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ROCKY MOUNTAIN LAND USE INSTITUTE

UNIVERSITY of DENVER
STURM COLLEGE OF LAW

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FOR LAND AND WATER POLICY

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COLORADO REAL ESTATE JOURNAL
CENTER FOR COMMUNITY ENGAGEMENT TO ADVANCE SCHOLARSHIP AND LEARNING

UNIVERSITY OF DENVER
CENTER FOR SUSTAINABILITY

UNIVERSITY OF DENVER
Imagine your ideal community. What makes a place of enduring value? Does it preserve and appreciate its local history or is it a high-tech and future-oriented master-planned development? Is it welcoming to all, regardless of income, ethnicity, ability, or age? Is it accessible and easy to navigate? Is it resilient and sustainable? How important is it to create spaces that inspire awe, that promote civic engagement, that provide a respite, or that encourage recreation?

As economic recovery has spread across the West, the demands of rapid growth threaten to undermine our ability to plan for and design places of lasting value. And yet, good design can transform a mundane block of apartments into a vibrant community; it can help revitalize a struggling Main Street; and it can promote sustainability by ensuring that our investments are durable.

For RMLUI’s 28th Western Places/Western Spaces conference, we are looking at the ways in which the quality of design informs and shapes our communities. What works and what doesn’t? How are small towns using design to encourage growth and economic opportunities? How are cities ensuring that their focus on affordability doesn’t come at the expense of quality infrastructure? How are suburban areas re-designing spaces to meet changing market demands amid a retail revolution? And what tools can we use to promote more thoughtful, more effective, and more beautiful design?

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.
SESSION TRACKS
RMLUI 2019

DESIGNING FOR THE FUTURE
These sessions consider what “good design” means in the context of urban planning, community development, and landscape conservation. How do we create enduring value in the places we build?

INCLUSIVE DESIGN
This track looks at how design can be used to ensure that what we are building promotes equity and acknowledges cultural heritage while still promoting growth.

LEGAL DEVELOPMENTS
This track addresses recent legal changes in land use development and regulation. These sessions will discuss how these changes may impact future growth and development and the preservation of our land and natural resources.

MOBILITY & TRANSPORTATION
These sessions examine the implications for driving and parking infrastructure as car sharing services like Lyft and Uber continue to grow, and an influx of driverless cars awaits just over the horizon. What mobility infrastructure do we need, and how do we plan now for the multi-modal needs of the future?

NATURAL RESOURCES
This track looks at how we can use tools such as green building design, energy conservation codes, land use planning, and infrastructure improvements to increase the sustainability of our built environment and reduce our need for resources.

PLANNING TOOLS
These sessions will present the tools and innovations that planners are using today to shape their communities. From model codes to community engagement, these sessions provide planning professionals with opportunities to learn from other practitioners.

WESTERN PLACES
The sessions in this track look at how we create places where people want to be, to live, to work, and to play. From preserving natural areas for recreation to major new developments, place-making and good design help to create places of enduring value.

WESTERN SPACES
This track looks at the influences of land management in the West. Whether we are looking at ways to mitigate the impacts of climate change, manage storm water run-off, or create public recreational spaces, it is important to consider the ways we manage our local and regional landscapes.

The 2019 RMLUI Western Places / Western Spaces Conference and the Affordable Housing 101 workshop have credits pending for AICP, CLE, and CRE continuing education credits.

All sessions provide general AICP and CLE credits.
LE: Legal Ethics Credits  L: AICP Legal Credits
PE: AICP Ethics Credits  R: CRE Credits
Affordable Housing 101: An Introduction to Tools and Approaches

This workshop will examine how affordable housing can be developed, exploring some of the existing barriers to ensuring affordability as well as innovative tools that can be used to deliver more permanently affordable housing. Topics will include the elements influencing whether, where, and how affordable housing will be developed; land use and regulatory tools that are being used by local governments to promote a range of affordable housing options; and cutting-edge approaches being used for public and private financing. The workshop will end with a roundtable discussion of the most persistent problems in providing permanently affordable housing and cutting-edge ideas for how to address them.

7:30 AM – 8:30 AM
Registration & Breakfast

8:30 AM – 10:00 AM
Setting the Stage: Diagnosing the Problem

This panel of real estate professionals, policy experts, and suppliers of affordable housing will provide an introduction regarding the nature and causes of our affordability crisis. What constitutes affordable housing? Why did prices rise so quickly? What macro and micro economic factors contributed to rising prices? Topics to be discussed include demographic and housing trends, structural barriers to affordability, and the relationship of affordable housing to transportation and site location.

Moderator: Heidi Aggeler, Managing Director and Founder, Root Policy Research
Speakers:
Kristin Hyser, Community Investment Program Manager, Boulder Division of Housing
Aaron Miripol, President and CEO, Urban Land Conservancy
Jennifer Newcomer, Director of Research, Shift Research Lab/The Piton Foundation

10:00 am - 10:15 am
BREAK

10:15 AM – 12:00 PM
Mandating and Incentivizing Affordability: Regulatory Tools and Approaches

This panel covers local regulatory approaches to incentivize or require affordable units, including statutory and constitutional limits on these efforts. Topics include the use of Inclusionary housing ordinances; overlay and incentive zoning to promote affordability; land banking; and development agreements.

Moderator: Erin Clark, VP of Master Site Development, Urban Land Conservancy
Speakers:
Albus Brooks, Denver City Councilman for District 9
Don Elliott, Director, Clarion Associates
Clay Frickey, City Planner, Fort Collins
Jenni Grafton, Housing Policy and Development Manager, City of Westminster
### Wednesday, March 6th

#### 3:00 pm - 3:15 pm
**Break**

#### 3:15 pm – 5:00 pm
**Making Housing Affordable: Financing Tools and Approaches**

This panel will cover funding sources, available subsidies, strategies for reducing costs, and tools for maintaining affordability over time. Covered topics will include the availability of federal funds; tax policy and tax credits; strategies for reducing costs (e.g., shared parking, donated land, TOD); and protecting affordability through deed restrictions/shared equity.

