MARCH 10-11, 2016
University of Denver Sturm College of Law

2016 HOME STUDY
HOUSING

The Rocky Mountain Land Use Institute Presents the 25th Annual Land Use Conference

EXAMINING THE PAST
EXPLORING THE FUTURE
CONTENTS

Western Places/Western Spaces: Examining the Past, Exploring the Future ................. - 1 -
About The Rocky Mountain Land Use Institute ..................................................................... - 1 -
About The Sturm College Of Law ........................................................................................ - 1 -
Creative Solutions to the Affordable Housing Crisis........................................................... - 2 -
Does HUD Understand Us? Applying Fair Housing Requirements to Cities in the West..... - 3 -
Fortress Mentality: Why Gated Communities Are Not the Answer ................................ - 4 -
The Future of Tiny Homes...................................................................................................... - 5 -
Housing and the Economy: The Density Paradox............................................................... - 6 -
Housing in the West: Looking Backward and Forward ...................................................... - 7 -
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.

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.
CREATIVE SOLUTIONS TO THE AFFORDABLE HOUSING CRISIS

DESCRIPTION
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.”

SPEAKER INFORMATION
MODERATOR:
Jamie Baker Roskie
Attorney, Coan, Payton & Payne
Fort Collins, CO
Jamie Baker Roskie is a land use and real estate attorney at Coan, Payton & Payne, LLC. She received a BA in International Affairs from Lewis and Clark College in 1989, and graduated magna cum laude from the University of Georgia School of Law in 2001. After law school, Ms. Baker Roskie practiced with the law firm of Shaw Pittman in Washington, DC, representing clients in various land use and immigration matters. She then returned to UGA Law as the Managing Attorney for the Land Use Clinic, where she supervised students and represented local governments, landowners, conservation and community organizations as well as state and local agencies in land use matters. She is a licensed in Colorado, Virginia and Georgia.

SPEAKERS:
Don Elliott
Director, Clarion Associates
Denver, CO
Don Elliott, FAICP, is a Director with Clarion Associates, a national consulting firm with offices in Denver, and Chapel Hill; and affiliate offices in Chicago, Philadelphia, and Cincinnati. Mr. Elliott’s practice focuses on plan implementation, zoning, development regulations, and international urban development. He has also advised numerous local governments in Russia and Mongolia on land use issues, served as Democracy and Governance Advisor for USAID in Uganda, and completed research projects on planning and slum upgrading issues in India. He is the author of A Better Way to Zone (Island Press, 2008), and co-author of The Rules That Shape Urban Form (APA 2012) and The Citizens Guide to Planning (APA 2009).

Tony Pickett
Vice-President of Master Site Development, Urban Land Conservancy
Denver, CO
Tony Pickett is a LEED accredited professional with over 25 years of real estate experience in planning, financing and implementation of large scale urban redevelopment initiatives. As V.P. of Master Site Development for the Urban Land Conservancy, he leads ULC’s largest vacant land development; the 9.4 acre Park Hill Village West site, located at the RTD 40th & Colorado Station along the University of Colorado A-Line, which opens in April 2016. He is directing the implementation of Denver’s 303 ArtWay; a new 9-mile urban bike/ped cultural arts trail. He serves on the High Line Canal Conservancy Board of Directors, which works to protect and preserve a 71-mile Denver regional greenway. Tony is a graduate of the Cornell University School of Architecture, Art and Planning.
DOES HUD UNDERSTAND US? APPLYING FAIR HOUSING REQUIREMENTS TO CITIES IN THE WEST

DESCRIPTION
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 these developments and how they apply to their communities.

SPEAKER INFORMATION

MODERATOR:
Jen Garner
Senior Consultant, BBC Research & Consulting
Denver, CO
Jen Garner is a Senior Consultant with BBC and supports the firm’s housing and human services practice. She is a skilled market and policy researcher with a proven track record for lending innovation and insight to a wide ranging portfolio of projects. She has a high order ability to develop, integrate, assimilate and interpret diverse streams of information; both qualitative and quantitative and is a strong strategic thinker. Areas of expertise include housing, transportation, economic development, child care, human services, and the analysis of impediments to fair housing choice (AI). She is a Past President of the Colorado American Marketing Association.

SPEAKERS:
Don Elliott
Director, Clarion Associates
Denver, CO
Donald L. Elliott’s practice focuses on land planning and zoning, growth management, and international land and urban development issues. Since joining Clarion Associates in 1995, he has assisted over 35 U.S. and Canadian communities to modernize, streamline, and improve their regulations and incentives on land development, housing, and sustainability. He has also advised numerous local governments in Russia, Indonesia, and Mongolia on land use issues, served as the Democracy and Governance Advisor to the US Agency for International Development in Uganda, and performed independent research on Indian urbanization and slum upgrading in Delhi. He is the author of A Better Way to Zone, a co-author of The Rules That Shape Urban Form, and General Editor of Colorado Land Planning and Development Law.

