

CONFERENCE AGENDA

March 6-8, 2013

LAND USE FOR A LIFETIME:

Changing Demographics & Shifting Priorities



RMLUI
ROCKY MOUNTAIN
LAND USE INSTITUTE



UNIVERSITY of
DENVER
STURM COLLEGE OF LAW



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Montana
Center for Natural Resources
and Environmental Policy



AICP and CLE continuing education units (CEUs) are pending for the **Land Use for a Lifetime** conference and Wednesday's **An Introduction to Land Use Law** workshop.

LAND USE FOR A LIFETIME:

Changing Demographics & Shifting Priorities



Shifting demographics and housing preferences are creating new challenges for modern land use professionals. Fifty years ago, urban flight referred to those fleeing the cities in favor of tidy suburbs, leaving behind blight and urban decay. Today, urban flight is reversed, as both Boomers and their children return to cities in droves, looking for urban attractions and modern living. Young families are seeking a balance: the good schools and family friendly features of the suburbs combined with the amenities and walkability of the city. They also want new development that protects their natural environment and iconic landscapes.

The times they are a changin', and cities are racing to keep up. Whether it's siting schools for young kids, improving accessibility for an aging population, or creating mixed use urban infill that can help meet the needs of a growing, changing population, land use planning can help communities face these new challenges. This year's conference will focus on changing demographics, emerging trends, and the tools that can help communities grow and change to serve the shifting priorities of their populations.

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.

ISSUE AREA TRACKS

● LAND USE FOR A LIFETIME

This track will focus on changing demographics and shifting land use priorities, exploring innovative tools to meet emerging needs.

● FINANCE TOOLS

As municipalities struggle to meet their communities' demands in a time of fiscal austerity, they need creative tools for financing new developments.

● INNOVATIVE SUSTAINABILITY

From rural transit solutions to stewardship development, this track explores the changing frontiers of sustainability.

● LAND USE LAW

These sessions provide an overview of some of the most important legal issues that face land use professionals.

● LARGE LANDSCAPE CONSERVATION

Development pressure on open space continues to build as traditional methods of conservation evolve. This track examines the tools available to support large landscape conservation.

● NATURAL RESOURCES

Land use and natural resource issues are inextricably linked. This track will cover hot topics at the intersections between land use and water, oil and gas extraction, and renewable energy development.

● HOT TOPICS

These sessions look at what's trending in the industry, recent developments, and also look ahead to what's on the horizon.

CONFERENCE SCHEDULE

WEDNESDAY, MARCH 6, 2013

Wednesday will feature an all day workshop designed for young professionals that will provide **An Introduction to Land Use Law**. This workshop will cover the basics of land use law, including where to find the laws, the history and role of land use planning, and an overview of the basic legal tools and limitations that govern the regulation of land use. The workshop is designed to be a stand-alone feature, but can be added to a regular conference registration.

TIME	TOPICS	TIME	TOPICS
8:30–9:00	Legal Research – How to Find the Law	10:30–11:30	Traditional Regulation
9:00–9:30	History of Planning Law	11:30–12:15	Cutting Edge Regulation
9:30–10:00	The Role of the Plan	12:15–1:15	Lunch
10:00–10:15	Break	1:15–3:15	Constitutional Issues
10:15–10:30	Implementing the Plan through Regulation	3:15–3:30	Break
		3:30–4:30	A Bouillabaisse of Land Use Law
		4:30–5:00	Q&A / Open Discussion

THURSDAY, MARCH 7, 2013

Thursday is the start of the conference, with a Welcome Address and a Keynote Debate focused on the conference theme: Changing Demographics and Shifting Perspectives. Other plenary events include a keynote address for the Practitioners' Network for Large Landscape Conservation and a lunch talk by APA President Mitchell Silver. Thursday evening concludes with the annual networking reception.

7:00–8:30	REGISTRATION & BREAKFAST - Law Forum				
8:30–10:00	WELCOME & KEYNOTE ADDRESS - Davis				
10:15 - 11:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	
	Ethics for Planners Davis [E]	Ethics for Lawyers Law 165 [E] [L]	■ Conservation Easements: The Good, The Bad, The Ugly Craig Hall [L]	■ Public/Private Case Study: Denver Union Station Knoebel 229 [L]	
12:00–1:00	LUNCH - Law Forum				
	Plenary Address: Planning in the 21st Century: What's Next? Knoebel			Plenary Address: Why We Need Large Landscape Conservation Law 412	
1:15–2:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	MOBILE TOUR
	■ Planning for Extreme Drought Davis	■ Evidence-Based Smart Growth Law 165	■ New Market Tax Credits Knoebel 229 [L]	■ Taking Stock: Large Landscape Conservation in the Rocky Mountain West Craig Hall	■ Innovation on Location: Financing Denver's Union Station
3:00–4:30	SESSION 1	SESSION 2	SESSION 3		
	■ Recent Developments in the Rocky Mountain West Davis [L]	■ Incorporating Health & Well-Being into the Built Environment Knoebel 229	■ Zoning Restrictions on Shared Housing, Occupancy & Rentals Law 165 [L]		
4:30–6:00	RECEPTION - Law Forum				

■ Land Use for a Lifetime
 ■ Finance Tools
 ■ Innovative Sustainability
 ■ Land Use Law
■ Large Landscape Conservation
 ■ Natural Resources
 ■ Hot Topics

CONFERENCE SCHEDULE

FRIDAY, MARCH 8, 2013

Friday offers the bulk of our program offerings, with 21 sessions to choose from. Topics include: space ports, wild fires, aging in the West, energy production, and land use law.