**Moderator:** Rodger Hara, Affordable Housing Development Consultant

**Speakers:**
- Sam Betters, Director (retired), City of Loveland Housing Authority
- Laura Brudzynski, Denver Office of Economic Development
- Anthea Martin, Bellwether Real Estate Capital
- Christi Smith, VP of Strategy and Communications, Urban Land Conservancy and Director of the Metro Denver Impact Facility
- Tasha Weaver, Manager of Tax Credit Allocation, Colorado Housing and Finance Administration

#### 12:00 PM – 1:15 PM
**Lunch: A View from Seattle**

On the front lines of addressing some of the nation’s most challenging affordable housing issues, Erika Malone will lend her expertise to our discussion in Denver, providing a perspective from more than 20 years of working on these issues in Seattle.

**Speaker:**

### Erika Malone, Senior Homeownership Specialist, City of Seattle Office of Housing

Currently the Senior Homeownership Specialist at the City of Seattle Office of Housing, Erika Malone has worked in community development and housing affordability for nearly 20 years. She’s developed and implemented a variety of successful homeownership programs and facilitated the planning for, and the development of, affordable housing solutions in various communities across the region and the country. She has worked with diverse stakeholders from homebuyers and homeowners, to mortgage lenders and government officials, to philanthropic donors to for-profit developers, bringing people together with the shared goal of thriving, livable, equitable communities.
3:15 PM – 4:15 PM

**Living Differently: Alternative Approaches to Affordability**

This session will explore how alternative ways of occupying a dwelling unit contribute to housing affordability. It will begin with who is living in these environments, why, and how alternative living environments and ownership structures are helping communities with housing affordability. Living differently will be defined as coops, tiny home communities, ADUs, and shared equity homeownership. We will visit definitions of household and family, occupancy maximums, limits on unrelated persons, and mobility constraints – and how these conflict with how people live in urban and suburban environments today.

**Moderator:** Heidi Aggeler, Managing Director and Founder, Root Policy Research

**Speakers:**
- Paul Bindel, Co-Founder, Queen City Cooperative
- Cole Chandler, Colorado Village Collaborative/ Beloved Community Village
- Stefka Fanchi, President and CEO, Elevation Community Land Trust
- Will Martin, Co-Founder and Chief Strategist, Studiobvio

4:15 PM – 5:30 PM

**Addressing the Challenges Ahead: A Roundtable Discussion of New Approaches**

This panel will bring together some of the region’s most experienced experts in affordable housing to discuss the intractable problems and hard questions. What are the biggest challenges ahead and what are the most creative ideas for addressing them?

**Moderator:** Aaron Miripol, President and CEO, Urban Land Conservancy

**Speakers:**
- Irene Aguilar, Director of Neighborhood Equity and Stabilization, City of Denver Office of Economic Development
- Jaime Gomez, Deputy Executive Director, Colorado Housing and Finance Authority
- John Parvensky, President and CEO, Colorado Coalition for the Homeless
- Melinda Pollack, Senior VP for National Initiatives, Enterprise Community Partners
# 2019 Conference Schedule

## Thursday, March 7th

### 7:30 AM - 8:30 AM
**Registration & Breakfast** — LAW Forum

### 8:30 AM - 10:00 AM
**Welcome & Keynote** — Davis Auditorium

### 10:00 AM - 10:15 AM
**Break** — LAW Forum

### 10:15 AM - 1:15 PM
**Legal Ethics**
- Ethics for Lawyers
  - LAW 290
- Do You Think You Have Ethics
  - LAW 165
- Preserving and Revitalizing Historic Downtowns
  - LAW 255
- Designing the Water Efficient Cities of the Future
  - STURM 251
- Urban Green Infrastructure
  - LAW 370

### 12:00 PM - 1:00 PM
**Plenary Lunch**:
- The Great Senior Short Sale — Anderson Academic Commons
  *Must have RSVP’d to attend. Live streaming in the Law Forum.

### 1:00 PM - 4:30 PM
**Off Campus Tour**:
- Sun Valley, Steam on the Platte, and the Future Site of Meow Wolf
  *Must have RSVP’d to attend. Meet in the LAW Forum at 1:00 pm. The group will depart promptly at 1:15 pm.

### 1:15 PM - 2:45 PM
- Home and Community: Re-Thinking Design, Finance, and Development
  - LAW 180
- Managing the Landscape to Create Urban Resiliency
  - LAW 190
- Orenco Station vs. Station Park TAD: No Contest
  - LAW 280
- Transit Hubs and the Future of Mobility Choice
  - LAW 165
- Jurisdictional Collaboration in Urban Renewal: Legal Updates & Case Studies
  - LAW 290

### 2:45 PM - 3:00 PM
**Break** — LAW Forum

### 3:00 PM - 4:30 PM
- Conservation Easements and Federal Tax Law
  - LAW 190
- Preserving Our Views: Building with an Eye Towards the Landscape
  - LAW 180
- What’s New in Comprehensive Planning
  - LAW 280
- Changing Living Arrangements: Are Western Cities Keeping Up?
  - LAW 165
- Regulating Land use at the Ballot Box: The Rise in Direct Democracy
  - LAW 370

