

GROWTH & CHANGE IN THE WEST:

Can we adapt sustainably?



MARCH 24 - MARCH 25

2022 WESTERN PLACES | WESTERN SPACES

RMLUI
ROCKY MOUNTAIN
LAND USE INSTITUTE



UNIVERSITY of
DENVER
STURM COLLEGE OF LAW

Growth & Change in the West: Can We Adapt Sustainably?

As we emerge from the pandemic, the West is facing immense pressures from growth and change that challenge our notions of sustainability in our region. The changing nature of work has allowed significant migration to high-amenity communities, which is straining local infrastructure, driving up housing prices, and displacing long-time residents. The cost of living in many areas of the region far outpace the average incomes, resulting in economic dislocation and rising income inequality.

An intractable housing affordability crisis is spreading beyond our urban areas to exurban communities and rural towns, where people are now moving in greater numbers. The numbers of unhoused people who are camping in urban rights of way, parks, and public spaces is exploding. These growing populations, drawn to our iconic landscapes, are loving our public lands and national parks to death.

At the same time, the impacts of climate change are upon us. The West is experiencing an extended drought that threatens our regional water supply and our forests. The fire season is growing in duration and severity with each passing year. The condition and range of habitat to support biodiversity and Western wildlife is declining. The heat island effect in developed areas is affecting public health and our quality of life.

As we face these challenges (and many more), we wonder how the region will adapt to these mounting pressures and what measures we need to be taking now to ensure greater resilience to whatever the future holds. How do we ensure that newcomers to the region do not price out long-time residents? Can we grow in ways that are inclusive and equitable, providing housing and access to jobs and opportunity across the economic spectrum? Are there limits to our capacity to absorb growth? Can we resist the pressure to build housing in marginal and hazardous places, like floodplains and the wildland urban interface? How do we manage increasingly scarce resources like water or access to

national parks in ways that are equitable and fair? As the region recovers from the pandemic and booms again, can we ensure that our shifting land use practices are sustainable? Finally, can we Westerners adapt, culturally and politically, to the changing realities in our communities and invest in the policy tools that could enhance our long-term resilience?

These are some of the many questions that we will consider at the 2022 Western Places | Western Spaces conference. The conference will take place online March 24 – 25, 2022 and will include a workshop on housing on Friday, March 18 and a series on water on Fridays through April.

About RMLUI

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 Law School

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.

2022 | Schedule

Affordable Housing Solutions Workshop

Friday, March 18, 2022

9:00 - 11:00	Affordable Housing Solutions Workshop Part 1
1:00 - 3:00	Affordable Housing Solutions Workshop Part 2

2022 Western Places | Western Spaces Conference

Thursday, March 24			Friday, March 25		
8:30 - 10:00	Welcome & Keynote		8:30 - 10:00	Build Back Better: Transportation	Post-Covid Commercial Markets
10:30 - 12:00	The Planning Ethics of Impact Fee Equity	Ethics for Land Use Lawyers	11:00 - 12:30	Not In My Backyard: Rising Opposition to Multifamily in the Western United States	A To Do List for Sustainable, Perpetual Land Conservation: Reform in Conservation Easements & Land Use Law
1:00 - 2:00	Plenary Lunch		12:30 - 1:30	Lunch Break	
2:30 - 4:00	Hindsight is 20/20: Zoning Changes We Should Have Made Before the Wildfire	Legal Updates in the Rocky Mountain West	1:30 - 3:00	Tourists Living Like Locals: How Mountain Communities are Managing Short-Term Rentals	The Law of Sustainability and Climate Change: Legislation and Cases

Western Land Use & the Colorado River Crisis Workshop Series

April Workshop Series

Friday, April 8 9:30 - 11:00	Western Land Use and the Colorado River Crisis Workshop Part 1
Friday, April 15 9:30 - 11:00	Western Land Use and the Colorado River Crisis Workshop Part 2
Friday, April 22 9:30 - 11:00	Western Land Use and the Colorado River Crisis Workshop Part 3
Friday, April 29 9:30 - 11:00	Western Land Use and the Colorado River Crisis Workshop Part 4

2022 | Workshops

Affordable Housing Solutions Workshop

Friday, March 18

Communities across the West are experiencing unprecedented housing access and affordability challenges: increasing demand, rising prices, insufficient supply, and a failure of the market to deliver the types of housing that are most needed. Homelessness is on the rise for those at the bottom of the economic ladder. Middle income people increasingly struggle to find affordable rents. And homeownership is unattainable for many. This workshop examines some of the root causes of these challenges and considers land use solutions that are working across the housing spectrum.

Western Land Use and the Colorado River Crisis Workshop Series

April 8, 15, 22, 29

Presented over four Fridays in April from 9:00 a.m. – 11:30 a.m., the workshop will examine the impacts of the Colorado River on communities across the West. The sessions will begin with a discussion of the ecological status of the Colorado River and the legal framework allocating its water. It will then focus on the issues impacting rural communities, including the economic impacts of water supply and the pressure to sell water rights to support urban growth. The session on urban areas will look at the intersection of land use planning and water planning and smart water use. The series will wrap up with a discussion of innovative practices, tools, and resources for addressing water shortages in the future.