7:00–8:30	REGISTRATION & BREAKFAST - Law Forum					
8:30–10:00	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	
	<div>■ The Colorado River: Intergovernmental Agreements</div> <div>Law 165 L</div>	<div>■ Colorado's New National Forest Roadless Rule</div> <div>Law 190 L</div>	<div>■ Manage What You Measure</div> <div>Law 170</div>	<div>■ Best Practices for Creating Communities Near Transit</div> <div>Law 180</div>	<div>■ Sustainable Finance Tools</div> <div>Law 155</div>	
10:15–11:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6
	<div>■ Energy Production & Water Use</div> <div>Law 190</div>	<div>■ Aerotropolis Developments</div> <div>Law 170 L</div>	<div>■ Stewardship Development</div> <div>Knoebel 229</div>	<div>■ The Changing Face of America</div> <div>Law 165</div>	<div>■ Common Problems Common Solutions Common Law</div> <div>Law 259 L</div>	<div>■ Avoiding Random Acts of Conservation</div> <div>Knoebel 231</div>
12:00–1:00	LUNCH - Law Forum					
1:15–2:45	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	
	<div>■ Public Financing Options in the Rocky Mountain West</div> <div>Law 170 L</div>	<div>■ What's Working in the Gas Patch</div> <div>Law 255 L</div>	<div>■ Born in a Small Town</div> <div>Law 155</div>	<div>■ The Greying of the Rocky Mountain West</div> <div>Law 165</div>	<div>■ Trouble with the Feds</div> <div>Law 125 L</div>	
3:00–4:30	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	
	<div>■ Creating Fire-Adapted Communities</div> <div>Law 190</div>	<div>■ The Absolute Worst Disasters of 20th Century Urban Planning Law</div> <div>Law 165 L</div>	<div>■ Siting Renewable Energy</div> <div>Law 155 L</div>	<div>■ Addressing Development Entitlements in the West</div> <div>Law 180 L</div>	<div>■ Conservation Investment Funds</div> <div>Law 125</div>	

■ Land Use for a Lifetime ■ Finance Tools ■ Innovative Sustainability ■ Land Use Law
■ Large Landscape Conservation ■ Natural Resources ■ Hot Topics

7:00AM - 8:30AM | REGISTRATION & BREAKFAST

Sturm College of Law Forum

AN INTRODUCTION TO LAND USE LAW - Law 165

8:30AM - 9:00AM | LEGAL RESEARCH: HOW TO FIND THE LAW

Sources of power, such as legislation, regulation, constitutions and case law.

Orlando Delogu

9:00AM - 9:30AM | HISTORY OF PLANNING LAW

An overview of the history and development of planning law.

Stuart Meck, FAICP

9:30AM - 10:00AM | THE ROLE OF THE PLAN

Mandatory planning and consistency doctrines.

Daniel Mandelker, FAICP; Peter W. Salsich, Jr.

10:00AM - 10:15AM | BREAK

10:15AM - 10:30AM | IMPLEMENTING THE PLAN THROUGH REGULATIONS

An introduction to the basic process of implementation, such as subdivisions, zoning, variances and enforcement, as well as a review of regulations, such as state and federal law claims and private controls.

Dwight Merriam, FAICP

10:30AM - 11:30AM | TRADITIONAL REGULATION

A review of regulations such as subdivisions, zoning, variances and enforcement. Issues related to property rights will also be discussed, including vested rights, nonconforming uses, and estoppel.

Daniel Mandelker, FAICP; Nancy E. Stroud, Esq., AICP

11:30AM - 12:15PM | CUTTING-EDGE REGULATION

Clustering, transfer development rights (TDR), overlays and floating zones, transit-oriented development (TOD), New Urbanism, growth management, and sustainability will be discussed.

Thomas J. Ragonetti; Peter W. Salsich, Jr.

12:15PM - 1:15PM | LUNCH

1:15PM - 3:15 | CONSTITUTIONAL ISSUES

Due process (substantive and procedural), takings, equal protection, estoppel, and the First Amendment (freedom of speech, signs, adult uses and flag displays) are covered.

Orlando Delogu; Stuart Meck, FAICP; Nancy E. Stroud, Esq., AICP

3:15PM - 3:30PM | BREAK

3:30PM - 4:30PM | A BOUILLABaisse OF LAND USE LAW

A variety of issues are covered, including: wetlands, floodplain regulations, historic preservation, airport regulations, Fair Housing Act, manufactured housing, aesthetics, green building, telecommunications, RLUIPA, agricultural lands and open space.

Stuart Meck, FAICP; Dwight Merriam, FAICP; Thomas J. Ragonetti

4:30PM - 5:00PM | Q & A, OPEN DISCUSSION

SPEAKERS:

Carol Necole Brown; Orlando Delogu; Daniel Mandelker, FAICP; Stuart Meck, FAICP; Dwight Merriam, FAICP; Thomas J. Ragonetti; Peter W. Salsich, Jr.; Nancy E. Stroud, Esq., AICP

7:00AM – 8:30AM

REGISTRATION & BREAKFAST

Sturm College of Law Forum

8:30AM – 10:00AM

WELCOME & KEYNOTE DEBATE—CHANGING DEMOGRAPHICS & SHIFTING PERSPECTIVES

Davis Auditorium

The 2013 Keynote Address will feature a debate regarding key demographic trends and their impact on growth, the transformation of our cities, and the future of suburbia. An introduction of demographic trends by Professor Robert W. Burchell will be followed by a debate between Wendell Cox and Arthur C. Nelson on the implications of these trends for the Rocky Mountain Region and strategies to reposition America's communities to the mid-century and beyond.