### 4:30 PM - 7:00 PM
**Networking Reception** — LAW Forum
### 2019 Conference Schedule

**Friday, March 8th**

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<td>Recent Land Use Decisions in the Rocky Mountain West</td>
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<td>Equitable Transit-Oriented Development: Leveraging Housing &amp; Transport Investment</td>
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<td>10:00 AM - 10:15 AM</td>
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<td>10:15 AM - 11:45 AM</td>
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<td>Building Rural Community Coalitions for Trails &amp; More!</td>
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<td>From Handshakes to 100-Year Agreements</td>
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<td>11:45 AM - 12:30 PM</td>
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<td><strong>PLENARY LUNCH:</strong> Disruptions of Driverless Mobility — Anderson Academic Commons</td>
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<td>*Must have RSVP’d to attend. Live streaming in the Law Forum.</td>
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<td>1:00 PM - 1:30 PM</td>
<td><strong>OFF CAMPUS TOUR</strong> — The National Western Center</td>
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<td>*Must have RSVP’d to attend. Meet in the LAW Forum at 1:00 pm. The group will depart promptly at 1:15 pm.</td>
<td>LAW Forum</td>
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<td>1:30 PM - 2:30 PM</td>
<td>What’s New with Planning on the Front Range?</td>
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<td>Fast &amp; Furious</td>
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<td>How to Prioritize Design and Affordability, No Matter Who You Are</td>
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*Spontooned by*
THURSDAY, MARCH 7, 2019

REGISTRATION & BREAKFAST : LAW Forum sponsored by

8:30 AM – 10:00 AM

WELCOME ADDRESS : Davis Auditorium

Speakers:
Bruce Smith, University of Denver Sturm College of Law
Susan Daggett, Rocky Mountain Land Use Institute
Tom Ragonetti, Esq., Otten Johnson Robinson Neff + Ragonetti PC

KEYNOTE ADDRESS

Human-Centered Design for Cities : Davis Auditorium

The environments we build profoundly shape our feelings, memories, and well-being. Sarah Williams Goldhagen, one of our nation’s leading architectural critics, will discuss how lessons from neuroscience and psychology can be used to design places that address the complex range of human individual and social needs.

Speaker:
Sarah Williams Goldhagen, Author

Sarah Williams Goldhagen writes, lectures, and consults on Human Centered Design for architecture and landscapes, cities and urban design, infrastructure and public art—all the things that constitute our built environment. The author of the widely discussed, prize-winning Welcome to Your World: How the Built Environment Shapes Our Lives, she sits on the Advisory Boards of the Academy of Neuroscience for Architecture, the Van Alen Institute of New York, and Turf Advisory. Goldhagen, a 2019 fellow at the New York Urban Design forum, is a contributing editor at Art in America and Architectural Record; for many years, she was the New Republic’s architecture critic, and taught for a decade at Harvard’s Graduate School of Design. Goldhagen has lectured at numerous universities and colleges nationally and internationally, and her award-winning essays appear regularly in professional and general-interest publications.

Sarah Williams Goldhagen will be signing books outside Davis Auditorium following her talk.

10:00 AM – 10:15 AM

BREAK : LAW Forum sponsored by

sponsored by
Preserving and Revitalizing Historic Downtowns: Creating Livable Communities, Not Living Museums

Main Street America has demonstrated its enduring value, and communities across the West have recognized that their unique downtowns provide an opportunity for reinvestment and economic development. Yet many downtowns are threatened by big box retailers and chain stores that demand space requirements that are inconsistent with a traditional downtown building form. What tools and strategies are available for helping to preserve historic spaces while adapting to future economic realities? This panel explores approaches that Western communities have successfully employed to maintain their unique character while pursuing economic development.

**Moderator:** Meghan Dollar, Legislative & Policy Advocate, Colorado Municipal League

**Speakers:**
- Mike Davenport, Planning Director, City of Manitou Springs
- John Hess, Board Member, Coal Creek Watershed Coalition
- Carol Johnson, Planning Director, City of Santa Fe

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So You Think You Have Ethics

Join us for an interactive discussion of ethics scenarios from *The Ethical Planning Practitioner* by Jerry Weitz. Each scenario has been chosen to be relevant to the daily jobs that planners do. The session will cover 8 – 10 scenarios, include a range of situations and achieve broad coverage of the AICP Code of Ethics. After each scenario is presented, session participants will be asked what course of action should ensue and what ethical guidelines and principles from the AICP Code of Ethics apply.

**Speakers:**
- Allison Crump, Transportation Planner, City of Boulder
- Mary Kay Peck, Principal, MK Peck Associates

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ETHICS FOR LAWYERS

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 arise 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, Partner, Murray Dahl Kuechenmeister and Renaud
- Eli Wald, Charles W. Delaney Jr. Professor, University of Denver Sturm College of Law
- Carolynne White, Shareholder, Brownstein Hyatt Farber Schreck
Designing the Water Efficient Cities of the Future

Water—whether too much or too little—we must have to preserve life, safety, property and values! Speakers will discuss the enabling authority, adequacy requirements, and planning tools that empower communities to determine the impact they have on our natural systems and water supply. Learn what the state requires plus what else you can do to best manage water, growth and uncertainty. Explore the correlation between climate change and culture change, the “Planning + Policy Layer Cake,” and the types of practices and programs that nurture nature from site to city scale. See how the design of high performing sites and systems mitigate risk and exposure to the impacts of drought, wildfire, flooding and rising temperatures.

**Moderator:** Jim Holway, Director, Babbitt Center for Land and Water Policy

**Speakers:**
- Anne Castle, Senior Fellow, Getches-Wilkinson Center for Natural Resources, Energy, and the Environment, University of Colorado Boulder
- Barb Chongtoua, Project Manager, Urban Drainage and Flood Control
- Faith Sternlieb, Program Manager, Babbitt Center for Land and Water Policy

Urban Green Infrastructure: What It Is, How It Works, and What the Law Says

Imagine an integrated system of green infrastructure at the metropolitan scale, knitting together public and private open space that includes land for trails and recreation, working landscapes, streams and drainages, protected plant and animal habitat, cultural amenities, and infrastructure corridors. This session will consider a regional approach to green infrastructure.

