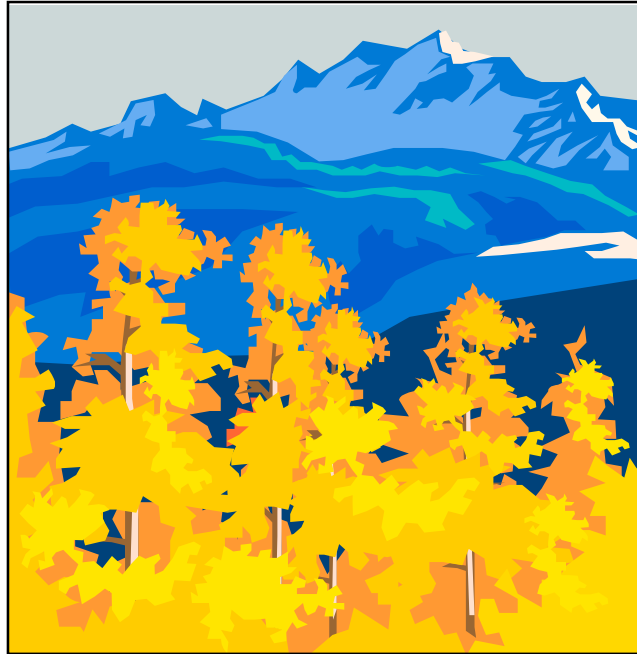


Utah Land Use Institute Spring Conference

April 6-7, 2023

Red Lion Hotel, St. George Utah



We appreciate those who support
the Utah Land Use Institute:

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About the Utah Land Use Institute

The Utah Land Use Institute is a non-profit Utah corporation established to share information, provide training opportunities, and improve eminent domain and planning and zoning professions and practices in Utah.

David Hirschi, Chair

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Brent N. Bateman

Wade Budge

Nicole Cottle

Gary Crane

Prof. Arthur C. Nelson

Prof. David A. Thomas

Craig M. Call, Executive Director

Wilf Sommerkorn, Deputy Executive Director

Jonathan W. Call, Program Director

The Utah Land Use Institute

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Materials for these and other sessions of the conference are available online at WWW.UTAHLANDUSE.ORG. The Conference webpage will be updated during the conference.



Funding for this event is provided in part by the Utah Department of Workforce Services, Division of Housing and Community Development. The Office of the Property Rights Ombudsman has also provided funding for this training program from the 1% surcharge on all building permits in the State of Utah. The Utah Land Use Institute deeply appreciates the ongoing support of the S. J. and Jessie E. Quinney Foundation and Salt Lake County as well.

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April 6-7 – Red Lion Hotel
850 South Bluff Street, St. George, UT 84770

**THURSDAY, APRIL 5
IN PERSON AND VIA ZOOM BROADCAST**

1:00 **Welcome** – Wilf Sommerkorn, Utah Land Use Institute

Community Character and Open Space Preservation Tools.

Discussion will include transfer of development rights, open space easements, land trusts, flexible agricultural zones, cluster development concepts and overlay zones.

John Janson, Planning Solutions

Wendy Fisher, Utah Open Lands

Dr. Arthur C. (Chris) Nelson, University of Arizona;

Presidential Professor Emeritus, University of Utah

3:00 **Adjourn**

4:00 **Land Use Basics:** Administrative and Legislative Acts; Compliance with state and local laws. This is a three hour introduction to land use law. This same seminar as has been presented in recent months in Washington, St. George, and Parowan.

Craig Call, Utah Land Use Institute

Wilf Sommerkorn, Utah Land Use Institute

Jordan Cullimore, Office of the Property Rights Ombudsman

5:20 **Break**

5:30 **Land Use Basics:** Subdivisions; Exactions on Development; Non-conforming Uses; Conditional Uses; Land Use Appeals; Land Use Resources

7:10 **Adjourn**

The 4 p.m. session is approved for three hours of continuing education credit for attorneys, planners, real estate professionals, and appraisers who are present in person at the event. The 1 p.m. session may provide credit for attorneys and planners but will not provide real estate and appraiser credit.