Moderator:

Robert W. Burchell, Professor/Chair, Rutgers University Urban Planning Program, New Brunswick, NJ

Speakers:

Wendell Cox, Principal, Wendell Cox Consultancy (Demographia), Belleville, IL

Arthur C. Nelson, FAICP, Executive Director, Metropolitan Research Center, Salt Lake City, UT

10:00AM – 10:15AM

INTERMISSION BREAK

Law Forum, Knoebel

10:15AM – 11:45AM

ETHICS FOR PLANNERS: USING SOCIAL MEDIA TO ADVANCE ETHICAL PLANNING

Davis Auditorium E

Social media, used correctly, can be priceless in achieving two of the primary goals of the planning process: providing timely information to constituents and generating extensive citizen participation. When misused, this same tool can become exclusionary and misleading, with serious ethical and even legal implications. Join us to discuss the emerging use of social media for planning purposes and how to achieve the benefits of the new technology while avoiding the ethical pitfalls. In addition to an extensive discussion of issues, the session will include specific lessons learned from a social media case study. Audience participation is encouraged.

Moderator:

Mary Kay Peck, FAICP, MK Peck Associates, Clearwater, FL

Speakers:

Valerie Hubbard, FAICP, Director of Planning Services, Akerman Senterfitt, Tallahassee, FL

Shelby Sommer, AICP, Associate, Clarion Associates, Fort Collins, CO

ETHICS FOR LAWYERS

Law 165 [E] [L]

Learn from experienced experts in the field about land use ethics for legal professionals.

Speakers:

Tom Macdonald, Director, Otten Johnson Robinson Neff + Ragonetti, Denver, CO

Bryan Treu, County Attorney, Eagle County, Eagle, CO

CONSERVATION EASEMENTS: THE GOOD, THE BAD, AND THE UGLY

Craig Hall [L]

Generous federal and state tax incentives offered to donors of conservation easements have led to both significant gains in land protection and significant abuses. Panelists will discuss the dramatic growth in the use of conservation easements as a land protection tool; the role conservation easements play in landscape preservation efforts, particularly in the face of climate change; the generous federal and state tax incentives that are offered to easement donors; the abuses the tax incentives have engendered; the various laws that impact the creation, administration, and enforcement of conservation easements; and the role federal and state regulators play in both policing the tax incentives and ensuring the proper administration of the easements over the long term so they provide the promised benefits to the public.

Moderator:

Nancy McLaughlin, Robert W. Swenson Professor of Law, University of Utah S.J. Quinney College of Law, Salt Lake City, UT

Speakers:

Frederico Cheever, Professor and Senior Associate Dean, University of Denver Sturm College of Law, Denver, CO

Eric Meyer, First Assistant Attorney General, Office of the Attorney General, Denver, CO

Luke Ortner, Attorney, Office of Chief Counsel, Internal Revenue Service, Denver, CO

PUBLIC/PRIVATE PARTNERSHIP CASE STUDY: DENVER UNION STATION

Knoebel 229 [L]

This session explores the complexities involved in putting together the multi-party, multi-jurisdiction transaction for the redevelopment of Denver Union Station. The redevelopment of this historic train station, which will transform it to a modern-day regional transportation hub, involves \$500,000,000 in public transportation infrastructure with five public/private partners, nine financing sources, 96 stakeholders, and only 12 lawyers. The presentation provides an overview of the redevelopment plans and progress, describes the financing structure for the project, and gives examples of the numerous legal issues in the progression from vision to construction reality.

Moderator:

Kathy Kanda, Special Counsel, McGeady Sisneros P.C., Denver, CO

Speaker:

Diane Barrett, Chief Projects Officer, Office of Mayor Michael B. Hancock, Denver, CO

Frank Cannon, Partner, Continuum Partners, LLC, Lakewood, CO

Anastasia Khokhryakova, Special Counsel, Hogan Lovells, Denver, CO

Marla Lien, General Counsel, Regional Transportation District, Denver, CO

12:00PM – 1:00PM

PLENARY ADDRESS—PLANNING IN THE 21ST CENTURY: WHAT'S NEXT?

Knoebel Dining Room

What are the emerging trends and challenges in the 21st century and how can planners be well-positioned to lead and innovate as we move forward to prepare our communities for growth and change? With changing demographics, a fluctuating political landscape, shifting consumer preferences, outdated governance structures and new demands for water and energy, what is the new role for the planning profession? This lecture will offer insights into these challenges and ideas as to what planners should do next.

Limited to 100 guest.