**Moderator:** Austin Troy, Professor & Chair, University of Colorado Denver Department of Urban & Regional Planning

**Speakers:**
- Sara Davis, Program Manager, Denver Parks & Recreation Office of the City Forester
- Dwight Merriam, Partner, Robinson + Cole
- Holly Piza, Standards and Development Program Manager, Urban Drainage and Flood Control District
- Jonathan Rosenblum, Dwight D. Opperman Distinguished Professor of Law, Drake Law School
PLENARY LUNCH The Great Senior Short Sale

Must have RSVP’d to attend. Live Streaming in the Law Forum.

By some estimates, up to 27 million Boomers may want to sell their homes between 2016 and 2036. But will there be enough buyers of their homes? Emerging, pioneering research will be presented showing the growing mismatch between Boomers who will want to sell their homes and buyers who can neither afford nor want them. Indeed, the presentation will suggest that a third or more of those homes may have no buyers at least for reasonable prices, meaning those homes may be “sold short”—meaning sellers incur substantial losses. Policy approaches are offered before The Great Senior Short Sale occurs.

Speaker:
Dr. Arthur C. Nelson, Professor of Planning and Real Estate Development, University of Arizona

Dr. Arthur C. Nelson is Professor of Planning and Real Estate Development in the College of Architecture, Planning and Landscape Architecture at the University of Arizona in Tucson. He is also Presidential Professor Emeritus at the University of Utah where he founded the Master of Real Estate Development program, the doctoral program in Metropolitan Planning, Policy and Design, the Metropolitan Research Center, and the Mountain West Planning and Design Academy. Dr. Nelson is internationally known for pioneering work in public transit and effects on land use and development patterns, the implications of demographic change on land use planning and development, public facility finance, and metropolitan development patterns among many other fields. His research has been supported by such agencies as NSF, HUD, DOT, and EPA as well as such organizations as the Ford Foundation, Brookings Institution, Urban Land Institute and the National Association of Realtors. Dr. Nelson has written nearly 30 books and more than 300 other published works.

General LUNCH: LAW Forum

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

TOUR Sun Valley, Steam on the Platte, and the Future Site of Meow Wolf

The Sun Valley Ecodistrict is the site of one of Denver’s most innovative new projects, including the regenerative transformation of a low-income housing community into a mixed income neighborhood, all while creating policy and legal mechanisms to avoid gentrification and displacement. This tour will cover the Sun Valley housing project; Steam on the Platte, an old warehouse redeveloped as office space; and the proposed site of Meow Wolf, an immersive arts installation.
### 1:15 PM – 2:45 PM

#### Home and Community: Re-Thinking Design, Finance, and Development

This session explores how we plan, finance and develop housing and social infrastructure to meet community needs now and into the future. Cities face significant housing challenges thanks to tight markets, loss of affordable units, speculation, and high construction costs. Legacy development and financing options have often limited the demand-side solutions sought by residents—at a reasonable cost. Panelists will describe innovative residential, retail and commercial models that preserve and activate strong neighborhoods, along with impact investment and crowd-funding tools that democratize neighborhood-scale development at the heart of vibrant, durable communities.

**Moderator:** Erik Kingston, Housing Resources Coordinator, Idaho Housing and Finance Association

**Speakers:**
- Sarah Cunningham, Principal, Ethos Design+Remodel
- Anna Mackay, Director of Development, Guerrilla Development
- Ben Schulman, Director of Communications & Outreach, Small Change

#### Managing the Landscape to Create Urban Resiliency

This session will explore the intersection of the aesthetic with water-smart and pollinator friendly urbangaces. Panelists will discuss the importance and value of native landscapes, as well as the role of pollinators, with an exploration of the staggering statistics of native pollinators everywhere. Topics will include why using native plants can be cost effective, environmentally intelligent, as well as beautiful; and take a look at CDOT’s creative new program of making a Pollinator Highway.

**Moderator:** Flo Raitano, Director of Partnership Development and Innovation, Denver Regional Council of Governments

**Speakers:**
- Michael Banovich, Landscape Architect, Colorado Department of Transportation
- Annie Barrow, Manager of Horticulture Outreach Programs, Denver Botanic Gardens
- Matthew Mulica, Senior Project Manager, Keystone Policy Center
**Orenco Station TOD and Station Park TAD: No Contest**

The subjects of this comparative case study are Orenco Station, a transit-oriented development (TOD) in the Portland region, and Station Park, a transit-adjacent development (TAD) in Salt Lake City region. The peak parking demand at Orenco Station is less than one half the Institute of Transportation Engineers (ITE) suburban parking supply guideline. Also, vehicle trip generation rates are about half what is suggested in the ITE guidelines. Vehicle trip generation rates at Station Park show a smaller reduction but still substantial due to the mixed-use nature of Station Park. Parking generation rates are also lower than the ITE guidelines. In terms of metrics often associated with transportation performance, the large-scale TOD dramatically outperforms the large-scale TAD. The adjacent rail station appears to have little effect on the performance of the TAD, but a substantial effect on the performance of the TOD.

**Moderator:** Reid Ewing, Distinuished Professor of City and Metropolitan Planning, University of Utah

**Speakers:**
- David Proffitt, Visiting Assistant Professor, University of Utah
- Sadegh Sabouri, Doctoral Student, University of Utah

**Transit Hubs and the Future of Mobility Choice**

Our mobility choices are expanding, and we need to learn how to weave all the new mobility alternatives into a coherent system that offers efficient, inclusive, and sustainable mobility. This session will discuss emerging planning trends for mobility choice, transit hubs, and shared and autonomous vehicle technologies, what the emerging success of some will mean for others, and how regional and public-private partnerships can help optimize choice and equity.

