

MARCH 10-11, 2016

University of Denver Sturm College of Law



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

EXAMINING THE PAST
EXPLORING THE FUTURE



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DENVER
STURM COLLEGE OF LAW

RMLUI
25 YEARS
ROCKY MOUNTAIN
LAND USE INSTITUTE

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EXAMINING THE PAST EXPLORING THE FUTURE

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's optional workshop on Wednesday, March 9, ***Linking Land Use & Water: Tools to Grow Water-Smart***, is a day-long workshop that will 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 to discuss 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.

Featured Track

EXAMINING THE PAST, EXPLORING THE FUTURE

What have we learned over the past 25 years that should guide our land use decisions in the future? This track examines the major themes addressed at the conference over the past 25 years to determine what we can learn from the past to better anticipate the future.

■ CONSERVATION

The West is largely defined by its natural assets, whether it is the development of our water and mineral resources, or the protection of our parks and open spaces. These sessions will explore strategies for preserving and protecting these resources.

■ HOT TOPICS

An annual feature of the conference, this track covers new programs and emerging topics. This year, sessions will include the sharing economy, how to plan for potential hazards, and the issue of acid mine drainage.

■ HOUSING

Communities across the West are struggling with the need to provide housing for a rapidly growing population. These sessions demonstrate how communities across the West are addressing the need for fair and affordable housing.

■ LAW & PLANNING

These sessions provide an overview of recent developments in law and planning from across the West. Also included in this track are sessions on ethics for both lawyers and planners.

■ REGIONAL PLANNING & DEVELOPMENT

As urban areas continue to expand, issues of accessibility, sprawl, gentrification, and resilience start to overlap with neighboring communities. This track not only considers the issues these cities face, but also how communities are responding to the challenge.

2016 CONFERENCE SCHEDULE

WEDNESDAY, MARCH 9, 2016

Linking Land Use and Water: Tools to Grow Water-Smart will explore the legal framework that underlies Colorado's efforts to regulate water use and to provide best practices for local communities. In bringing together land use planners, water providers, policy makers, lawyers, and other stakeholders, the workshop will provide the foundation for strong, interdisciplinary planning efforts that integrate water and land use planning to maximize water efficiency and conservation.

THURSDAY, MARCH 10, 2016

7:30–8:30	REGISTRATION & BREAKFAST					
8:30–10:00	WELCOME & KEYNOTE					
10:00–10:15	BREAK					
10:15–11:45	session 1 ■ Here Comes the Big Box: AICP Ethics Case of the Year LAW 165 [E] [R]	session 2 ■ Ethics for Land Use Lawyers LAW 290 [E] [L]	session 3 ■ Federal Public Lands: The Heart of the Rocky Mountain West LAW 370 [L]	session 4 ■ Mobility in the Rocky Mountain West Driscoll Gallery	session 5 ■ Stewardship Development: The Cure for Urban Sprawl LAW 255 [R]	
11:45–1:15	LUNCH					
	Plenary Lunch: Water & Land Use Planning: What did Powell Really Say? <i>This lunch requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag.</i> Driscoll Ballroom [L]			General Lunch LAW Forum		
1:15–2:45	session 1 ■ Don't Trip Over Parking: Tools for Planners Driscoll 135 [R]	session 2 ■ Regional Collaboration in the West: Comparing Salt Lake City, Denver & Las Vegas LAW 412 [R]	session 3 ■ Sagebrush Rebellion III? The Effort to Transfer Ownership of Public Lands LAW 165 [L]	session 4 ■ True West: Promise Fulfilled or Dry Mirage Driscoll Gallery	session 5 ■ Same Tune, Different Verse? Reflections on Three Decades of Amenity-Based Development LAW 370 [R]	TOUR* 1:00pm - 4:30pm WALKING TOUR: Denver's Five Points Renaissance Meet in the LAW Forum at 1:00pm. The group will depart at 1:15pm.
2:45–3:00	BREAK					
3:00–4:30	session 1 ■ New Directions in Planning Tools Driscoll Gallery	session 2 ■ Does HUD Understand Us? Applying Fair Housing Requirements LAW 190 [L] [R]	session 3 ■ Water's Role in Shaping the Rocky Mountain West LAW 165 [L]	session 4 ■ Conserve, Redevelop, and Undevelop: New Frontiers in Land Conservation LAW 370 [L] [R]	session 5 ■ Planning for Hazards: Colorado's New Guide for Applying Land Use Strategies LAW 290 [L] [R]	session 6 ■ Private Land Conservation: 25 Years Past & Future LAW 155 [L] [R]
4:30–6:00	NETWORKING RECEPTION					

[E] Ethics Credits

[L] AICP Legal Credits (pending)

[R] CRE Credits

*Walking tour requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag.