Thursday, March 24

8:30 – 10:00 **Welcome & Keynote**

Harriet Tregoning is the director of NUMO, the New Urban Mobility alliance, a collaborative effort aimed at harnessing disruptions in transportation to make communities more sustainable, livable, healthy, and just. She has served as an advisor to cities, states, foundations, companies and others. She was appointed by President Obama to be Principal Deputy Assistant Secretary of the Office of Community Planning and Development at the U.S Department of Housing and Urban Development. Her work at HUD included helping states, regions, cities, counties and towns across the U.S. build strong foundations for economic and disaster resilience. She is the former Secretary of Planning in Maryland and a Loeb Fellow at the Harvard Graduate School of Design.

10:00 – 10:30 **Break**

10:30 – 12:00 **The Planning Ethics of Impact Fee Equity**

This session applies the concept of impact fee equity to planning ethics. We first define what is meant by equity in planning. We then show the importance of cultivating an equity lens and how to apply it to planning practice. Through the use of four case studies, we apply an equity lens to show how impact fees often are inequitable, even though they appear proportionate. We conclude with specific questions to help guide the design of equitable impact fees consistent with planning ethics.

Ethics for Land Use Lawyers

The practice of land use and environmental law presents many ethical conundrums in the era of climate change. This session will explore ethical issues for lawyers, engaging a roundtable discussion among legal ethics experts and practitioners working on legal matters related to climate change. These experts will explore a number of common ethical problems, such as those arising in the context of increasing protests in support of—and against—clients, and how to deal with potential conflicts between agency experts and their political bosses in a regulatory context. They will also field and discuss questions from the audience.

12:00 – 1:00 **Break**

1:00 – 2:00 **Plenary Address**

2:00 – 2:30 **Break**

2:30 – 4:00 **Hindsight is 20/20: Zoning Changes We Should Have Made Before the Wildfire**

This session will cover the most effective zoning changes and emerging best practices that could be used to minimize wildfire damage throughout the West. A wildfire consultant, fire district wildfire captain, and national expert will review what Rocky Mountain states are already doing and what more we need to learn from states like California that take wildfire risk more seriously.

Legal Updates 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.

Friday, March 25

8:30 – 10:00 Build Back Better: Transportation

This session will look at how the Build Back Better Plan will influence transportation and mobility options in our communities.

Post-Covid Commercial Markets

This session will look at how the Covid pandemic impacted commercial spaces in communities across the West. Panelists will look at how these spaces are adapting, the economic impacts, and what communities can do to support resilience and adaptation.

10:00 – 11:00 Break

11:00 – 12:30 Not In My Backyard: Rising Opposition to Multifamily in the Western United States

This session will explore the growing opposition to new multi-family residential developments in the Western United States, particularly Arizona, California, and Colorado. We will look at common concerns expressed by the community, persistent myths about multifamily housing, separating fact from fiction, and discussing tools that can be used to address these issues and concerns.

A To Do List for Sustainable, Perpetual Land Conservation: Reform in Conservation Easements & Land Use Law

Over the last two decades of land conservation law, the conservation community has instituted crucial supportive mechanisms and implemented new infrastructure to stabilize the perpetuity of conservation easements and their holders. In the face of extensive abuse, the conservation community now endeavors to bolster the legal framework supporting the federal tax incentive and its enforcement, while pushing back on IRS overreach. It is imperative to identify crucial tasks, goals, and stabilizing factors for the next half century. Presented here are the immediate, ongoing, and future needs in land conservation law, intended to sustain and secure perpetual land conservation as a continuing dynamic and flexible source for local, state, federal, and global protection and management of critical resources and public benefits.

12:30 – 1:30 Lunch Break

1:30 – 3:00 Tourists Living Like Locals: How Mountain Communities are Managing Short-Term Rentals

Facing record-breaking tourism and an affordable housing crunch that seems to have intensified during the Pandemic, some mountain communities and other tourism-oriented towns and counties are seeking limits to short-term rentals (STRs). Many communities put STR standards and programs in place about five years ago when they saw vacation home demand growing, and they now are evaluating if those programs and rules are achieving desired outcomes. Other communities are newly defining standards for STRs. Through a fast-paced panel discussion based on research from a variety of places, this session discusses the current issues and solutions communities are using to manage short-term rentals.

The Law of Sustainability and Climate Change: Legislation and Cases

This session will highlight legislation and case law that planners, attorneys, and developers must be aware of. Additionally, the session will explore the explosion in climate change-related litigation--over 1300 cases filed in the US in the past few years. Increasingly these cases target local governments for failure to protect citizens against the impact of floods, wildfires, and other climate-change related natural disasters. Speakers will also discuss climate change resilience funding provisions in the recently enacted national infrastructure legislation.