**Moderator:** Don Elliott, Director, Clarion Associates

**Speakers:**
- Ann Bowers, Principal, Fehr & Peers Associates
- Don Hunt, Managing Director, Denver Mobility Choice Options
- Art Pearce, Group Manager, Portland Bureau of Transportation, Policy, Planning, and Projects Groups
1:15 PM – 2:45 PM

**Jurisdictional Collaboration in Urban Renewal: Legal Updates & Case Studies**

Learn the basics of urban renewal, tax increment financing, and how jurisdictions can build collaborative networks to facilitate major developments. Topics will include the role of staff versus boards, as well as legal requirements such as sunshine laws, transparency and conflicts of interest. Dive into the history of urban renewal legislation including recent changes regarding the makeup of boards and negotiation requirements. Hear from Commerce City’s Urban Renewal Authority on the redevelopment of the Mile High Greyhound Park.

**Moderator:** Caitlin Quander, Attorney, Brownstein Hyatt Farber Schreck

**Speakers:**
- Chris Cramer, Director of Community Development, Commerce City
- Robert Sheesley, City Attorney, Commerce City

2:45 PM – 3:00 PM

**BREAK:**

**3:00 PM – 4:30 PM**

**Trying Times: Conservation Easements and Federal Tax Law**

Since 2005, the courts have issued more than one hundred opinions involving challenges to deductions claimed for conservation easement donations, and there are additional cases in the pipeline. The speakers will discuss this growing body of case law, with an emphasis on decisions that influence the drafting of conservation easements and the IRS’s current areas of focus in this context. This session will benefit land trusts, government agencies, landowners, attorneys, judges, academics, and anyone else with an interest in conservation easements as permanent land protection tools.

**Speakers:**
- Karin Gross, Special Counsel, IRS Office of Chief Counsel, Washington, D.C.
- Nancy McLaughlin, Robert W. Swenson Professor of Law, University of Utah SJ Quinney College of Law
- Luke Ortner, Special Counsel, IRS Office of Chief Counsel, Denver, CO
3:00 PM – 4:30 PM

**Preserving Our Views: Building with an Eye Towards the Landscape**

An important aspect of building places of enduring value is honoring the natural context of those places, especially in the West where landscape is an integral cultural value. The panelists will discuss the importance of preserving landscape and the importance of visual quality in building new places. The award-winning I-25 Conservation Corridor Master Plan will be examined as a case study to illustrate how landscape design, strategic partnerships, and regulatory tools have been used to protect sweeping views of the Front Range of Colorado.

**Moderator:** Chris Shears, Partner, Shears Adkins Rockmore

**Speakers:**
- Chris Duerksen, Senior Consultant, Clarion Associates
- Mark Johnson, President, Civitas
- Richard Shaw, Principal, Design Workshop

**What’s New in Comprehensive Planning**

Much of the Rocky Mountain West is struggling with a sustained period of exceptional growth—as well as public calls for planners to improve on the ways in which their local governments can accommodate and respond to that growth. Comprehensive plans are where that vision comes together, but the state of the art on how to do that keeps changing. This session will include speakers from four cities that have recently completed Comprehensive Plans, and will discuss innovations in principles, organization, content, and engagement in each of those four communities, and why they were included.

**Moderator:** Darcie White, Director, Clarion Associates

**Speakers:**
- George Adams, Director of Planning & Development Services, City of Aurora
- David Gaspers, Denver Community Planning and Development, City and County of Denver
- Cameron Gloss, Planning Manager, City of Fort Collins
- Mikaela Renz-Whitmore, Long Range Planning Manager & Project Manager, Albuquerque Planning Department
Regulating Land Use at the Ballot Box: The Rise in Direct Democracy

Land use controversies are increasingly being resolved (or not) through ballot measures. The initiative and referendum process, a feature of Progressive-Era Constitutions in many Western states, provides a means for voters, rather than legislatures, to pass local ordinances, to approve or veto development permits, and even to restrict development rights. This session will address the impacts and unintended consequences of this form of governance. Panelists will also explore the possibility of whether this form of democracy can counter the dysfunction and influence of power and money in our governments.

**Moderator:** Rick Ridder, President & Co-Founder, RBI Strategies and Research

**Speakers:**
- Suzanne Jones, Mayor, City of Boulder
- Jason Morris, Partner, Withey Morris, PLC
- Sam Mamet, Director, Colorado Municipal League
7:30 AM – 8:30 AM

REGISTRATION & BREAKFAST : LAW Forum

8:30 AM – 10:00 AM

**Recent Land Use Decisions in the Rocky Mountain West**

Hear from the region’s top experts, discussing trending cases of significance from all levels of the federal and state court system involving the latest in land use and zoning law as well as an opportunity to discuss areas ripe for further court or legislative action.

**Moderator:** Jason Morris, Partner, Withey Morris, PLC

**Speakers:**
- David Foster, Partner, Foster Graham Milstein & Calisher, LLP
- Jessica Lawrence, Attorney & Mediator; Lawrence Meeting Resources

**Structures & Uses. Conforming & Nonconforming. What’s the Difference?**

This session will chart out and discuss the differences between conforming, nonconforming, legal, illegal, and compliant structures and uses, as defined in zoning codes. Then, the panel will discuss the practical implications of what a particular designation may mean to a municipality, property owner, party acquiring an existing building, or a lender and how they may help or hinder adaptive reuse of buildings—in particular, the ability to rebuild, how a property is underwritten and property insurance implications. The panel will also discuss how zoning and these designations can be used to shape areas to match municipal redevelopment goals.

**Moderator:** Caitlin Quander, Attorney, Brownstein Hyatt Farber Schreck

**Speakers:**
- Tina Axelrad, Zoning Administrator, City and County of Denver
- Jesse Bank, Associate, Urban Villages, Inc.
- Gretchen Ricehill, Assistant Director of Economic & Community Development, City of Glenwood Springs
Planning and Designing for Density

Sustainability and smart growth principles require density as a means to create walkable, mixed-use, vibrant communities; yet many neighborhoods are fighting back against increased density. Could the backlash be mitigated by better design? Using case studies from Denver, CO and Portland, OR, this panel considers the role of good design in creating density that is beautiful, functional, and treasured, rather than reviled and used as evidence in the next NIMBY battle.