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FRIDAY, APRIL 7 – AS UTAH FACES GROWTH IN PERSON AND VIA ZOOM BROADCAST

- 8:25 **Welcome** – Craig Call, Utah Land Use Institute
- 8:30 **Legislative Recap – Changes from 2023 General Session.** What significant bills were passed in last month’s general session – how will they affect land use managers and applicants going forward?
Wilf Sommerkorn, Utah Land Use Institute, Moderator
Wade Budge, Snell & Wilmer Law Firm
Shawn Guzman, St. George City
Todd Godfrey, Utah League of Cities and Towns
- 9:15 **Time to Review How We Review Land Use Applications?** Our panel will discuss how local approvals can be expedited while preserving the interests of each community in how we grow.
Wilf Sommerkorn, Utah Land Use Institute, Moderator
Daniel Metcalfe, Tom Stuart Construction
Jordan Cullimore, Office of the Property Rights Ombudsman
Gary Crane, Layton City
- 10:15 **Break**
- 10:30 **Updating Land Use Ordinances.** What is the best way to ensure that local land use regulations stay current? What are the most common problems with local ordinances and changing state statutes?
Brent Bateman, Dentons Durham Jones Pinegar
Ryan Beck, Envision Utah
- 11:30 **Wrap Up – Audience Participation.** Panelists and audience members will explore issues associated with the morning’s conversations.
- 12:00 **Lunch is Served.**

12:15 **Luncheon Address – Don't Let Growth Stop You**

The St. George metropolitan area has been one of the nation's fastest growing for years and is projected to continue its torrid pace. While some worry that projections do not account for such nettlesome things as water, energy, land, and local capacity, one of the nation's leading futurists says "not to worry." Dr. Arthur C. Nelson, presidential professor emeritus of the University of Utah, will reflect on the nature and magnitude of Southern Utah's growth and how it can be sustained.

Dr. Arthur C (Chris) Nelson, Presidential Professor Emeritus,
University of Utah

1:30 **Legislative Efforts to Promote Housing Affordability.** What will be the real effect of this year's legislative changes. What can be done to address Utah's growing housing costs? What must local governments do to promote housing affordability?

Christina Oliver, Director, Division of Housing and Community
Development

David Damschen, Director, Utah Housing Corporation

2:40 **Short Term Rentals – Accessory Dwelling Units.** What does the law require in local land use codes? What are the best tools to manage, promote, or discourage them?

John Janson, Moderator

Melanie R. Clark, Foley & Lardner, LLP

Todd Sheeran, Herriman City Attorney

3:50 **Public Participation – What is its Role and When is it Valuable?**

What is the optimal role of public hearings in the process of reviewing legislative zone changes, administrative subdivision approvals and similar applications? How should public hearings be conducted? What are the best practices for presenters, presiding officers, panel members, staff and the public who attend?

Wilf Sommerkorn, Moderator

Gary Crane, Layton City

Karson Eilers, Utah League of Cities and Towns

Wade Budge, Snell & Wilmer Law Firm

4:50 **Adjourn**

Seven hours of continuing education credits will be applied for with regard to this day's session for Attorneys who are present in person at the event. Five hours for contractors is provided through the Utah Home Builders Association. We are not allowed under state rule to announce that we have applied for real estate and appraiser credit, but if we do we will update this information with that option as well.

**Background Information –
Speakers, Moderators and Board
Members
Utah Land Use Institute
April 6-7, 2023**

Brent Bateman

Brent N. Bateman is an attorney with Dentons Durham Jones Pinegar, where he practices with the laws of zoning, land use, development, property rights, eminent domain, roads, impact fees, constitutional takings, boundary disputes, trees, easements and just about anything having to do with how land is put to use. Brent's favorite baseball teams are, in order from most loved to most hated, Braves, Tigers, Red Sox, Cubs, Dodgers, Cardinals, Reds, Pirates, Angels, Mariners, Padres, Giants, Astros, DBacks, Orioles, A's, Rockies, Nationals, Rays, Rangers, Blue Jays, Marlins, Guardians, Royals, Brewers, Twins, Mets, White Sox, and Phillies. Any team you may have noticed not appearing on this list is so far into outer darkness as to be not worthy of mentioning.