March 10-11, 2016 : University of Denver Sturm College of Law

2016 CONFERENCE SCHEDULE

FRIDAY, MARCH 11, 2016

7:30–8:30	REGISTRATION & BREAKFAST					
8:30–10:00	session 1 ■ Housing in the West : Looking Backward and Forward Driscoll Gallery [L] [R]	session 2 ■ Albuquerque Tackles Everything from ABC to Z LAW 190 [L] [R]	session 3 ■ The Sharing Economy Matures: How the On-Demand Marketplace is Evolving; How Cities Will Respond LAW 165 [L] [R]	session 4 ■ Wildfire: Equipping Planners with 21st Century Tools for Success LAW 290	session 5 ■ Communities & Development vs. Railroads & Hazardous Cargo: How Can We All Get Along LAW 280 [L] [R]	session 6 ■ The Evolution of the Energy/Land Use Nexus: A 25-Year Perspective LAW 170 [L]
10:00–10:15	BREAK					
10:15–11:45	session 1 ■ Citizen Engagement in Land Use: How Far Have We Come? LAW 170 [R]	session 2 ■ Recent Land Use Decisions in the Rocky Mountain West LAW 125 [L]	session 3 ■ Resilient Communities: Learning From the World's Best LAW 165	session 4 ■ Don't Sell the Ranch: Alternatives to "Buy and Dry" in the South Platte River Basin LAW 290 [L]	session 5 ■ To Superfund or Not to Superfund? Will this Fix Acid Mine Drainage? LAW 155 [L]	session 6 ■ The Future of Tiny Homes Driscoll Gallery [L] [R]
11:45–1:15	LUNCH					
	Plenary Lunch: #whatdowewant? #warmcookies: Civic Engagement Can Be Fun! <i>This lunch requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag.</i> Driscoll Ballroom			General Lunch Law Forum		
1:00–2:45	session 1 ■ What's New With Planning on the Front Range? LAW 125	session 2 ■ Local Governments' New Prominence in Environmental Protection LAW 180 [L]	session 3 ■ Creative Solutions to the Affordable Housing Crisis LAW 165 [R]	session 4 ■ 2015 Supreme Court Review: Signs, Fair Housing, Takings and Clean Air LAW 190 [L] [R]	session 5 ■ Fortress Mentality: Why Gated Communities are Not the Answer LAW 280 [R]	TOUR* 1:00pm - 4:30pm WALKING TOUR: Highlands & the Riverfront Neighborhood with WalkDenver Meet in the LAW Forum at 1:00pm. The group will depart at 1:15pm.
2:45–3:00	BREAK					
3:00–4:30	session 1 ■ Transformations in Public Finance: Lessons Learned LAW 170 [L] [R]	session 2 ■ Housing and the Economy: The Density Paradox LAW 180 [R]	session 3 ■ The Role of the Neighborhood Association in the Land Use Approval Process LAW 165 [R]			

[E] Ethics Credits

[L] AICP Legal Credits (pending)

[R] CRE Credits

*Walking tour requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag.

AGENDA WEDNESDAY, MARCH 9

8:00am - 9:00am

REGISTRATION AND BREAKFAST

LAW Forum

9:00am - 4:00pm

LINKING LAND USE & WATER: TOOLS TO GROW WATER-SMART

LAW 165

sponsored by



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources



Colorado's statewide water plan acknowledges the impacts of population growth to our state's agricultural heritage, our river systems, and our limited water supply. It also recognizes the need for communities that are water-wise and that, by design, help to stretch Colorado's water resources, protect our natural resources, and preserve our high quality of life.

This full-day workshop will explore the legal framework that underlies Colorado's efforts to regulate water use and to provide best practices for local communities. In bringing together land use planners, water providers, policy makers, lawyers, and other stakeholders, the workshop will provide the foundation for strong, interdisciplinary planning efforts that integrate water and land use planning to maximize water efficiency and conservation.

Speakers:

Drew Beckwith, Western Resource Advocates

Susan Daggett, Rocky Mountain Land Use Institute

Stu Feinglas, City of Westminster

Andy Hill, Colorado Department of Local Affairs

John Nolon, Pace Law School, Land Use Law Center

Anita Seitz, City of Westminster

David Shinneman, City of Broomfield

Lyle Whitney, City of Aurora

Welcome & Overview

The Land Use System

John Nolon will cover the basics of the Colorado land use system and reflect on the authority and power given to local governments and their land use boards.

The Water Planning Process

Drew Beckwith will provide an overview of water supply and water conservation planning processes used in Colorado and engage participants to comment on their local examples.

Land Use and Water Planning Integration

This session will showcase a sample of some of the water conservation strategies being used in the land use system, including the various opportunities to integrate water planning policies into the comprehensive plan, zoning, subdivision, and site plan regulations.

Best Practices and Advice from the Front Range

The panelists will present examples of best practices and techniques that are being used to integrate water efficiency and conservation into land use planning.

Group Discussion: How to Make It Happen

Drew Beckwith will guide a group discussion that will cover questions such as: What are the opportunities in your community? What are the challenges? Would legislation help? What resources are needed?

Closing Remarks & Discussion of Resources

AGENDA THURSDAY, MARCH 10

7:30am - 8:30am

REGISTRATION AND BREAKFAST — sponsored by  Brownstein Hyatt
Farber Schreck
LAW Forum

8:30am - 10:00am

WELCOME ADDRESS — sponsored by  OTTEN JOHNSON
ROBINSON NEFF + RAGONETTI
Davis Auditorium

Speakers:

Rebecca Chopp, University of Denver

Susan Daggett, Rocky Mountain Land Use Institute

Tom Ragonetti, Esq., Otten Johnson Robinson Neff + Ragonetti PC



KEYNOTE ADDRESS: URBANISM & GLOBAL SPRAWL

Cities affect our lives in profound, self-reinforcing ways: they can be a source of economic innovation, a pathway for poverty reduction, a brake on logarithmic demographic growth, and a solution to climate change—or they can reinforce economic isolation, heighten environmental impacts, and engender social strife. Cities are the superstructure for the culture, lifestyles, aspirations, and well-being of half of the world's population today and an estimated 70 percent by 2050. If they fail and become matrixes of gridlock, poisonous air, economic segregation, and environmental pollution, the planet will follow. If they succeed in lifting the next generation into sustainable productivity, integrating immigrants and working families into the next economy and living lightly on the land, they will contribute significantly to a civilized and sustainable future. This overview, while articulating the dramatic differences in urban challenges across the planet, will reveal the common ground and urban design principles that can correct ubiquitous social, economic and environmental pathologies.