Speaker:

Mitchell Silver, AICP, President, American Planning Association

PLENARY ADDRESS—LARGE LANDSCAPE CONSERVATION: A STRATEGIC FRAMEWORK FOR POLICY AND ACTION

Law 412

Large landscape conservation offers a pragmatic, timely, and strategic framework for protecting ecosystem integrity and connectivity; restoring and protecting water resources; providing access for recreational opportunities; and addressing many other landscape-scale issues. It is also directly relevant to local communities and metropolitan areas that are making land use and infrastructure decisions. This keynote address will introduce large landscape conservation and examine how the strategic framework for large landscape conservation can help advance land use and conservation goals while promoting good governance and, in many cases, improving the bottom line. **Limited to 75 guest.**

Speaker:

Melinda Pruett-Jones, Executive Director, Chicago Wilderness, Chicago, IL

1:00PM – 4:30PM

■ MOBILE TOUR—INNOVATION ON LOCATION: FINANCING DENVER UNION STATION Meet in Law Forum

This mobile tour will provide an overview of the redevelopment that will transform Denver Union Station from an under utilized historic building to a regional transportation hub, and will serve as a central component of the region's transit-oriented development (TOD) vision and a gateway to Denver. Participants will be guided on a mobile tour via Light Rail, first to a Denver Housing Authority TOD project, and then on to Union Station. Here, participants will tour the site, and learn about the complexities of financing the \$500,000,000 transportation infrastructure project, including the multi-party, multi-jurisdictional public/private partnerships. **Due to space limitations, this mobile tour is limited to 30 people.**

Moderators:

Elisabeth Cortese, Associate, McGeady Sisneros P.C., Denver, CO

Angela Rathbun, Associate, McGeady Sisneros P.C., Denver, CO

Speakers:

Office of Mayor Michael B. Hancock

Denver Housing Authority

Trammell Crow Company

Union Station Alliance

■ TAKING STOCK: LARGE LANDSCAPE CONSERVATION IN THE ROCKY MOUNTAIN WEST

Craig Hall

This three-hour workshop will provide an overview and analysis of the range, scope, and scale of large landscape conservation in the Rocky Mountain West. In a facilitated conversation, panelists and participants will explore advances in policy and practice; examine new trends and tools; engage in real-time problem solving with resource professionals and peers; and provide feedback on new mapping and training products aimed at linking practitioners and building capacity.

Moderator:

Bob Bendick, AICP Director of Government Affairs for The Nature Conservancy; Co-chair of the Practitioners' Network for Large Landscape Conservation

Speakers:

Doug Austen, National Landscape Conservation Cooperatives Coordinator, U.S. Fish and Wildlife Service, Arlington, VA

Jessica Clement, Director, Collaborative Leadership Program; Scientist, Human Dimensions in Natural Resources, Ruckelshaus Institute, University of Wyoming, Laramie, WY

Rich Lindsey, Council of State Governments – WEST, Laramie, WY

James Ogsbury, Executive Director, Western Governors' Association, Denver, CO

Peter Williams, Collaborative Planning and Multiparty Monitoring Specialist, Ecosystem Management Coordination, USDA-Forest Service, Fort Collins, CO

1:15PM – 2:45PM

■ PLANNING FOR EXTREME DROUGHT: HOW COMMUNITIES ARE THINKING ABOUT AND PLANNING FOR EXTREME DROUGHT

Davis Auditorium

The recent drought in the Western United States has forced some communities and State officials to be on the cutting edge of planning and adapting to extreme drought. Panelists will discuss water resource management and how this allows them to manage critical areas differently in extreme drought and has significant implications to municipal, industrial and agricultural water use and land uses. They will also discuss how some municipalities are not leaving the future to chance and will talk about the WISE project (Water for Irrigation, Stream and Economy) and other planning being undertaken to ensure its constituents will have the water they need.

Moderator:

Alex Davis, Principal, GBSM, Denver, CO

Speakers:

Eric Hecox, Executive Director, South Metro Water Authority, Greenwood Village, CO

Scott Verhines, State Engineer, State of New Mexico, Santa Fe, NM

■ EVIDENCE-BASED SMART GROWTH

Law 165

What is the evidence supporting smart growth? Based on research supported by HUD, EPA, Brookings, Ford and others, the speakers will present evidence they have amassed showing the benefits of smart growth in terms of economic development, foreclosures, housing choice, transportation, pollution, traffic safety, public health, fiscal resiliency and other factors.

Moderator:

Arthur C. Nelson, FAICP, Executive Director, Metropolitan Research Center, Salt Lake City, UT

Speaker:

Dejan Eskic, Metropolitan Research Center, University of Utah, Salt Lake City, UT

Reid Ewing, Director, Metropolitan Research Center, University of Utah, Salt Lake City, UT

■ NEW MARKET TAX CREDITS

Knoebel 229 L

New Markets Tax Credits (NMTC) are a tremendous financial resource designed to facilitate and encourage investment in qualifying low-income areas. This session will include an overview of how a project qualifies for NMTC and what types of community outcomes are needed to secure this unique and incredibly beneficial financing tool. Learn how to better position a project to access this competitive program from active industry participants, as well as what the impact NMTC can have on financing a project.

Moderator:

Keirstin Beck, Attorney, Packard Dierking, LLC, Boulder, CO

Speakers:

Craig Dale, Principal, Capital Peak Partners, LLC, Denver, CO

Mark Job, Branch President, Citywide Banks, Denver, CO

2:45PM – 3:00PM

INTERMISSION BREAK

Law Forum, Knoebel

3:00PM – 4:30PM

■ RECENT LAND USE DEVELOPMENTS IN THE ROCKY MOUNTAIN WEST

Davis Auditorium L

Always engaging, the region's top experts in land use law provide detail and analysis of recent court decisions and legislative activities.