Ryan Beck

Ryan Beck began working with Envision Utah in 2008. He serves as the Vice President of Planning. Ryan is currently involved with Guiding Our Growth, a statewide conversation about Utah's future and Land Use Review for Attainable Housing with DWS Housing and Community Development. Recently, Ryan was involved with Envision Utah's planning work for the Point of the Mountain, Valley Visioning, and Your Utah Your Future. Prior to working at Envision Utah, Ryan worked with a local private transportation planning firm. While there, he prepared city transportation plans and operated travel demand models. Ryan was involved with the Twin Falls Master Transportation Plan, Vision Dixie, and UTA/Brigham City Transit Feasibility Studies. Ryan's education includes a B.A. in History from the University of Utah and a Master of Law and Policy from the Sturm College of Law at the University of Denver.

Wade R. Budge

Wade Budge is a land use and real estate lawyer with significant experience advising developers and owners in all aspects of real estate development. He has negotiated entitlements for master planned communities, industrials projects, retail centers, office buildings, subdivisions and mountain resorts throughout Utah. He also regularly represents clients in the use, acquisition, and disposition of real estate projects throughout the western United States. Wade has advised developers in obtaining public incentives and using public finance tools, including tax increment financing, to facilitate new and redevelopment projects and regularly advises clients with government relations matters involving state and local governments. Wade has negotiated public-private partnerships with dozens of local governments and with every one of the state's principal development agencies, including the Point of the Mountain State Land Authority and the Military Installation Development Authority.

Craig M. Call

Craig Call is an attorney with Anderson Call & Wilkinson in Salt Lake City and Executive Director of the Utah Land Use Institute. He was the Private Property Rights Ombudsman for the State of Utah from 1997-2007 where he assisted in the mediation and arbitration of several thousand land-related disputes. He has been a real estate broker, general contractor and attorney. Craig served four years in the Utah Legislature and on the City Council in Provo. He authored The Utah Citizen's Guide to Land Use Regulation (2005), the comprehensive Utah Law of Eminent Domain (2008), and jointly authored the Utah Land Use Regulation Guidebook and the Utah Impact Fee Handbook and Checklists. He has lectured widely on land use regulation, eminent domain, property rights and dispute resolution in the U.S., as well as in Canada and the Peoples Republic of China. Craig is a Land Use Appeals Hearing Officer for several municipalities and counties. Craig was honored as the Practitioner of the Year by the Real Property Section of the Utah State Bar in 2019.

Melanie Clark

Melanie Clark is a partner and Business Law Department attorney with Foley & Lardner LLP. Melanie is based in the Salt Lake City office where she is a member of the firm's Real Estate Practice Group. Melanie's practice focuses on advising on all aspects of large-scale real estate projects including acquisition and disposition of land, leasing, financing, and project development.

Gary Crane

Gary Crane is currently serving as City Attorney for Layton City and Morgan City. He has represented various municipalities and other public and private entities in the State. Gary's practice has particularly focused on land use, development and real estate law. He has served on various boards and commissions and is actively involved in working on municipal legislative issues. Gary received his B.S. from Brigham Young University, his MPA from the Marriott School of Business and his J.D. from J. Rueben Clark Law School. He has regularly presented and written on a number of different municipal issues such as impact fees, subdivision law, annexation, forms of municipal government, affordable housing and many others.

Jordan Cullimore

Jordan Cullimore is the Lead Attorney in the Office of Property Rights Ombudsman, an independent, neutral state agency that helps to resolve property rights disputes and provides training about property rights issues. Prior to his appointment as Lead Attorney, he served as a Staff Attorney in the Office. He has been with the Ombudsman's Office since 2015. Jordan has also worked as a city planner in Utah.