Moderator: Chris Shears, Partner, Shears Adkins Rockmore

Speakers:
Lilly Djanian, Urban Planner, Denver Office of Community Planning
Greg Dorolek, Principal, Wenk Associates
Joel Noble, Chair, Denver Planning Board

Resources for Local Land Use and Sustainability

Local governments are constantly facing land use changes brought about by climate change, invasive species, the sharing economy, autonomous vehicles, and a variety of other impacts. While a few local governments have the resources to adapt to changes as they occur, most do not. That’s where the Sustainable Development Code and Legal Pathways to Deep Decarbonization step in. In this session, panelists will walk through both tools and how to use them.

Moderator: Chris Duerksen, Senior Consultant, Clarion Associates

Speakers:
K.K. DuVivier, Professor of Law, University of Denver Sturm College of Law
Jonathan Rosenbloom, Dwight D. Opperman Distinguished Professor of Law, Drake Law School

A Resilience Quotient for the West

Continuing climate change will challenge all western communities to increase their resilience to increased risks of wildfire, flooding, and groundwater scarcity. This session will explore how Norfolk, Virginia’s innovative and award winning Resilience Quotient system can be adapted to serve as an effective tool for land development design in the west.

Moderator: Don Elliott, Director, Clarion Associates

Speakers:
George Homewood, Director, Norfolk Planning and Development
Molly Mowery, Founder, Wildfire Planning International
Craig Richardson, Director, Clarion Associates
**Equitable Transit-Oriented Development: Leveraging Housing & Transport Investment**

Equitable transit-oriented development (eTOD) aspires to leverage investments in housing and transportation to reduce living costs and increase economic value. After years of practice in Metro Denver, however, eTOD practitioners continue to face hurdles, grapple with missed opportunities, and learn from regional best practices. This panel will consider the benefits, challenges, and promise of eTOD in Metro Denver.

**Moderator:** John Hersey, Senior Associate for Transit-Oriented Development, RTD

**Speakers:**
- Chris Nevitt, TOD Manager, City and County of Denver
- Sarah Nurmela, Downtown Real Estate and Development Manager, City of Westminster
- Sarah Rockwell, Partner, Kaplan Kirsch Rockwell
- George Thorn, President & Founder, Mile High Development, LLC

**10:00 AM – 10:15 AM**

**BREAK**

**LAW 290** CREDITS: R

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**Public Places, Private Messages: How the First Amendment Shapes Street Art and Advertising**

As cities increasingly seek to build or revive walkable, pedestrian-oriented streetscapes, advertisers and art projects have followed, raising complicated questions about how to manage all that content while staying on the right side of the Constitution. This session answers those questions, explaining how the First Amendment shapes the rules governments can make to regulate displays on public property, like streets and sidewalks. Among the questions we’ll tackle: if my city creates a public art program, do we have to accept art from a hate group? And, if my city offers advertising opportunities in public places, is there any way to regulate the content? We’ll explore these topics and others, and will offer some sample schemes for creating lively, legal streetscapes.

**Moderator:** Brian Connolly, Shareholder, Otten Johnson Robinson Neff + Ragonetti

**Speakers:**
- Andy Peters, Attorney, Otten Johnson Robinson Neff + Ragonetti
- Tracy Weil, Co-Founder, River North Arts District
- Stephen Wilson, Senior Planner, City of Lakewood

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**LAW 255** CREDITS: L
10:15 AM – 11:45 AM

**Building Rural Community Coalitions for Trails & More!**

The San Luis Valley community seeks to balance the many opportunities arising from its abundance of federally protected public lands with responsible stewardship and protection of its rich cultural and agricultural heritage and the environment. This session will examine these issues from a community perspective with an overview of the Valley’s coalitions and a case study from the Town of Crestone. Topics include approaches to regional and local coalition building and community engagement in rural areas, methods for long-term stewardship, and how the thriving trails coalition in the Crestone area serves as an economic driver and community connectivity strategy.

**Moderator:** Rio de la Vista, Director, Salazar Rio Grande del Norte Center at Adams State University

**Speakers:**
- Kairina Danforth, Mayor, Town of Crestone; Eastern San Luis Valley Trails Coalition
- Mick Daniel, Executive Director, San Luis Valley Great Outdoors (SLVGO)
- Sally Wier, Volunteer and Partnership Manager, Volunteers for Outdoor Colorado

**From Handshakes to 100-Year Agreements: Partnerships at the National Western Center**

The City of Denver, Metro Wastewater and private sector district energy developers have formed a groundbreaking public-private-partnership to develop a thermal energy district at the National Western Center (NWC), paving the way for the NWC’s to become a zero-energy district. At this session, you will hear how innovation experts, district infrastructure operators and city attorneys are working together to tap into an innovative renewable source of thermal energy: municipal wastewater.

**Moderator:** Polly Jessen, Attorney, Kaplan Kirsch Rockwell

**Speakers:**
- Paul Andrews, CEO, National Western Stock Show
- Gretchen Hollrah, Executive Director, Mayor’s Office of the National Western Center
- Amy Parsons, Executive Vice Chancellor, Colorado State University
10:15 AM – 11:45 AM

**The Density Dilemma: Land and Water Planning**

This session addresses water and land-use planning by looking more closely at the nexus between residential density and water consumption. The panelists will approach this relationship through the lens of a Demand Water Modeling Tool and through future scenario analysis, applying it to Denver growth scenarios. We then explore two different case studies, Westminster and Aurora, and the actions they have taken to grapple with the density dilemma in their cities. Attendees will have the opportunity to explore solutions related to development, landscaping, and community-wide educational programs through facilitated panel discussions and Q & A, and participation in a scenario planning exercise.