Speaker:

Peter Calthorpe, Calthorpe Associates

10:00am - 10:15am

BREAK — LAW Forum, Driscoll Ballroom

10:15am - 11:45am

 **HERE COMES THE BIG BOX: AICP ETHICS CASE OF THE YEAR**
LAW 165  

Offers Ethics Credits

Join us for the AICP Ethics Case of the Year as we wind through five planning scenarios in the fictional town of Waverton. The scenarios evolve over time and grow more complicated, much like planners' daily work lives. Discuss how Waverton planners can achieve quality design when a major national retailer proposes a typical suburban style big box strip center. Talk about how the AICP Code of Ethics applies as the Waverton planners encounter political pressure and employment threats. Consider if the scenarios warrant filing formal ethics charges.

Speakers:

Joanne Garnett, Orion Planning and Design

Mary Kay Peck, MKPeck Associates



AGENDA THURSDAY, MARCH 10

■ ETHICS FOR LAND USE LAWYERS

LAW 290 [E] [L]

Offers Ethics Credits

The practice of land use law presents many ethical conundrums because of the very local, and often informal, nature of the work. This session will explore ethical issues, including those arising from various types of ex parte communications; whether and how to “cure” improper communication; how to deal with (un)represented staff; and other frequently asked questions.

Speakers:

Jerry Dahl, Murray Dahl Kuechenmeister and Renaud
Carolynne White, Brownstein Hyatt Farber Schreck

■ FEDERAL PUBLIC LANDS: THE HEART OF THE ROCKY MOUNTAIN WEST

LAW 370 [L]

Federal public lands comprise over 50% of the American West landscape, define the identity and character of the region, and are the primary reason the West is the fastest growing region in the country. This session begins by reflecting on what has changed since the last comprehensive review of federal public land law and policy was completed in 1970. It will highlight what is and is not working, and whether it is time to convene another comprehensive review of public land law, policy, and governance, or whether other approaches to reform are potentially more effective.

Moderator:

Robert Keiter, University of Utah S. J. Quinney SCollege of Law; Wallace Stegner Center for Land, Resources and the Environment

Speakers:

Ann Morgan, former State Director, Bureau of Land Management
Rebecca Watson, Welborn Sullivan Meck & Tooley, P.C.

■ MOBILITY IN THE ROCKY MOUNTAIN WEST: TRANSPORTATION PAST, PRESENT, AND FUTURE

Driscoll Gallery

When considering how land use in the Rocky Mountain West has changed over the last 25 years, one of the most important elements of that change has been transportation. Expanded highways and roadways have continued to influence land use development, especially on the high-growth urban fringe and in rural areas, while increased investments in rail and bus transit systems have spurred considerable transit-oriented development in metropolitan areas, such as Denver, Salt Lake City, and Phoenix. This session looks at the shifting priorities in managing transportation options in the West. From trains to complete streets to infrastructure, the panelists will discuss the challenges and opportunities of transportation planning.

Moderator:

Andy Goetz, University of Denver Department of Geography & the Environment


Speakers:

Tim Baldwin, Rocky Mountain West Transit & Urban Planning
Will Toor, Southwest Energy Efficiency Project



AGENDA THURSDAY, MARCH 10

■ STEWARDSHIP DEVELOPMENT: THE CURE FOR URBAN SPRAWL

LAW 255 

Building community requires intentional long term planning and implementation through stewardship development. Panelists will speak about the past, present and future of the city, how it is being shaped today, as well as the importance of stewardship development in the creation of our cities. Attendees will learn about the successes, hurdles and challenges of robust long term planning efforts as well as case studies for catalytic projects and placemaking.

Moderator:

Brad Buchanan, City and County of Denver Department of Community Planning and Development

Speakers:

Grant McCargo, Biological Capital

Susan Powers, Urban Ventures LLC

11:45am - 1:15pm

PLENARY LUNCH — sponsored by



This lunch requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag.

■ WATER AND LAND USE PLANNING: WHAT DID POWELL REALLY SAY?

Driscoll Ballroom 

Speaker:

Former Justice Gregory Hobbs, Colorado Supreme Court; University of Denver Sturm College of Law

GENERAL LUNCH

LAW Forum

Take advantage of some free time to network with other attendees and visit the exhibitors in the Forum.

1:00pm - 4:30pm

■ WALKING TOUR: DENVER'S FIVE POINTS RENAISSANCE

This tour requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag. Meet in the LAW Forum at 1:00pm. The group will depart at 1:15pm.

Denver's Five Points area has a rich cultural history and a storied past. For many decades, it has been home to Denver's African-American residents, and in recent years has become increasingly gentrified. Located adjacent to downtown and connected by light rail, Five Points is currently one of the city's "hot" neighborhoods. This walking tour will highlight both the historic buildings and new development. Relevant discussion with area leaders will consider ways that the history and cultural diversity of Five Points can remain intact while balancing rapid growth and increased density.

