbia and in her home town of New Orleans. She is a graduate of Harvard Law School.

**George Karayannis**
Vice President, Panasonic Enterprise Solutions Company
Denver, CO

George Karayannis has over 25 years of emerging technology and sustainable solutions sales, business development and marketing leadership at Fortune 100 firms & high-tech startups. Mr. Karayannis currently leads Panasonic’s CityNOW team in North America. Previously, Mr. Karayannis served as VP of US Smart City Solutions for Schneider Electric, led Smart Grid Business Development at Lockheed Martin and Trimble, managed New Service Strategy at AT&T, helped launch several wireless startups, co-founded a grassroots non-profit organization developing sustainable national energy policy, and served as a town councilman. Mr. Karayannis has authored a book on the new ISO 37120 standard for Smart City indicators, has published articles on wireless sensor networks, and is restoring a 100-year old opera house to LEED Gold and Net Zero Energy. He has an MBA from Case Western Reserve University, a BA from the University of Dayton, and is a LEED Accredited Professional.
UNTANGLING CONSTRUCTION DEFECTS: CONSUMER PROTECTION, AFFORDABLE HOUSING, & PLANNING

Talk of construction defect reform in Colorado is nonstop, with many developers now saying that the state’s consumer protection laws prevent development of a diverse, affordable housing stock. While everyone is talking about construction defects, how much do we really know? Is there a way to create affordable housing while meeting high housing quality standards? This session brings together panelists from Colorado, Arizona, and Texas to discuss how consumer protection laws can encourage or discourage the construction of affordable housing, and to provide cross-state comparisons of approaches to construction defects.

SPEAKER INFORMATION

MODERATOR:
Brian Connolly
Attorney, Otten Johnson Robinson Neff + Ragonetti
Denver, CO
Brian Connolly is an attorney in the Land Use, Real Estate, and Litigation practice groups at Otten Johnson Robinson Neff + Ragonetti, P.C. in Denver. There, he represents public- and private-sector clients in matters relating to zoning, planning, development entitlements and other complex regulatory issues. Mr. Connolly specializes in the First Amendment and land use issues associated with outdoor sign and advertising regulation, and fair housing matters in local planning and zoning. Prior to practicing law, Mr. Connolly worked as an urban planner. He has served as lead co-author of two books, and he frequently writes on planning and land use law topics. Mr. Connolly regularly speaks at conferences relating to these matters, and serves on the Rocky Mountain Land Use Institute advisory board.

SPEAKERS:
Matt Goebel
Director, Clarion Associates
Denver, CO
Matt Goebel, AICP, is a planner and attorney in the Denver office of Clarion Associates. He works principally in the areas of zoning, planning, and historic preservation. His numerous projects have included development codes for a variety of large and small jurisdictions around the country. Mr. Goebel is co-author of Rules that Shape Urban Form and Aesthetics, Community Character, and the Law, published by the American Planning Association, and also principal author of award-winning studies of regulatory barriers to affordable housing and the economic benefits of historic preservation. He received his law degree from the University of North Carolina at Chapel Hill and his undergraduate Plan II liberal arts degree from the University of Texas at Austin. He is a frequent speaker at local, state, and national planning and historic preservation conferences.

Richard Mahrle
Attorney, Gammage & Burnham
Phoenix, AZ
Rick Mahrle wears multiple hats. He is a construction and commercial litigator with the Phoenix law firm, Gammage & Burnham, where he has practiced for 33 years. He has also served on the Planning Commission for the Town of Paradise Valley for more than 12 years, four years as chairman. Mr. Mahrle is an arbitrator and mediator on the construction and employment panels for the American
Arbitration Association where he has arbitrated and mediated numerous construction defect matters. He was the lead editor for *Arizona Construction Law*, a book published by HLK Global. Mr. Mahrle graduated from the Sandra Day O'Connor School of Law at Arizona State University in 1977.