Brian Connolly
Associate, Otten, Johnson
Denver, CO
Brian Connolly represents public- and private-sector clients in matters relating to zoning, planning, development entitlements and other complex regulatory issues. Brian’s practice encompasses a broad range of land use matters including zoning compliance, rezonings and other regulatory amendments, planned-unit developments, development agreements, private covenants and restrictions, land use and zoning litigation, initiatives and referenda associated with land use approvals, and real estate transactions. Brian additionally 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.
Heidi Aggeler
Managing Director, BBC Research & Consulting
Denver, CO
Heidi Aggeler is a Managing Director of BBC and directs the firm’s housing and human services practice areas. Her practice focuses on assessments of fair housing, workforce and affordable housing demand analyses, and human service needs assessments, including child care. Prior to joining BBC, Ms. Aggeler worked for the Federal Reserve Bank of Minneapolis and the Federal Deposit Insurance Corporation (FDIC). She has been a board member of the Mile High Community Development Loan Fund and the Denver School of the Arts’ Collaborative School Committee. She has also volunteered for animal rescues, provided income tax preparation assistance to low income families, and avidly supports community theater and classical guitar.

**FORTRESS MENTALITY: WHY GATED COMMUNITIES ARE NOT THE ANSWER**

**DESCRIPTION**
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.

**SPEAKER INFORMATION**

**MODERATOR:**
Dwight Merriam
Partner, Robinson & Cole
Hartford, CT
Dwight Merriam founded Robinson+Cole’s Land Use Group in 1978. He represents land owners, developers, governments, and individuals in land use matters. Mr. Merriam is a Fellow and past president of the American Institute of Certified Planners, a former director of the American Planning Association (APA), a former chair of the APA’s Planning and Law Division, past chair of the American Bar Association’s Section of State and Local Government Law, and a Fellow of the Royal Institution of Chartered Surveyors. He teaches land use law at the University of Connecticut School of Law and at the Quinnipiac School of Law and has published over 200 articles and nine books.

**SPEAKERS:**
Victor Dover
Principal, Dover, Kohl & Partners
Coral Gables, FL
Victor Dover is a principal with the Dover, Kohl & Partners town planning firm. He has led more than 100 charrettes and lectures widely around the nation on the topics of livable communities and sustainable development. From 2010 to 2012 he was national chair of the Congress for the New Urbanism (CNU). He recently coauthored, with John Massengale, the highly anticipated book Street Design: the Secret to Great Cities and Towns (Wiley 2014).
Arthur Nelson
Professor of Planning and Real Estate Development, University of Arizona
Tuscon, AZ
Professor Nelson has conducted pioneering research in public finance, development policy, smart growth, economic development, and metropolitan development patterns. He has written more than 20 books, 100 refereed articles, and 300 other works. Prior to academia, Dr. Nelson managed his own West Coast consultancy in planning and management. In 2000, his professional planning, education, and research accomplishments were recognized with election to the College of Fellows of the American Institute of Certified Planners. Dr. Nelson’s current work focuses on how demographic economic forces along with shifts in housing preference will reshape America’s metropolitan areas for the rest of this century.

Frank Duke
Planning Director, City of Baton Rouge
Baton Rouge, LA
Frank Duke is the Planning Director in Baton Rouge, Louisiana. He has more than 25 years of experience, including working as the Planning Director in Norfolk, Virginia; Durham, North Carolina; and Palm Beach and Bay counties in Florida. In each of these I

Brenda Scheer
Professor of Architecture and City & Metropolitan Planning, University of Utah
Salt Lake City, UT
Brenda Case Scheer is former dean of the University of Utah’s College of Architecture + Planning from 2002-2013. She graduated with Bachelor’s and Masters degrees in architecture from Rice University and was a Loeb Fellow at the Harvard Graduate School of

John Marshall
Assistant Professor, Georgia State University College of Law
Atlanta, GA
John Travis Marshall is an Assistant Professor at the Georgia State University College of Law, where he teaches Environmental Law and Land Use Law and serves as Associate Director of the Center for the Comparative Study of Metropolitan Growth. From 2007 to 2011, he was a counsel and project manager with the New Orleans Redevelopment Authority (NORA). In that role, he advised NORA on post-Hurricane Katrina implementation of the Authority’s urban revitalization efforts, including land acquisition, development, and disposition programs. Prior to his work in New Orleans, he was a partner with Holland & Knight LLP, specializing in land use and zoning matters as well as real estate litigation. He is especially interested in cities and private, non-profit and government interventions to promote urban revitalization.

THE FUTURE OF TINY HOMES

DESCRIPTION
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.

SPEAKER INFORMATION

MODERATOR:
Summer Frederick
Associate, Clarion Associates
Denver, CO
Summer Frederick, AICP, is an Associate with Clarion Associates’ Denver office. During her nine years of professional planning experience Ms. Frederick has written comprehensive plans, open space plans, and local land regulations. She has conducted land development project reviews and has created and implemented public engagement processes for a variety of local and regional planning efforts. Prior to joining Clarion, Ms. Frederick served as Project Manager for a federally funded regional sustainable community planning grant, where she successfully coordinated a local/regional partnership tasked with creating a region-wide Livability Implementation Plan.