Moderator:

Yvette Freeman, Progressive Urban Management Associates

Speakers:

Wil Alston, Wil Alston Group

Paul Books, Palisade Partners

Ryan Cobbins, Coffee on the Point

Anna Jones, Progressive Urban Management Associates

Tracy Winchester, Five Points Business District



AGENDA THURSDAY, MARCH 10

1:15pm - 2:45pm

■ DON'T TRIP OVER PARKING: TOOLS FOR PLANNERS

Driscoll 135 [R]

Communities all over the intermountain west specify parking minimums in their zoning codes. Parking in proximity to transit stations sucks up capacity for housing, office and retail uses. What is the right parking minimum? Is the Institute of Transportation Engineers (ITE) Trip Generation manual the right tool to determine demand? This panel discussion will include speakers who are evaluating parking code and looking at methods of calculating trip generation and questioning business as usual methods. Case studies are key to identifying ways to improve the way planners are planning for parking.

Moderator:

Karen Hancock, City of Aurora, Colorado

Speakers:

Anthony Avery, City of Aurora

Reid Ewing, University of Utah

■ REGIONAL COLLABORATION IN THE WEST: COMPARING SALT LAKE CITY, DENVER & LAS VEGAS

LAW 412 [R]

The U.S. Departments of Housing and Urban Developments, Transportation, and Environmental Protection Agency awarded grants to the Salt Lake City, Denver, and Las Vegas regions through the Sustainable Communities Regional Planning Grant Program, which supported locally-led collaborative planning and implementation activities region-wide. The Wasatch Choice for 2040 Consortium, Denver's Sustainable Communities Initiative, and Las Vegas' Southern Nevada Strong formed partnerships of government, public and private sector organizations that worked collaboratively to review, augment, create and implement their respective regional visions. This session will compare the three regions' experiences and lessons learned and the net result of those efforts today.

Moderator:

Flo Raitano, Denver Regional Council of Governments

Speakers:

Brad Calvert, Denver Regional Council of Governments

Raymond Hess, Regional Transportation Commission of Southern Nevada

Ted Knowlton, Wasatch Front Regional Council

■ SAGEBRUSH REBELLION III? THE EFFORT TO TRANSFER OWNERSHIP OF PUBLIC LANDS

LAW 165 [L]

The Utah Transfer of Public Lands Act (TPLA), which asserts that the federal government is legally obligated to transfer BLM and national forest system lands to the state, has prompted copy-cat bills across the west and spawned growing congressional attention. This session assesses the legal arguments for and against both the TPLA and federal legislation that would restructure federal public land management, and addresses the political and policy implications of wholesale land transfers, including its potential impact on resource management and federal-state relations.

Moderator:

Bob Keiter, University of Utah S. J. Quinney College of Law, Wallace Stegner Center for Land, Resources and the Environment

Speakers:

Constance Brooks, C. E. Brooks & Associates

Paul Larmer, High Country News

John Ruple, University of Utah S. J. Quinney College of Law, Wallace Stegner Center for Land, Resources and the Environment



AGENDA THURSDAY, MARCH 10

■ TRUE WEST: PROMISE FULFILLED OR DRY MIRAGE

Driscoll Gallery

In 2003 the Rocky Mountain Land Use Institute, in collaboration with the American Planning Association, published the acclaimed book, *True West: Authentic Development Patterns for Small Towns and Rural Areas*. It examined positive historic western development patterns and then, through a series of detailed case studies throughout the West, explored planning and legal tools and techniques to produce developments worthy of our unique landscape and heritage. In this session, co-authors Chris Duerksen and James Van Hemert summarize the lessons of *True West* and, in squint-eyed fashion, revisit several of the case study communities and developments to determine the good, the bad, and ugly—what went right and what went wrong. From this experience they make recommendations for the next 25 years of growth and development in the Intermountain West.

Speakers:

Chris Duerksen, Clarion Associates

James van Hemert, van Hemert & Co.

■ SAME TUNE, DIFFERENT VERSE? REFLECTIONS ON THREE DECADES OF AMENITY-BASED DEVELOPMENT

LAW 370 [R]

In keeping with the conference theme, “Examining the Past, Exploring the Future,” this panel will look back in time, examining the challenges posed by amenity-based development, the strategies used to mitigate these challenges, and the lessons learned in the process. It will explore the demographic and economic factors that have led extraction-based communities to transition to amenity-based economies, and identify ways for communities to maintain local character and build economic sustainability. The panel also will look forward to the future, outlining policy changes needed to confront emerging rural land use challenges and recommending design guidelines for rural conservation developments.

Moderator:

Sarah Thomas, Sarah Thomas Consulting, LLC/University of Colorado, Boulder

Speakers:

Susan Culp, NextWest Consulting

Sarah Reed, North America Program, Wildlife Conservation Society/Fish, Wildlife & Conservation CSU

2:45pm - 3:00pm

BREAK — LAW Forum, Driscoll Ballroom

3:00pm - 4:30pm

■ NEW DIRECTIONS IN PLANNING TOOLS

Driscoll Gallery

This session will explore innovative tools that help communities engage the public and plan for the future. What are the aims of citizen engagement and what are we trying to accomplish? What are the key challenges in designing appropriate citizen engagement processes? What new tools and techniques are being used and how are they an improvement over the ways we have worked in the past? How have these new tools fared in the real world? Come help direct our panel with the use of group response technology!