Moderator:

Douglas A. Jorden, Attorney, Jorden, Bischoff & Hiser, LLC, Scottsdale, AZ

Speakers:

Cullen Battle, Attorney, Fabian Law, Salt Lake City, UT

Anita Miller, Assistant City Attorney, City of Albuquerque, NM, Albuquerque, NM

Jeff Parker, Attorney, Hayes, Phillips, Hoffman & Carberry P.C., Denver, CO

■ INCORPORATING HEALTH AND WELL-BEING INTO THE BUILT ENVIRONMENT: A CASE STUDY

Knoebel 229

The connection between health and the built environment continues to strengthen and is becoming a significant part of how we define a sustainable neighborhood. From obesity and diabetes to economic vitality and community cohesion, the planning, programming, and design of a neighborhood should contain a comprehensive approach to health-related issues. With funding from HUD, the EPA, the Office of Sustainable Communities and the Colorado Health Foundation, the Denver Housing Authority's Mariposa Redevelopment (Phase I of which is now complete) has a master plan that explicitly reflects this need, utilizing a range of best practices and guidelines to create one of the best examples in the country of a connected, healthy community.

Moderator:

Narada Golden, Director, YR&G, Denver, CO

Speakers:

Kimball Crangle, Senior Developer, Denver Housing Authority, Denver, CO

Susan Powers, President, Urban Ventures, LLC, Denver, CO

■ ZONING RESTRICTIONS ON SHARED HOUSING, OCCUPANCY AND RENTALS: LEGAL AND PLANNING ISSUES

Law 165 ☐ L

This session focuses on emerging problems and issues of zoning as it relates to shared housing, occupancy, and rentals in established residential neighborhoods. Unconventional shared housing, occupancy, and rental arrangements often are increasing in residential neighborhoods and may raise issues involving affordable housing, overcrowding, maintenance, parking, security, and the protection of the character of an area. This session examines the legal and planning strategies and issues involved in zoning regulation related to these new developments.

Speakers:

Karen Aviles, Assistant City Attorney, Denver, CO

Edward Ziegler, Professor of Law, University of Denver Sturm College of Law, Denver, CO

4:30PM – 6:00PM

EVENING RECEPTION

Sturm College of Law Forum

7:00AM – 8:30AM

REGISTRATION & BREAKFAST

Sturm College of Law Forum

8:30AM – 10:00 AM

■ THE COLORADO RIVER: INTERGOVERNMENTAL AGREEMENTS

Law 165 L

The Upper Colorado River Basin is both a critical watershed for the Western Slope and an economic driver for the Denver Metropolitan Area. In 2003, Denver Water sought federal and state approvals to take additional water from the Fraser River. This triggered multi-year facilitated negotiations between Denver Water and 17 West Slope entities that resulted in the Colorado River Cooperative Agreement (CRCA), released in 2011 and finalized in 2012. This session will provide background on the issues and entities involved, the process involved in developing the CRCA, and an introduction of future issues and cooperative efforts.

Speakers:

Tom Gougeon, President, Gates Family Foundation; Commissioner, Denver Water, Denver, CO

Eric Kuhn, General Manager, Colorado River Water Conservation District, Glenwood Springs, CO

■ COLORADO'S NEW NATIONAL FOREST ROADLESS RULE

Law 190 L

In July 2012, the U.S. Forest Service announced new rules for managing significant portions of the national forests in Colorado. In doing so, the Forest Service was responding to requests by the Owens, Ritter and Hickenlooper administrations for rules that differ from those in all other Western states. This session will cover how the “Colorado rule” applies to development proposals, its relationship to common uses of the national forests (recreation, water development, oil and gas production) and how it affects efforts to prevent wildfires. The applicable rules in other Western states will also be referenced.

Moderator:

Lori Potter, Partner, Kaplan Kirsch & Rockwell LLP, Denver, CO

Speakers:

Jim Lochhead, CEO/Manager, Denver Water, Denver, CO

Bob Randall, Deputy Director, Colorado Department of Natural Resources, Denver, CO

■ MANAGE WHAT YOU MEASURE: SUCCESSFUL APPROACHES TO QUANTIFYING SUSTAINABILITY

Law 170

Corporations, governments and nonprofit organizations are all increasing their focus on sustainability, and in recent years there has been significant investment in sustainability related measures. While this is a welcome trend to many, it also highlights the need for improved metrics and indicators to better understand progress on sustainability. For sustainability to be fully embraced by all sectors, it must be measured with the same level of precision as traditional economic and social indicators. This session will focus on measuring sustainability at several scales, beginning with a broad-based indicator of statewide sustainability and progressing to a detailed measurement and analysis of the effects of a specific conservation program.

Moderator:

Russ Sands, Water Conservation Program Manager, City of Boulder, Boulder, CO

Speakers:

Kris Holstrom, Sustainability Coordinator, EcoAction Partners, Telluride, CO

Daniel Stellar, Water Division Director, Center for ReSource Conservation, Boulder, CO

Anna Zawisza, Education & Outreach Director, Alliance for Sustainable Colorado, Denver, CO

■ BEST PRACTICES FOR CREATING EQUITABLE, SUSTAINABLE COMMUNITIES NEAR TRANSIT

Law 180

Denver and other regions around the country are currently making major investments in transit infrastructure, presenting communities with tremendous opportunities to reorient development patterns and provide more transportation choices. The benefits of TOD have been widely researched and documented, yet how do we ensure that populations who need access to low cost transportation choices are able to benefit from living and working in neighborhoods built around them? In this session, attendees will hear from several organizations who are working locally and nationally to ensure transit service and transit-oriented development are inclusive and provide benefits for all.