David Damschen

David Damschen served as the Treasurer of the State of Utah between 2015 and 2021. He now serves as President and CEO of the Utah Housing Corporation.

Karson Eilers

Karson Eilers graduated from East High School in 2012 and joined the AmeriCorps National Civilian Community Corps where he volunteered with FEMA and the

American Red Cross for ten months. Upon returning home to Salt Lake City, Karson enrolled in classes at Westminster College. He quickly began working for the school's Katherine W. Dumke Center for Civic Engagement and the Utah Exploring Computer Science Initiative. During his final semester at Westminster, he interned in the Utah House of Representatives. After graduating with an economics degree, Karson interned for the Utah League of Cities and Towns. He was hired full-time several months later and has worked for ULCT in various roles since.

Wendy Fisher

Wendy Fisher has been with the Utah Open Lands since its inception in 1990. Utah Open Lands is Utah's statewide land trust and has protected over 64,000 acres throughout the state. Utah Open Lands and Wendy have been recognized as a leader in conservation efforts in Utah. Wendy has served on various legislative task forces looking at agricultural, trail and open space preservation. She also served as one of the founding board members of Envision Utah. Wendy was the Vice Chair of the North Fork Preservation Alliance which became the Sundance Preserve at the Redford Center when it began in 1997 and has also served as an advisory board member for Vital Ground. In 2017, Wendy was awarded the American Society of Landscape Architects Merit Award, shortly after receiving the 2016 Park City Rotary's Professional Citizen of the Year. In 2014, Wendy gave the opening remarks at the Columbia Law School, State Attorneys General Program, Conservation Easement Conference. In 2011, Wendy received the Park City Board of Realtors' Community Service Award, and in 2010, Wendy and Utah Open Lands received the Utah State University Botanical Center's Environmental Stewardship Award. Wendy currently serves on the Boards of High Country News, the Sundance Nature Alliance as well as local open space boards in an ex officio capacity. Wendy's essay Accommodating, Managing and Sustaining the Wild can be found in the book Reimagining a place for the Wild.

Todd Godfrey

Todd Godfrey is a graduate of Utah State University and received his Juris Doctorate degree from the University of Washington in 1991. Before joining Hayes Godfrey Bell in 1996, Todd practiced with the King County District Attorney's Office in Seattle and the Salt Lake City Attorney's Office. His practice focuses on the representation of public agencies. He has considerable experience negotiating complex agreements using traditional private financing and public financing methods. Todd is recognized as one of Utah's elite real estate lawyers, with particular emphasis on entitlements, planning and zoning.

Guzman, Shawn

Shawn was born and raised in Modesto, California. He graduated from the University of Utah with a degree in Regional and Urban Planning and received his J.D. from the BYU J. Reuben Clark law school where he was elected President of the Student Bar Association and given the Faculty Award for Meritorious Achievement and Distinguished Service. He worked for two years at a law firm in Utah County focusing mainly on municipal law. In 1997 he was hired as the Loss Prevention Manager at the Utah Association of Counties working with the Utah Association of Counties Insurance Mutual. In 2000 he was appointed Director of the Utah Association of Counties Insurance Mutual. In 2002 he was appointed City Attorney for the City of St. George.

Shawn has served on the Springville City Board of Adjustment and on the Springville City Planning Commission, where he served two years as Chairman. He also has served as President of the Utah Municipal Attorneys Association and is on the Legislative Policy Committee for the Utah League of Cities and Towns. He is active in his community and has served on the boards for Art Around the Corner and the St. George Book Festival, which he co-founded with Doug Alder. He also serves as a Trustee for Intermountain Health Care's Dixie Regional Medical Center located in St. George, Utah. He is married to Suzanne Gustaveson Guzman and they are the parents of five children.

