

**Utah Land Use Institute**

Fall Conference 2017

October 24-25 – Realtors Auditorium Sandy

DRAFT AGENDA – SUBJECT TO REFINEMENT AND CHANGE

**FUNDING GROWTH: EXACTIONS ON DEVELOPMENT AND IMPACT FEES – TUESDAY OCT 24**

**1:00 Ruminations of an Out of State Impact Fee Analyst**

Dr. Arthur (Chris) Nelson’s professional practice is based on standards found in Utah’s landmark Banberry case. He co-wrote the Georgia impact fee statute and advised other legislatures on theirs, and has acted as a consultant in some leading litigation. Dr. Nelson will lay out a matrix of Banberry standards used nationally and then comment on their use (and abuse) in Utah, offering commentary and recommendations as an outsider (and a former insider as a Utah expat).

*Prof. Arthur (Chris) Nelson, Univ. of Arizona*

**1:45 Comments on Recent Legal Developments and Leading Issues with Exactions and Impact Fees**

The Timpanogos Special Service District is paying \$33.75 million in impact fee refunds. In *Alpine Homes v. West Jordan* the Utah Supreme Court held that developers have no standing to challenge compliance with the Impact Fee Act on issues beyond proportionality. In another case, the Court left room for the potential use of state water demand design standards as the level of service for water impact fees. In partial response, the legislature may consider amendments to the Act. Where does this leave us and where do we go from here?

*Panel:*

*Jody Burnett, Snow Christensen;*

*Bruce Baird, Attorney at Law;*

*Mike Ostermiller, Northern Wasatch Assn of Realtors;*

*Brent Bateman, Property Rights Ombudsman.*

**2:30 Break**

**2:45 Impact fee problems – a checklist.**

What are the trouble spots to watch out for? Best practices – methodologies. When is an impact fee more trouble than it is worth?

*Jonathan Call, North Ogden City Manager/Attorney;*

*Others to be Invited.*

**3:30 What other issues exist for infrastructure and coping with growth?**

A perspective on exactions other than impact fees – roads, utilities, etc. Exacting water rights – ditch improvements – third party approval requirements for subdivisions.

Panel:

*Jodi Hoffman, Hoffman Law;*

*Gary Crane, Layton City Attorney;*

*Others to be Invited.*

**4:30 Adjourn.**

**LAND DEVELOPMENT AND ITS REGULATION – WHAT YOU NEED TO KNOW  
PLENARY SESSIONS – WEDNESDAY OCTOBER 25**

**8:25** *David Hirschi, Hirschi Steele & Baer, Chair of ULUI – Greeting.*  
*Craig Call, Utah Land Use Institute – Moderator of Morning Sessions*

**8:30** **Keynote: The Ongoing Evolution of Land Use Regulation in Utah –**  
  
*Craig Call, Utah Land Use Institute*

**9:15** **What Developers Wish the City Understood About Land Use Development**  
  
*Mike Shultz, State Representative*  
*Chris Gamvroulas, Ivory Homes*

**10:00** **Break**

**10:15** **What City Leaders Wish Developers Understood About Land Use Regulation**  
  
*Nicole Cottle, Community and Economic Development Director, West Valley City*  
*Patrick Putt, Community Development Director, Summit County*

**11:00** **Commentary – Panel.**  
  
*Jodi Hoffman, Hoffman Law - Moderator*  
*Jody Burnett, Snow Christensen*  
*Wade Budge, Snell and Wilmer*  
*Chris Gamvroulas*  
*Mike Shultz*  
*Nicole Cottle*  
*Patrick Putt*

**12:00** **Break – Lunch is Served**

**12:15** **Lunch Panel: Twenty Years of the Property Rights Ombudsman**  
Influence of the OPRO. The advisory opinion concept – nine years later. The evolution of eminent domain processes.  
  
*Brent Bateman, Property Rights Ombudsman*  
*Others to be Invited*

**1:20 Pending at the Legislature: State Incentives for Density? Other Issues for 2018.** Recent actions on Capital Hill have sparked discussions about the relative roles of local and state officials in land use regulation. Does Utah’s demand for housing call out for some state involvement in density? What other issues are pending this coming year involving land use management?

*Moderator: Wilf Sommerkorn  
Mike Shultz, Utah State Representative  
Others to be Invited*

**2:30 Afternoon Break Out Sessions**

**Has the Conditional Use Permit Outlived its Usefulness?** What was the original purpose of a CUP? Do local regulations overuse that device at times? Are there practical alternatives, and how does actual CUP practice relate to vested rights, public involvement, and local discretion in administrative matters?

*Moderator: Wade Budge, Snell and Wilmer  
Bruce Baird, Attorney at Law  
Others to be Invited*

**Licensing and Land Use – The Appropriate Relationship.** Can a local licensing ordinance be used to address concerns that the land use regulations cannot or should not address? What are the options for managing uses, nuisances, economic goals and social concerns via licensing? What potential pitfalls and concerns should be considered as well?

*Moderator: Gary Crane, Layton City Attorney  
Polly Samuels McLean, Attorney, Park City Corp.  
Others to be Invited*

**3:30 Afternoon Break Out Sessions**

**Regulation at the Boundaries – Signs, Adult Businesses, Vapor Shops, Group Homes and Others.** If land use regulation were not complicated enough, how do local citizens, property owners and civic leaders deal with specific land uses which are subject to state and federal rules and mandates? What recent changes must be understood going forward?

*Moderator: Jonathan Call, North Ogden City Attorney/City Manager  
Others to be Invited*

**Bonds, Sureties and Guarantees on Infrastructure for Development.** How can a community guarantee the proper completion of project improvements? What improvements should be in place to pull a building permit? For occupancy?

*Moderator: David Hirschi, Hirschi Baer & Clayton*

*Chris Gamvroulas, Ivory Homes*

*Others to be Invited*

**4:40 Adjourn.**