Moderator:

Bill Sadler, Program Associate, Reconnecting America, Denver, CO

Speakers:

Amanda Gonzalez, Policy Analyst and Staff Attorney, FRESC: Good Jobs, Strong Communities, Denver, CO

Brad Weinig, Program Director, Transit Oriented Development, Enterprise Community Partners, Denver CO

■ SUSTAINABLE FINANCE TOOLS: LESSONS LEARNED, FROM DEBT FUNDS TO PROGRAM RELATED INVESTMENTS

Law 155

Innovation in new real estate financing tools is as critical as ever given decreasing funding at the state and federal level. Program related investments, mission related investments, social impact bonds, and debt funds offer an untapped multi-billion dollar market to support sustainable real estate investments. This session will provide several examples of Program Related Investments (PRIs) and provide participants with an improved understanding of the sources of capital in this space and acceptable deal structures.

Moderator:

Stephanie Gripne, Research Fellow, University of Denver, Denver, CO

Speakers:

Jeff Clarke, Senior Advisor, Giving Practice, Anchorage, AK

Melinda Pollack, Vice President, Enterprise Community Partners, Denver, CO

Christa Velasquez, Senior Fellow at Initiative for Responsible Investment, Harvard University, Cambridge, MA

10:00AM – 10:15AM

INTERMISSION BREAK

Law Forum

10:15AM – 11:45AM

■ ENERGY PRODUCTION & WATER USE: PREPARING FOR A DRIER FUTURE

Law 190

This session will present a comparison of water footprints for various energy fuels such as coal, natural gas, and renewable energy, as well as competing water uses, such as agriculture. The stresses on water supply in long-term drought scenarios will also be discussed. The panelists will discuss various strategies to reduce the amount of water being used and consumed in energy production, as well as the policy changes and political hurdles of implementing energy portfolios with a lower water footprint.

Moderator:

Alice Madden, Wirth Chair in Sustainable Development, University of Colorado Denver, Denver, Colorado

Speaker:

Kristen Averyt, Associate Director, Cooperative Institute for Research in Environmental Sciences (CIRES), Boulder, CO

Amelia Nuding, Water & Energy Analyst, Western Resource Advocates, Boulder, CO

John Stulp, Director, Interbasin Compact Committee, Special Policy Advisor to the Governor for Water, State of Colorado, Denver, CO

■ AEROTROPOLIS DEVELOPMENTS: LEGAL, PLANNING AND POLITICAL ISSUES

Law 170 L

Aerotropolis is a relatively new term to describe a mixed-use, master-planned community that is anchored by an airport. This session will consider various key matters associated with an airport-centric development, including a discussion of the uses and synergistic relationships that are critical to making these developments successful. In addition to the planning aspects, the panelists will consider the multi-jurisdictional political and legal frameworks necessary to implement development projects within an aerotropolis.

Moderator:

James T. Johnson, Shareholder, Otten Johnson Robinson Neff + Ragonetti, Denver, CO

Speaker:

Rita M. Connerly, Director, Fairfield and Woods, P.C., Denver, CO

Evan Dreyer, Deputy Chief of Staff, Office of Mayor Michael B. Hancock, Denver, CO

Eliot Hoyt, Principal, Design Workshop, Denver, CO

■ STEWARDSHIP DEVELOPMENT: AN ECONOMIC, SOCIAL, AND ENVIRONMENTAL APPROACH

Knoebel 229

In the last century, the ways in which we interact with land and develop places to work and live, generate energy, grow food, and produce products have dramatically shifted to disconnect us from nature, creating significant costs and challenges, and reducing our quality of life. The results are compounding social and environmental issues and opportunities to create immense economic and social value if we take a different approach: Stewardship Development. This session highlights the reasoning for a different approach to development, outlines the principles of Stewardship Development, illustrates how it works, explores potential outcomes, and invites engagement.

Moderator:

Julie Witherspoon, Senior Manager, Bio-Logical Capital, LLC, San Francisco, CA

Speakers:

Daniela Ibarra-Howell, CEO and Co-Founder, Savory Institute, Boulder, CO

Grant McCargo, CEO and Founder, Bio-Logical Capital, LLC, Denver, CO

Nolan Zail, Project Executive at Carmel Partners & Vice President at Bio-Logical Capital, LLC, Denver, CO

■ THE CHANGING FACE OF AMERICA AND WHAT IT MEANS TO YOU

Law 165

This session will explore the dramatic changes taking place throughout the nation—and especially the Rocky Mountain West—and how we need to plan our communities to accommodate those changes. Building on recent research performed for the American Planning Association, the session will focus on changes we need to prepare for slowing of the nation's growth rate, shrinking household size, increasing ethnic minority populations, reduced housing affordability, increasingly multi-generational families, and the need for more varied housing choice.

Moderator:

Don Elliott, FAICP, Senior Consultant, Clarion Associates, Denver, CO

Speaker:

Chad Meadows, AICP, Senior Associate, Clarion Associates, Chapel Hill, NC

■ COMMON PROBLEMS, COMMON SOLUTIONS, COMMON LAW: IMPACT FEES AND SPECIAL PERMITTING

Law 259 L

This session explores two key issues prominent in development control regimes: the legal nature of impact fees, and discretionary permitting as a sustainable tool. Some of the topics in this discussion include the application of the common law to impact fees and the use of special permitting to “green” major developments. The panelists will provide a comparison of the common law with U.S. constitutional rules judicial concerns in relation to decision-making. Our commentary illustrates that the evolution of constitutional canon and of common law concepts have arrived at remarkably similar positions.