**Speakers:**

**Summer Frederick**  
Associate, Clarion Associates  
Denver, CO

Summer Frederick, AICP, is an Associate with Clarion Associates’ Denver office. During her nine years of professional planning experience Ms. Frederick has written comprehensive plans, open space plans, and local land regulations. She has conducted land development project reviews and has created and implemented public engagement processes for a variety of local and regional planning efforts. Prior to joining Clarion, Ms. Frederick served as Project Manager for a federally funded regional sustainable community planning grant, where she successfully coordinated a local/regional partnership tasked with creating a region-wide Livability Implementation Plan.

**Shay Ivey**  
Community Revitalization Specialist, Colorado Department of Local Affairs  
Denver, CO

Shay Ivey is a Community Revitalization Specialist with the Community Development Office. She has worked in downtown revitalization for two years and has four years of experience working on land use planning projects across the country including historic preservation studies, comprehensive land use plans, development codes, design standards and guidelines, and affordable/fair housing analyses. Shay has a Bachelor’s in Environmental Design from the University of Colorado Boulder and a Master’s in Urban and Regional Planning from the University of Colorado Denver.

---

**Housing and the Economy: The Density Paradox**

**Description**

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.

**Speaker Information**

**Speakers:**

**Deana Swetlik**  
Director, entelechy  
Denver, CO

Deana Swetlik, AICP is founder of Entelechy (en-’te-le-kē) , a development services, urban design, and planning consulting firm for private, quasi-public, and public sector clients nationwide. During her 20-plus year career, Deana has worked on urban revitalization and sustainable urbanism projects at all scales. She has consulted on more than 50 communities in 15 states. Ms. Swetlik works as a creative and technical liaison providing tactical
development solutions to developers, landowners, and economic development specialists. Deana’s education from the University of Wisconsin and University of Denver includes architecture, planning, and real estate finance.

Jesse Silverstein
Vice President & Senior Economist, Development Research Partners, Inc.
Littleton, CO

Jesse Silverstein is Vice President and Senior Economist at Development Research Partners, Inc. based in Jefferson County, Colorado. Jesse has extensive experience in preparing real estate market studies, public finance analysis, and economic impact analysis for a variety of public-private development and redevelopment projects. Mr. Silverstein’s experience includes positions as founder and Executive Director of the nonprofit Colorado Brownfields Foundation, Director at Equitable Real Estate Investment Management, and Chief Appraiser for the Resolution Trust Corporation (a division of FDIC) in Washington, D.C. Mr. Silverstein holds a Bachelor’s Degree in Economics from the University of Delaware, a Master’s Degree in Economics from the University of Colorado at Boulder, has an MAI professional designation in commercial real estate analysis from the Appraisal Institute.

HOUSING IN THE WEST: LOOKING BACKWARD AND FORWARD

DESCRIPTION
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.

SPEAKER INFORMATION
MODERATOR:
Brian Connolly
Attorney, Otten Johnson Robinson Neff & Ragonetti, P.C.
Denver, CO

Brian Connolly’s practice focuses on the regulatory aspects of the real estate development process, and includes the representation of both public- and private-sector clients in matters relating to land use, zoning, planning, and development entitlements. Prior to practicing law, Mr. Connolly was an urban planner in the planning department of a highly-populated suburban county in New York State. He reviewed numerous large-scale development proposals for consistency with municipal codes and countywide planning policies and managed the county’s economic and population research functions. He has also worked in planning capacities at the federal and municipal government levels. Mr. Connolly is the co-author of two books: Group Homes: Strategies for Effective and Defensible Planning and Regulation (ABA Publishing 2014); and The Michigan Sign Guidebook: The Local Planning and Regulation of Signs (Scenic Michigan 2011). Mr. Connolly is a regular speaker at conferences on these topics, including at national and state conferences of the American Planning Association, American Bar Association, and Rocky Mountain Land Use Institute.
SPEAKERS:

Dwight Merriam
Partner, Robinson & Cole
Hartford, CT
Dwight Merriam founded Robinson+Cole's Land Use Group in 1978. He represents land owners, developers, governments, and individuals in land use matters. Mr. Merriam is a Fellow and past president of the American Institute of Certified Planners, a former director of the American Planning Association (APA), a former chair of the APA's Planning and Law Division, past chair of the American Bar Association's Section of State and Local Government Law, and a Fellow of the Royal Institution of Chartered Surveyors. He teaches land use law at the University of Connecticut School of Law and at the Quinnipiac School of Law and has published over 200 articles and nine books.

Arthur Nelson
Professor of Planning and Real Estate Development, University of Arizona
Tuscon, AZ
Professor Nelson has conducted pioneering research in public finance, development policy, smart growth, economic development, and metropolitan development patterns. He has written more than 20 books, 100 refereed articles, and 300 other works. Prior to academia, Dr. Nelson managed his own West Coast consultancy in planning and management. In 2000, his professional planning, education, and research accomplishments were recognized with election to the College of Fellows of the American Institute of Certified Planners. Dr. Nelson's current work focuses on how demographic economic forces along with shifts in housing preference will reshape America’s metropolitan areas for the rest of this century.