**Moderator:** Matt Mulica, Senior Program Manager, Keystone Policy Center

**Speakers:**
- Greg Fisher, Manager of Demand Planning, Denver Water
- Karen Hancock, Planning Supervisor, City of Aurora
- Ray Quay, Senior Sustainability Scientist, Arizona State University Julie Ann Wrigley Global Institute of Sustainability

**Residents Gone Wild: When Community Meetings Go Off Script**

You’ve spent hours preparing for your meeting, leaving no detail overlooked. Your posters are on point; the agenda is flawless. But then it happens… More people show up than expected. The guy in the back launches into a tirade before you have even started introductions. Two people get into a shouting match. You start sweating and think about running to the nearest exit. How can you save this meeting? Drawing on methods from professional facilitation, improv theater, and mindfulness, attendees will learn techniques that can be used to remedy unexpected situations in the moment and keep the meeting on track.

**Moderator:** Kelly Hickler, AICP, Planner II, City of Centennial

**Speakers:**
- Allison Altaras, OAttorney, Otten Johnson Robinson Neff + Ragonetti
- Wendy Lowe, Owner, P2 Solutions
- Steve Wilder, Founder and Artistic Director, Voodoo Comedy Playhouse
**AGENDA**
FRIDAY, MARCH 8, 2019

10:15 AM – 11:45 AM

**Designing for the Energy Future**

In order to address the challenges of climate change in our built environment, we need to build our communities now in ways that anticipate new sources of energy and that are more sustainable in their construction and operation. This panel considers the future of energy efficiency; evolving technology that enables increasingly efficient buildings; and the role of law and policy in ensuring that the buildings of today meet the needs of tomorrow. Among other innovations, the panel will consider Denver’s new Green Building Ordinance, including the pros and cons of this approach and lessons learned from the process.

**Moderator:** Sue Reilly, President, Group 14 Engineering

**Speakers:**
- Victor Olgyay, AIA, Principal, Rocky Mountain Institute
- Chris Parr, Director, Sun Valley EcoDistrict
- Mark Schoenheider, Manager, Xcel Energy Efficiency Marketing
- Heidi VanGenderen, Chief Sustainability Officer, University of Colorado Boulder

12:00 PM – 1:00 PM

**PLENARY LUNCH** Disruptions of Driverless Mobility

*Must have RSVP’d to attend. Live streaming in the Law Forum.*

As driverless vehicles begin to arrive in our communities, the economic, environmental and societal impacts will be profound. Within the next ten years, door-to-door, on-demand mobility services will be available for a small fraction of the cost of car ownership—even less than a subsidized bus ticket. Our communities must reinvent many of their functions, from public transit to parking. This presentation will help you anticipate the opportunities and challenges you’ll face as autonomous vehicles and micro-mobility begin to impact our jobs, our land use, and our planet.

**Speaker:**
Rutt Bridges, Author, Entrepreneur, and Futurist, Understanding Disruption, Inc.

Rutt Bridges earned degrees in physics and geophysics from Georgia Tech and was named their 2017 Alumnus of the Year in Earth and Atmospheric Sciences. He serves on Georgia Tech’s College of Sciences Advisory Board, the Securing America’s Future Energy (SAFE) Autonomous Vehicle Task Force, and the mobilityNext Expert Advisory Committee. Rutt is past president of the 30,000-member Society of Exploration Geophysicists and a past chairman of Colorado Public Radio. Since selling an analytics software company, Rutt has focused on exploring the positive and negative economic, environmental, and social impact of disruptive innovations. His 2015 e-book, Driverless Car Revolution, reached #1 in sales for Robotics and Automotive on Amazon, and his second book, Our Driverless Future: Heaven or Hell? was just released. He is currently focused on micromobility, new models for urban/suburban Affordable Living, and overcoming congestion.

**General LUNCH:** LAW Forum

Take advantage of some free time to network with other attendees and visit the exhibitors.
1:15 PM – 2:45 PM
TOUR: The National Western Center

This tour will highlight design and construction of the campus, sustainability, new riverfront open space and river restoration efforts, how we are preserving and incorporating historic buildings and features, mobility improvements, integration with surrounding communities, future transit oriented development, and much more.

1:15 PM – 2:45 PM
What’s New with Planning on the Front Range?

The metropolitan region along the Front Range of Colorado is made up of many local governments, each one plotting its own course. Bringing together the planning directors from some of the Front Range’s leading cities and counties can help paint a picture of the larger region’s future. As key political appointees, each 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 the building boom continues? What new directions might unfold over the next several years? What new innovations in policy, planning, programs and projects do they see coming?

**Moderator:** Peter Pollock, FAICP

**Speakers:**
- George Adams, Director of Planning & Development Services, City of Aurora
- Dale Case, Director, Boulder County Land Use Department
- Craig Dossey, Executive Director, El Paso County Planning & Community Development Department
- Lesli Ellis, Community Development Director, Larimer County
- Cameron Gloss, Planning Manager, City of Fort Collins
- Jill Jennings Golich, Interim Executive Director of Community Planning & Development, City & County of Denver
- Brett Limbaugh, AICP, Director of Development Services, City of Loveland
- Travis Parker, Planning Director, City of Lakewood
- Kristin Sullivan, AICP, Director of Community & Economic Development, Adams County
- Peter Wysocki, AICP, Director of Planning & Development, City of Colorado Springs
Art for Our Sake: The Role of the Arts in Creating a Sense of Place

Artists contribute enormously to the creation of vibrant, beautiful places that are beloved and, therefore, enduring. This panel considers the role of arts districts, arts and culture facilities, and other community investments in the arts as an approach for building places of enduring value; the inclusion of the arts in comprehensive planning; and specific tools and strategies for developing and supporting a robust arts community.