Moderator:

Julian Juergensmeyer, Professor, Georgia State University, Atlanta, GA

Speakers:

Alyssa Bradley, Barrister & Solicitor, Young Anderson, Vancouver, BC

Raymond Young, Barrister & Solicitor, Young Anderson, Vancouver, BC

■ AVOIDING RANDOM ACTS OF CONSERVATION: SETTING PRIORITIES FOR PEOPLE AND LANDSCAPES

Knoebel 231

Whether the goal is protecting land for wildlife habitat, working lands, recreation areas, or watersheds, how can you evaluate which land is most important to conserve, protect, or restore? How are demographic changes, market forces, and a changing climate, among other drivers, pushing us to do more than commit “random acts of conservation”? Learn about a variety of techniques and tools that are effectively being used to move beyond business as usual to set priorities for land and water conservation while attending to community (and regional) planning and economic development goals.

Moderator:

Susan Culp, Manager, Sonoran Institute, Phoenix, AZ

Speakers:

Ole Amundsen, III, Manager, The Conservation Fund, Ithaca, NY

Kelley Hart, Associate Director, Trust for Public Land, San Francisco, CA

Stephanie Weigel, Regional Land Use Planner, Sonoran Institute, Twentynine Palms, CA

12:00 NOON – 1:00PM

LUNCH

Sturm College of Law Forum

1:15PM – 2:45PM

■ PUBLIC FINANCING OPTIONS IN THE ROCKY MOUNTAIN REGION

Law 170 L

As approving jurisdictions and land developers generate plans for new development and redevelopment, they are challenged to create new communities that address concerns associated with “urban sprawl” while avoiding an environment that is a sterile sea of uniformity. In order to adequately address these issues and to make projects financially feasible, it is necessary for land developers to obtain project funding at an economical price. This panel discussion will cover the various creative financing tools implemented in states throughout the Rocky Mountain Region.

Moderator:

Mary Jo Dougherty, Shareholder, McGeedy Sisneros P.C., Denver, CO

Speakers:

Zachary Bishop, Senior Vice President, Public Finance Banker, D.A. Davidson & Co., Denver, CO

David K. Lucas, Member, Sherman & Howard, LLC, Denver, CO

Bradley D. Patterson, Partner, Ballard Spahr LLP, Salt Lake City, UT

Dee P. Wisor, Member, Sherman & Howard, LLC, Denver, CO

■ WHAT'S WORKING IN THE GAS PATCH: LOCAL REGULATION OF OIL AND GAS

DEVELOPMENT

Law 255 L

Although the State of Colorado periodically engages in legal skirmishes over whether, and to what extent, local governments' efforts to regulate oil and gas development are preempted by state law, Western Slope communities have been engaged in the regulatory process for many years. This panel explores lessons learned by local governments in the gas patch and provides positive examples of ways in which local governments are effectively using their regulatory authority to mitigate the impacts of development on their communities.

Moderator:

Barbara J.B. Green, Partner, Sullivan Green Seavy, LLC, Denver, CO

Speakers:

David Baumgarten, Gunnison County Attorney, Gunnison, CO

Ben Doyle, Assistant Boulder County Attorney, Boulder CO

Gwen Lachelt, Commissioner, La Plata County, Durango, CO

BORN IN A SMALL TOWN

Law 155

Small cities and rural America have public transportation needs that are just as compelling as those in big cities. Aging populations, young people, disabled citizens, working families and others who want — and need — transportation choices are working together as never before to make public transportation happen. Federal and state government resources have become available for small town and rural transit, and communities are leveraging this investment to great success. The panelists will discuss small city and rural transit success stories from around the country, with an emphasis on “why” and “how” success happened so that the lessons learned can be applied in other communities.

Moderator:

Roger Millar, Vice President, Smart Growth America, Billings, MT

Speakers:

Lisa Ballard, President, Current Transportation Solutions, Missoula, MT

Sara Kline, Policy Director, Reconnecting America, Washington, DC

Terry Supahan, President, Supahan Consulting Group, Orleans, CA

THE GRAYING OF THE ROCKY MOUNTAIN WEST: FROM ASSESSMENT TO IMPLEMENTATION

Law 165

Demographic projections throughout the Rocky Mountain West paint a dramatic picture of increasing numbers of older adults, many of whom live in communities unprepared for the changing needs of their residents. Understanding how to ready our communities, be they frontier, rural, suburban or urban, is challenging planners and local governments alike. Learn how three distinct communities in Colorado and Wyoming are considering how the design of their communities, services and infrastructure must evolve to meet the needs of the growing older adult population. Each community will describe their process to assess existing conditions, services, policies, and local regulatory environment through the lens of creating communities that can support healthy, successful and independent aging.