Moderator:

Peter Pollock, Lincoln Institute of Land Policy

Speakers:

Danica Powell, Trestle Strategy Group

Ken Snyder, PlaceMatters

Summer Waters, Sonoran Institute



AGENDA THURSDAY, MARCH 10

■ DOES HUD UNDERSTAND US? APPLYING FAIR HOUSING REQUIREMENTS TO CITIES IN THE WEST

LAW 190 [L] [R]

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.

Moderator:

Jen Garner, BBC Research & Consulting

Speakers:

Heidi Aggeler, BBC Research & Consulting

Brian Connolly, Otten Johnson Robinson Neff + Ragonetti, P.C.

Don Elliott, Clarion Associates

■ WATER'S ROLE IN SHAPING THE ROCKY MOUNTAIN WEST

LAW 165 [L]

This session provides an overview of the importance of water to the economy, environment, and society in the states comprising the Rocky Mountain West. It offers an introduction to the availability and use of the region's water resources and the legal framework that governs their allocation and use among its diverse peoples. The panelists will also discuss important regional trends associated with uses of water over the past 25 years, including urbanization, environmentalism, climate change, demographic transformation, and shifting cultural values. It concludes by offering a view of future directions for the region's water future.

Moderator:

Larry MacDonnell, University of Colorado Getches-Wilkinson Center

Speakers:

Former Justice Gregory Hobbs, Colorado Supreme Court; University of Denver Sturm College of Law

Jim Lochhead, Denver Water

Tom Romero, University of Denver Sturm College of Law

■ CONSERVE, REDEVELOP, AND UNDEVELOP: NEW FRONTIERS IN LAND CONSERVATION

LAW 370 [L] [R]

Like the mantra of Reduce, Reuse, and Recycle, the new frontiers of land protection will be to Conserve, Redevelop, and Undevelop. This session focuses on land trusts as new social entrepreneurs shepherding the movement from large-scale, raw land protection to small-scale, interconnected repurposing of land and its uses. Presenters will share their experiences and examples of working within, and developing new, legal, practical, and functional frameworks for land trusts conserving, creating, and interconnecting people and parcels of land for public parks, community gardens, cooperative farms, and public forests; redeveloping, reimagining, and reinventing the already-built environment for new public purposes such as affordable housing, recreation, and community places; and undeveloping, recovering, and restoring developed, degraded, or polluted lands to support revitalized ecological and human systems. Presenters also will use their examples to provide financial, legal, and regulatory guidance for land trusts endeavoring projects on the new frontiers.

Moderator:

Jessica Jay, Conservation Law, P.C.

Speakers:

Sarah Parmar, Colorado Open Lands

James Petterson, Trust for Public Lands

Claire Riegelman, Clear Creek Land Conservancy



AGENDA THURSDAY, MARCH 10

■ PLANNING FOR HAZARDS: COLORADO'S NEW GUIDE FOR APPLYING LAND USE STRATEGIES TO HAZARD-PRONE AREAS

LAW 290 [L] [R]

Recent floods and fires have taught Colorado that we should be better prepared for natural and man-made hazards. Strengthening our communities requires us to integrate knowledge of high-risk hazards into planning and land use efforts. The Colorado Department of Local Affairs partnered with Clarion Associates to develop a Colorado-specific guide that provides a step-by-step approach to identifying hazards, selecting appropriate land use planning and policy strategies, and implementing them using model code language. This panel discussion will describe the guide, highlight effective land use strategies for reducing risk to hazards, and provide cases of successful implementation in Colorado.

Moderator:

Anne Miller, Colorado Department of Local Affairs

Speakers:

Lori Hodges, Larimer County

Darrin Punchard, Hawksley Consulting

Tareq Wafaie, Clarion Associates

■ PRIVATE LAND CONSERVATION: 25 YEARS PAST & FUTURE

LAW 155 [L] [R]

Private land conservation has grown dramatically in the West over the last 25 years, resulting in the protection of millions of acres of important scenic views, mountain valleys, prime agricultural lands, and wildlife habitat. This panel will first be a reflection on the lessons learned during that success. The panel will also discuss the future of private land conservation for the next 25 years and its challenges and opportunities from three panel members who have been key participants in this field for the last 25 years.

Moderator:

Fred Cheever, University of Denver Sturm College of Law

Speakers:

Lisa Aangeenbrug, Great Outdoors Colorado

Larry Kueter, Law Office of Lawrence R. Kueter

Bill Silberstein, Kaplan Kirsch & Rockwell

4:30pm - 6:00pm

NETWORKING RECEPTION

LAW Forum

save the date

Join RMLUI as we continue the conversation for another 25 years.

MARCH 16 & 17, 2017



AGENDA FRIDAY, MARCH 11

7:30am - 8:30am

REGISTRATION AND BREAKFAST — sponsored by
LAW Forum



8:30am - 10:00am

f HOUSING IN THE WEST: LOOKING BACKWARD AND FORWARD

Driscoll Gallery [L](#) [R](#)

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.