John Janson

John M. Johnson graduated from the University of Utah in 1975 with a degree in Geography. He received a Master of City and Regional Planning from the Ohio State University in 1977. Having worked as a consultant and then in Davis County, Utah, the majority of his career was with West Valley City, Utah, where he was employed as the Planning Director for 25 of his 30 years there. As a frequent local conference speaker, and having performed consultant projects throughout the State, he has significant exposure to regional and city issues. His consulting work includes: general plans, area studies, Form Based Codes (the Utah Template), and general ordinance updates and implementation. He served on the Millcreek Township Planning Commission and helped the recently incorporated community create their first General Plan and update their ordinances. Currently he is working several communities on their ordinances and general plans.

Daniel Metcalfe

Daniel Metcalfe is an In-House Attorney with a focus in corporate, construction, and real estate law. He has an extensive background in business and legal operations, with a focus on maximizing efficiencies, profitability, and risk mitigation. His expertise includes Construction Law, Commercial Real Property Purchases & Sales, Corporate Governance, Tax Law, Corporate & Real Estate Due Diligence, and Legal Department Management. Daniel currently serves as General Counsel for both Tom Stuart Construction, Inc. and STS Properties, LLC, establishing the first in-house legal departments for each. He has also worked as a Client Manager for Thomson Reuters, managing relationships with over 100 law firms across several neighboring states. Daniel attended ASU's Sandra Day O'Connor College of Law for his 1L year and earned his Juris Doctor from J. Reuben Clark Law School at Brigham Young University and is a current member of the Utah State Bar.

Prof. Arthur C. (Chris) Nelson

Dr. Nelson is Professor Emeritus of Planning and Real Estate Development 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 known for pioneering work in 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 Brookings Institution, Urban Land Institute, and the National Association of Realtors. Dr. Nelson has written nearly 30 books and more than 400 other published works. Dr. Nelson is both a Fellow of the Academy of Social Sciences (FACSS) and the American Institute of Certified Planners (AICP)."

Christina Oliver

Christina Oliver is the director of the Housing and Community Development Division of the Department of Workforce Services, overseeing dozens of federal programs, including pandemic Emergency Rental Assistance. Previously, Oliver served as the department director over Community Development for Draper City, in addition to roles at Salt Lake County as the Regional Economic and Business Development Division director and as the associate Parks and Recreation Division director. Christina earned her M.B.A. and Finance Graduate Certificate from Westminster College and B.S. from the University of Utah. She lives in Draper Utah and enjoys skiing and mountain biking with her family.

Todd Sheeran

After graduating from law school at the University of Utah, Todd has provided advice and counsel to various public entities. Since moving to the public sector full-time, Todd has worked for South Jordan, Bluffdale, and Herriman (with being the city attorney for Bluffdale and

Herriman). In 2021, Todd was awarded the Young Public Attorney Award from the International Municipal Lawyers Association (IMLA) and was also appointed as a member of the Board of Directors. Todd is an active member of the Utah State Bar, with being a CLE coordinator and a Government Relations Committee member for the Government Law section. Naturally, Todd is involved with the Utah League of Cities and Towns and the Utah Municipal Attorney Association. Todd regularly moderates, presents, and writes articles for these various organizations, with most topics being land-use related.

Wilf Sommerkorn

Wilf Sommerkorn retired as the Director of Regional Planning and Transportation for Salt Lake County in 2019, where he served from 2014. Prior to that, he was Salt Lake City Planning Director from 2008 to 2014, and Director of the Davis County Community & Economic Development Department for 14 years. He was a planner in various positions with that Department from 1981. Wilf has also served as the Community Development Director for Centerville City, and as an adjunct professor of urban planning at the University of Utah, where he taught a class in The Politics of Planning, something every planner should know! Wilf has served as Legislative Chair for the Utah Chapter of the American Planning Association since 1990, where he has had a role in writing the state codes regarding land use. He was President of the APA Utah Chapter from 1986 to 1988. Wilf holds a BS in Physical Geography and Geology from the University of Utah, and an MS in Urban Planning from the University of Tennessee.

Wilf now works with the non-profit Utah Land Use Institute as Deputy Executive Director, and also does planning consulting work through his firm, Sommerkorn Consulting. He is currently serving on the Kaysville City Planning Commission.