Moderator:

Brad Calvert, Senior Planner, DRCOG, Denver, CO

Speakers:

Nicholas L. Bateson, P.E., Public Works Director, Sheridan, WY

Jeremy Matsen, Town of Lyons Intern, Lyons, CO

Nathan Mosley, Management Analyst, City of Wheat Ridge, CO

■ TROUBLE WITH THE FEDS: AN OVERVIEW OF FEDERAL CONSTITUTIONAL AND STATUTORY ISSUES IN LOCAL URBAN PLANNING AND ZONING LAW

Law 125 L

This session provides a helpful overview of federal constitutional and statutory issues that may impact local land use regulation, including constitutional and statutory limits on local government regulation and discretion. Subjects covered include due process, equal protection, takings, and first amendment issues (signs and billboards, adult uses, religious land uses), as well as laws related to fair housing, manufactured housing, communication facilities, and environmental laws.

Moderator:

Julian Juergensmeyer, Professor of Law, Georgia State University College of Law, Atlanta, GA

Speakers:

Chris Duerksen, Senior Counsel, Clarion Associates

Edward Ziegler, Professor of Law, University of Denver Sturm College of Law, Denver, CO

2:45PM – 3:00PM

INTERMISSION BREAK

Law Forum

3:00PM – 4:30PM

■ CREATING FIRE-ADAPTED COMMUNITIES: A UNIFIED APPROACH TO WILDFIRE PLANNING

Law 190

Recent wildfire seasons across the Western U.S. remind us how BIG the scope and scale of community impacts can be from a wildfire disaster. The fire-adapted community approach recognizes that fire is part of the natural landscape, and acknowledges that we must plan, prepare and act at multiple levels if we are to increase our resilience to the next wildfire. This session focuses on several of the key elements to becoming fire adapted, including the use of partnerships and collaboration to promote forest restoration at the landscape level, and the creation of wildland-urban guidelines to reduce risk. Finally we will use a case study to explore the land use planning considerations and lessons learned from the 2012 Waldo Canyon fire.

Moderator:

Molly Mowery, Fire Adapted Communities Coordinator, National Fire Protection Association, Centennial, CO

Speakers:

Dan Gibbs, County Commissioner, Summit County Government, Breckenridge, CO

Christina Randall, Wildfire Mitigation Administrator, Division of the Fire Marshal, Colorado Springs, CO

■ THE ABSOLUTE WORST DISASTERS IN 20TH CENTURY URBAN PLANNING LAW

Law 165 L

This country's metropolitan areas are now facing a number of serious sustainable development issues related to urban planning, economic growth, housing, energy, transit, traffic congestion, infrastructure maintenance, and social cohesion. Ever wonder what they were thinking when shaping this landscape? This session provides a humorous exploration of where and how we may have gone terribly wrong in the development of urban planning law in the 20th century.

Moderator:

Dwight Merriam, Partner, Robinson & Cole, Hartford, CT

Speakers:

Orlando Delogu, Professor of Law, University of Maine School of Law, Portland, ME

Edward Ziegler, Professor of Law, University of Denver Sturm College of Law, Denver, CO

■ SITING RENEWABLE ENERGY: LAND USE AND ENVIRONMENTAL ISSUES

Law 155 L

This session will examine the land use and environmental issues and concerns that should be taken into account when siting renewable energy projects, particularly solar and wind facilities. Panelists will discuss the land use and zoning issues associated with siting these facilities, as well as environmental concerns that should be considered both in due diligence and in negotiating the business deal. A representative from the solar industry will discuss the business considerations associated with identifying acceptable project sites, including the land use and environmental issues.

Moderator:

Sarah Rockwell, Partner, Kaplan Kirsch & Rockwell LLP, Denver, CO

Speakers:

Megan Day, AICP, Senior Project Planner, Juwi Solar, Boulder, CO

Polly Jessen, Partner, Kaplan Kirsch & Rockwell LLP, Denver, CO

■ ADDRESSING DEVELOPMENT ENTITLEMENTS IN THE WEST: DISTRESSED, ZOMBIE AND PRE-MATURE SUBDIVISIONS

Law 180 L

The Lincoln Institute of Land Policy and Sonoran Institute's three year examination of development entitlements and distressed subdivisions throughout the Intermountain West will conclude with publication of a final report in the spring of 2013. This advance presentation of findings, case studies and policy recommendations will report on the results of an October 2012 experts convening, a west-wide survey of planners and real estate professionals, and community efforts to address entitlement issues in Idaho, Arizona and Colorado.

Moderator:

Peter Pollock, FAICP, Ronald Smith Fellow, Lincoln Institute of Land Policy, Boulder, CO

Speakers:

Don Elliott, FAICP, Senior Consultant, Clarion Associates, Denver, CO

Jillian Sutherland, Economic and Community Development Project Manager, Sonoran Institute, Glenwood Springs, CO

■ CONSERVATION INVESTMENT FUNDS: A FOR-PROFIT APPROACH TO LARGE SCALE CONSERVATION

Law 125

Achieving future wildlife conservation goals on private lands requires that we develop new sources of funding, tools, and strategies. One promising new tool is conservation investment funds. Conservation investment funds represent a growing billion-dollar sector, which deploys investment capital to acquire and operate property in order to generate risk adjusted financial returns (6%-15%) to investors while generating conservation outcomes. This session will introduce the concept of conservation investment funds, share examples of three funds, and provide time to discuss the opportunities and challenges for this tool and the potential for it to make a significant impact in the area of wildlife habitat conservation.

Moderator:

Stephanie Grippe, Research Fellow, University of Denver, Denver, CO

Speakers:

Daniel K. Dygert, Esq., President, Carrus Land Systems, LLC, North Logan, UT

Carl Palmer, Founder and Principal, Beartooth Capital, Bozeman, MT