Moderator:

Brian Connolly, Otten Johnson Robinson Neff + Ragonetti, P.C

Speakers:

Dwight Merriam, Robinson & Cole

Arthur Nelson, University of Arizona

■ ALBUQUERQUE TACKLES EVERYTHING FROM ABC TO Z

LAW 190 [L](#) [R](#)

This session will explore the Albuquerque ABC–Z Project—an ambitious 2-year project to update the Albuquerque/Bernalillo County Centers and Corridors comprehensive plan. The project addresses the city's antiquated and scattered zoning and subdivision controls and technical development standards, and also ends the city's long-standing practice of including specialized zoning controls in neighborhood plans.

Moderator:

Don Elliott, Clarion Associates

Speakers:

Russell Brito, City of Albuquerque

Scott Fregonese, Fregonese Associates

Suzanne Lubar, City of Albuquerque

■ THE SHARING ECONOMY MATURES: HOW THE ON-DEMAND MARKETPLACE IS EVOLVING, HOW CITIES WILL RESPOND

LAW 165 [L](#) [R](#)

The rise of the sharing economy over the past few years has disrupted major land use and transportation markets. For instance, the rise of on-demand short-term rental markets, such as Airbnb, and transportation network companies, such as Uber, have redefined the hotel and taxi industries once thought static. As these business models evolve, so, too, must regulatory structures. How does the evolution of these industries invite evaluation of regulation, and how must regulation change to fit a twenty-first century on-demand economy? What other land use-related industries are susceptible to disruption by on-demand business models and how should cities prepare?

Moderator:

Stephen Miller, University of Idaho College of Law

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Speakers:

Kim Kucera, CRL Associates

Mike Pletsch, car2go

MaryBeth Susman, Denver City Council

Kellen Zale, University of Houston Law Center

■ **WILDFIRE: EQUIPPING PLANNERS WITH 21ST CENTURY TOOLS FOR SUCCESS**

LAW 290

Over the past 25 years, wildfire discussions at the community level have evolved as more communities face increased risk of wildfire due both to changing conditions and ballooning development in wildfire-prone areas, and also as more communities experience the direct impacts and high costs of wildfire. As a result, local governments are embracing planning and regulations to reduce their risk. This session will highlight this evolution, and primarily focus on how community tools are being utilized to comprehensively address wildfire. Through local and regional examples, attendees will learn about tangible ideas for putting these tools into action within their own communities.

Moderator:

Molly Mowery, Wildfire Planning International

Speakers:

Kimiko Barrett, Headwaters Economics

Gary Goodell, Boulder County Land Use Department

Jim Webster, Boulder County Land Use Department

■ **COMMUNITIES & DEVELOPMENT VS. RAILROADS & HAZARDOUS CARGO: HOW CAN WE ALL GET ALONG?**

LAW 280 [L] [R]

Railroads have long crossed through many communities—they supply needed commodities and transport services and in many places railroads founded those communities. Many towns and cities are seeing much wanted redevelopment of former industrial lands close to rail lines. But changes in hazmat cargos and headlines about rail incidents have people and communities taking note in Colorado and across North America and asking “what if it happened here”. This session will explore communities and development in close proximity to railways, changes in hazmat transport from growing US oil & gas production, the federal regulatory framework and local and state options involving emergency preparedness and land use authority.

Moderator:

Jack Paterson, JA Paterson LLC

Speakers:

Allison Fultz, Kaplan Kirsch & Rockwell LLP

Philip Hunt, Denver Office of Emergency Management and Homeland Security

Deborah Ortega, Denver City Council

AGENDA FRIDAY, MARCH 11

f THE EVOLUTION OF THE ENERGY/LAND USE NEXUS: A 25-YEAR PERSPECTIVE

LAW 170 **L**

This panel will discuss the transformative changes in technology and energy policy that have resulted in myriad new legal issues associated with land use for the purposes of generating and delivering energy products and services. The rapid rise in deployment of renewable energy sources, the advances in horizontal drilling and hydraulic fracturing technology, and other developments in the past quarter-century have created new issues and have necessitated new thought and innovation in the legal structures that support our energy-related activities. Similarly, and on a parallel path, policies and public concerns about climate change and environmental issues are driving the energy sector toward changes in the way energy products and services are created and delivered and the ways in which land is used to meet our energy needs.

Moderator:

Mark Safty, Holland & Hart

Speakers:

KK DuVivier, University of Denver Sturm College of Law

Jocelyn Hittle, Colorado State University

10:00am - 10:15am

BREAK — LAW Forum, Driscoll Ballroom

10:15am - 11:45am

f CITIZEN ENGAGEMENT IN LAND USE: HOW FAR HAVE WE COME?

LAW 170 **R**

This session is an opportunity to learn strategies for effective community outreach and engagement around land use and zoning issues from experts in the field. Panelists will discuss how strategies have continued to change and adapt and how these changes impact results. They will also discuss strategies for engaging the public.

Moderator:

Mary Kay Peck, MKPeck Associates

Speakers:

Patience Crowder, University of Denver Sturm College of Law

Steve Erickson, Denver Regional Council of Governments

RECENT LAND USE DECISIONS IN THE ROCKY MOUNTAIN WEST

LAW 125 **L**

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.