Moderator: Laura Jones, Professor Emeritus, Colorado State University

Speakers:
- Robert Green, Artist
- Marilyn Meginity, Owner & Creator, Mercury Café
- Margaret Woodhull, Director, University of Colorado, Denver

The MacGyver Model: Resilience in Action

Climate action plans, planning for sustainability, climate adaptation plans, community resilience guides, vulnerability assessments… Communities have a growing range of options for planning and regulating for climate change, but many of these regulations and strategies are not fully integrated or comprehensive. This session will cover the work that communities are doing in the West and across the country to plan and regulate for resilience as well as explore how communities can step from concept into action in a systematic manner. Panelists will explore how to make the most of federal, state, and local resilience assistance and consider how to repurpose existing regulatory tools to achieve resilient results.

Moderator: Elizabeth Garvin, Founding Principal, Community ReCode

Speakers:
- KC McFerson, Land Use & Water Planner, Colorado Department of Local Affairs
- Anne Miller, Director, Colorado Resiliency Office
ACHIEVING AESTHETIC EXCELLENCE: ZONING & DESIGN REVIEW REQUIREMENTS AND PROCESSES

Zoning can regulate use and form but cannot foster design excellence. To achieve better design quality, many communities have experimented with design standards and guidelines, design review boards, and associated processes. This panel, consisting of leading developers, architects, planners, and lawyers, will review successes and failures of design review and its effectiveness in ensuring that new construction contributes to the visual quality of a community. We will focus specifically on flexibility versus predictability in the design review process, as well as procedural requirements and barriers.

Moderator: Brian Connolly, Shareholder, Otten Johnson Robinson Neff + Ragonetti

Speakers:
- Donald Brandes, Vice President & Director of Landscape Architecture, Matric Design Group, Inc.
- Analiese Hock, Graphics & Marketing Coordinator, Clarion Associates
- Christopher Shears, Principal, Shears Adkins Rockmore Architects
- Nore Winter, Principal & Owner, Winter & Company

PLANNING FOR A DRIVERLESS FUTURE

This session will evaluate and discuss how the major American metropolitan areas are addressing the challenges brought on by the rapid evolution in the means and modes of transportation. Driverless cars, ridesharing, rentable bikes, and electric scooters, and advances in public transit are drastically changing the way municipal planning departments address parking, traffic, and public infrastructure. We will look at how cities are addressing these disruptive forces to pave the way for the next generation of development and facilitate building cities of the 21st century.

Moderator: Jason Morris, Partner/Attorney, Withy Morris, PLCs

Speakers:
- Don Elliott, Director, Clarion Associations
- George Pasquel III, Planning Consultant, Withy Morris, PLC
- Benjamin Tate, Attorney, Withy Morris, PLC

2:45 PM – 3:00 PM

BREAK

LAW 280 CREDITS: L R

LAW 180 CREDITS: L R
3:00 PM – 4:30 PM

Designing for Health

The intersection of public health with planning and design for cities is in the creation of new approaches to how we live, work, and play in urban environments. This session provides an overview of an exciting new initiative called the Colorado Healthy Place Collaborative. The collaborative now includes twenty-four statewide professional organizations, as well as a number of agencies and institutes, that have agreed to cooperate on advancing best practices and information, and putting public health at the foundation of planning, programs, and decision-making in Colorado communities. Session attendees will learn about the pioneering work of the Collaborative, as well as about opportunities for engagement.

**Moderator:** Rocky Piro, Rocky Piro, FAICP, Executive Director, Colorado Center for Sustainable Urbanism

**Speakers:**
- Sarah Franklin, Director, Urban Land Institute Colorado
- Patti Mason, Regional Director, US Green Building Council
- Michele Scanze, Chair, American Planning Association Colorado Chapter Healthy Communities Committee

GNARly Challenges: Planning and Urban Design in Gateway and Natural Amenity Regions

Small communities outside of national parks and other major natural amenities throughout the western U.S. are becoming increasingly popular places to visit and live. As a result, many of these gateway and natural amenity region (GNAR) communities—such as Jackson, Wyoming, and Moab, Utah—are facing a variety of “big city” issues, including severe congestion, lack of affordable housing, and concerns about sprawl and density. This roundtable will discuss the unique planning and urban design challenges of GNAR communities; introduce the GNAR Initiative at the University of Utah; and engage attendees in exploring key strategies for assisting western GNAR communities.

**Speaker:**
- Danya Rumore, Director and Research Assistant Professor, University of Utah
Nature Networks: A Model for Designing our Communities

The creation of sustainable urban spaces requires that we consider the role of social and natural networks in designing our communities of the future. The Metro Denver Nature Alliance (Metro DNA), an emerging collaboration of non-profit and governmental organizations across the region, is working to establish these networks to ensure that the Denver region is a thriving place for people and nature. This session will cover the organizational structure, the decision-support tools, and the bio-physical planning approaches that are being used to establish these networks.

Moderator: Dana Coelho, Director, Metro Denver Nature Alliance

Speakers:
Claudia Browne, Senior Water Resources Specialist/Bioregion Team Leader, Biohabitats
Gordon Robertson, Director of Planning, Design & Construction, Denver Parks & Recreation

Fast & Furious

Speakers have only seven minutes to speak. This session will cover a range of topics in quick order and the audience will vote on their favorites.

How to Prioritize Design and Affordability, No Matter Who You Are

This session focuses on achieving well-designed, affordable housing, without compromising one for the other. Panelists from the public sector will discuss the way in which design standards may help or hinder affordable housing, and how certain changes might open the door for more. Private sector panelists with experience in income-restricted housing as well as non-profit housing work will discuss their projects and general advice for prioritizing design throughout the development process.

Moderator: Cory Rutz, Attorney, Otten Johnson Robinson Neff + Ragonetti

Speakers:
Jenni Grafton, Housing Policy and Development Manager, City of Westminster
Chad Holtzinger, Architect, AIA, LEED AP, Shopworks Architecture
Kevin Knapp, Leader, Element Properties/SPARK
Gene Myers, CEO, Thrive Home Builders