Moderator:

Jason Morris, Withey Morris, PLC

Speakers:

David Foster, Foster Graham Milstein & Calisher, LLP

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

Jeff Parker, Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, PC

AGENDA FRIDAY, MARCH 11

■ RESILIENT COMMUNITIES: LEARNING FROM THE WORLD'S BEST

LAW 165

Communities throughout the West are facing a host of challenges related to climate change: water shortages, wildfires, violent storms, flooding, and landslides. This session will provide a detailed look at the planning and land use regulatory tools that cities that are on the cutting edge of climate change and adaption around the world, are using to meet these challenges. It will draw on the results of the international 100 Resilient Communities (100RC) project being funded by the Rockefeller Foundation, which includes seventy cities world-wide, including Sydney, Phnom Penh, Juarez, Accra, and Belgrade; and Boulder, Dallas, Tulsa, New Orleans, and El Paso in the United States, as well as Norfolk, VA, widely recognized as being the U.S. city most threatened by climate change. The 100RC project focuses not only on the shocks—fires, floods, etc.—but also the stresses that weaken the fabric of a city on a day-to-day basis, such as chronic water shortages, high unemployment, and inefficient public transportation systems. It provides financial assistance to its network cities to establish a chief resilience officer, expert support for development of a comprehensive resilience strategy, and connections with its global network of member cities.

Moderator:

Chris Duerksen, Clarion Associates


Speakers:

Amy Armstrong, 100 Resilient Cities

George Homewood, City of Norfolk, Virginia

Craig Richardson, Clarion Associates

■ DON'T SELL THE RANCH: ALTERNATIVES TO “BUY AND DRY” IN THE SOUTH PLATTE RIVER BASIN

LAW 290 

Colorado's Front Range cities have historically turned to agricultural water rights to meet increasing water demands caused by urban growth, purchasing and removing water from farms in a phenomenon termed “buy and dry.” Coloradans recognize the economic and cultural value that agriculture brings to our state. But, with population expected to double by 2050, buy and dry will continue unless sound alternatives are developed. Join Colorado water experts to learn about and discuss the viability of buy and dry alternatives currently being developed. We will consider storage projects, alternative water transfer mechanisms, and land conservation in an interactive dialogue.

Moderator:

Spencer Williams, Ponderosa Advisors LLC

Speakers:

Erik Glenn, Colorado Cattleman's Agricultural Land Trust

P. Andrew Jones, Lawrence Jones Custer Grasmick, LLP

Brad Wind, Northern Water

■ TO SUPERFUND OR NOT TO SUPERFUND? WILL THIS FIX ACID MINE DRAINAGE?

LAW 155 

To Superfund or not to Superfund: That's the question when it comes to fixing acid mine drainage. When 3 million gallons of heavy metal-laden water burst out of the Gold King Mine in southwestern Colorado in August 2015, it woke the public up to an old and insidious problem: acid mine drainage. Thousands of abandoned mines litter the Rockies, many of them draining acidic, heavy metal-loaded water into streams, impairing water quality and potentially harming wildlife and downstream users. The question is, how do you fix this pressing problem? Is Superfund the answer? Or are there alternatives that better address the issue's complex and dispersed nature?

Moderator:

Jonathan Thompson, High Country News

Speakers:

Peter Butler, Animas River Stakeholders Group

Clifford Villa, University of New Mexico School of Law

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■ THE FUTURE OF TINY HOMES

Driscoll Gallery  

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.

Moderator:

Summer Frederick, Clarion Associates

Speakers:

Shay Coburn, Colorado Department of Local Affairs

Tyler Gibbs, City of Steamboat Springs

11:45am - 1:15pm

PLENARY LUNCH — sponsored by 

This lunch requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag.

■ #WHATDOWEWANT? #WARMCOOKIES: CIVIC ENGAGEMENT CAN BE FUN!

Driscoll Ballroom

Does the thought of public meetings give you heartburn? Have you ever wondered if there's a better way to understand what residents want and how to get there? Experience how Denver's Warm Cookies of the Revolution reinvents the art of civic dialogue, fostering meaningful conversation on polarizing issues, hot topics, and cultivating civic pride. Our focus will be "Where do we want to be in 25 years?" This interactive session combines video from events like Stupid Questions, Stupid Talents; Tax Day Carnival; Neighborhood Olympics, or Civic Stitch & Bitch; real world applications; and opportunities to apply these ideas for civic engagement.

Moderator:

Heidi Aggeler, BBC Research & Consulting

Speakers:

Jen Garner, BBC Research & Consulting

Evan Weissman, Warm Cookies of the Revolution

GENERAL LUNCH

LAW Forum

Take advantage of some free time to network with other attendees and visit the exhibitors in the Forum.

1:00pm - 4:30pm

■ WALKING TOUR: HIGHLANDS & THE RIVERFRONT NEIGHBORHOOD WITH WALKDENVER

This tour requires pre-registration. Your selection is indicated in the event app and the bottom of your name tag. Meet in the LAW Forum at 1:00pm. The group will depart at 1:15pm.

This walking tour will explore what makes a walkable neighborhood and how walkability impacts the economic and social vitality of a community. The Riverfront and Highlands neighborhoods sit at the confluence of Cherry Creek and the Platte River, the birth place of Denver. Through their history, they have been home to Native American tribes, early gold rush settlers, waves of different immigrant communities, rail yards and viaducts, and

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most recently a vibrant city park that links new and historic neighborhoods to Downtown Denver. During the tour, guides will discuss the role of walkable infrastructure, diverse uses, density and connectivity in fostering what has become one of the most vibrant urban settings in the Western United States. What is not working from a walkability stand point and why? Come explore these issues as we stroll through parks, across bridges, down the streets of historic and rapidly changing neighborhoods and enjoy some of the best Ice Cream in Denver.

Speaker:

John Hayden, WalkDenver

1:15pm - 2:45pm

■ **WHAT'S NEW WITH PLANNING ON THE FRONT RANGE?**

LAW 125

The metropolitan region along the Front Range of Colorado is made up of many local governments, each one plotting its own course. As key political appointees, each city's planning director becomes the lightning rod for issues as diverse as urban design, neighborhood character, and redevelopment. What do they see on the horizon as we emerge from the Recession? What are the issues that are still unresolved? What are some of the new directions that might unfold over the next several years? What new innovations in policy, planning, programs and projects do they see coming?

Moderator:

Peter Pollock, Ronald Smith Fellow, Lincoln Institute of Land Policy

Speakers:

Brad Buchanan, City & County of Denver

Cameron Gloss, City of Fort Collins

Steve Glueck, City of Golden

Rita McConnell, City of Arvada

Jocelyn Mills, City of Littleton

Travis Parker, City of Lakewood

Susan Richstone, City of Boulder

Bob Watkins, City of Aurora

Peter Wysocki, City of Colorado Springs

■ **LOCAL GOVERNMENTS' NEW PROMINENCE IN ENVIRONMENTAL PROTECTION**

LAW 180 

The past twenty-five years have seen a surge in new forms of local government environmental regulation throughout the Mountain West. This panel will explore and identify components of the new local environmentalism, which include enhanced efforts: to protect access to open space; to recognize and plan for natural hazards; to address climate change through greening building regulations and infrastructure; to respond to the reemergence of extractive industries; and to engage in regional governance of land use planning. The panel will also evaluate the relative successes of these local environmental efforts and offer thoughts on how the movement will evolve in the twenty-five years to come.

Speakers:

Barbara Green, Sullivan Green Seavy LLC

Stephen Miller, University of Idaho College of Law

Edward Thomas, Natural Hazard Mitigation Association

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■ CREATIVE SOLUTIONS TO THE AFFORDABLE HOUSING CRISIS

Law 165 [R]

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.”

Moderator:

Jamie Baker Roskie, Coan, Payton & Payne

Speakers:

Don Elliott, Clarion Associates

Tony Pickett, Urban Land Conservancy

■ 2015 SUPREME COURT REVIEW: SIGNS, FAIR HOUSING, TAKINGS AND CLEAN AIR

Law 190 [L] [R]

The U.S. Supreme Court was busy in 2015 making decisions that affect land use planning and legal practice. Major decisions included Reed v. Town of Gilbert addressing local government regulation of outdoor signs; Horne v. Department of Agriculture pertaining to takings of personal property; Texas Department of Housing and Community Affairs v. Inclusive Communities Project relating to fair housing; and Michigan v. EPA, governing power plant emissions. This panel will include several subject matter experts discussing these cases and their implications for land use planners and lawyers.

Moderator:

Brian Connolly, Otten Johnson Robinson Neff & Ragonetti, P.C.

Speakers:

David Callies, University of Hawaii at Manoa William S. Richardson School of Law

Justin Pidot, University of Denver Sturm College of Law

■ FORTRESS MENTALITY: WHY GATED COMMUNITIES ARE NOT THE ANSWER

Law 290 [R]

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.

Moderator:

Dwight Merriam, Robinson & Cole

Speakers:

Victor Dover, Dover, Kohl & Partners

Frank Duke, City of Baton Rouge

Arthur C. Nelson, University of Arizona

John Marshall, Georgia State University College of Law

Brenda Scheer, University of Utah

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2:45pm - 3:00pm

BREAK — LAW Forum

3:00pm - 4:30pm

f TRANSFORMATIONS IN PUBLIC FINANCE: LESSONS LEARNED

Law 170 **L** **R**

Over the past twenty-five years, financing of public infrastructure and big land use projects has undergone a radical shift. Come learn how times have changed in Colorado, Arizona, and New Mexico, as well as what lessons can be learned from those shifts, and what challenges we face in the future.

Moderator:

Mary Jo Dougherty, McGeady Becher P.C.

Speakers:

Diane Barrett, City of Denver

Zach Bishop, D.A. Davidson

Susan Demmitt, Gammage & Brunham

■ HOUSING AND THE ECONOMY: THE DENSITY PARADOX

Law 180 **R**

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, fiscal impacts to communities, local entrepreneurial opportunities, and the economics of placemaking.

Moderator:

Nate Silverstein, University of Colorado, Denver

Speakers:

Deana Swetlik, entelechy

Jesse Silverstein, Development Research Partners, Inc.

■ THE ROLE OF THE NEIGHBORHOOD ASSOCIATION IN THE LAND USE APPROVAL PROCESS

Law 165 **R**

The growing power of neighborhood associations in the development process is frequently overlooked in discussions of that process. Often when these associations oppose a development, the elected official representing the area in which they are located will oppose the development, in order to court his electorate, even when the proposed development meets all of the requirements of zoning for the area. Although the "usual" opposition is to the location of a Walmart or other "big box" store in an area, increasingly, opposition is to affordable housing proposed in an upscale, or even a middle class community. Our speakers today will address the recent Boulder affordable housing proposal and the ordinances it generated, as well as the more usual big box proposal in areas in which homeowners feel threatened by the development.

Moderator:

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

Speakers:

David Gehr, City of Boulder

Will Toor, Southwest Energy Efficiency Project