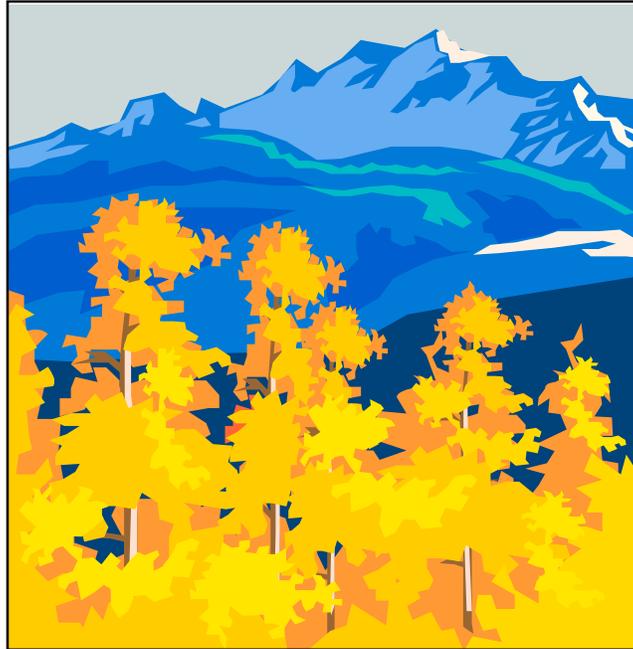


Utah Land Use Institute Spring Conference

March 22, 2024

Abbey Inn, St. George Utah



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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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Wade Budge

Nicole Cottle

Gary Crane

Prof. Arthur C. Nelson

Prof. David A. Thomas

Craig M. Call, Executive Director

Wilf Sommerkorn, Deputy Executive Director

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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.



The Office of the Property Rights Ombudsman has 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 Regional Planning as well.

Utah Land Use Institute

Spring Conference 2024

March 22 – Best Western Abbey Inn

1129 South Bluff Street, St. George, UT 84770

FRIDAY, MARCH 22

IN PERSON AND VIA ZOOM BROADCAST

8:25 **Welcome** – David Hirschi, Chair, Utah Land Use Institute

8:30 **Land Use and Housing Issues at the 2024 Utah Legislature.**

Now that the 2024 General Session is history, we pause to consider what the legislation approved will mean for land use and housing in 2024 and going forward.

Wilf Sommerkorn, Utah Land Use Institute, Moderator

Karson Eilers, Utah League of Cities and Towns

Wade Budge, Snell & Wilmer

Shawn Guzman, St. George City Attorney/Govt. Affairs

10:00 **Break**

10:15 **What Happens if Housing Costs Too Much?** There is a general consensus that the lack of affordable housing is a problem – and for state and local leaders, it's among the highest priorities. What are the practical, real-world consequences of Utah's lack of affordable housing? Why must these issues be addressed?

Dejan Eskic, Gardner Policy Inst., Univ. of Utah, Moderator

Steve Waldrip, Governor's Senior Advisor on Housing Innovation

Ari Bruening, Envision Utah

11:00 **Local Tax Base – Benefits and Burdens of Housing.** Based on solid numbers and research, what are the relative benefits and burdens of land use options? How do single family residential uses compare with multi-family, commercial, office and industrial uses when considering the local revenue produced and government services required?

Nicole Cottle, UTOPIA, Moderator

Prof. Arthur (Chris) Nelson, University of Arizona

Dejan Eskic, Gardner Policy Institute, University of Utah

John Ulibarri, Weber County Assessor

12:00 **Lunch is Served.**

12:30 **Luncheon Workshop - Planning Commissions.** We take a break from formal presentations to enjoy a luncheon presentation about the challenges of managing the process of planning commission review of land use applications and public input.

Wilf Sommerkorn, Moderator

Brent Bateman, Dentons Durham Jones Pinegar

Jordan Cullimore, Office of the Property Rights Ombudsman

Gary Crane, Morgan City Attorney

David Hirschi, Former Chair, Centerville Planning Commission

Nicole Cottle, UTOPIA

1:30 **Break**

1:40 **Housing Design Issues – Pitching Starter Housing.** What innovative and new options have been created for starter homes? How can they be designed and built in a way that contributes to the local streetscape and community character? How can planners and builders use design to reduce public resistance to affordable housing?

Stacy Young, Govt. Affairs Director, SUHBA, Moderator

Troy Ence, Ence Homes

Jed Nilson, Nilson Homes

Steve Waldrip, Governor's Senior Advisor on Housing Innovation

2:40 **Break**

2:50 **27 Ways to Fund Infrastructure.** While it is clear that one of the major obstacles to housing production is the cost of infrastructure, would it not be wise to consider all the financing options available to be sure that we do not overlook a viable alternative? Here we consider a broad overview of how infrastructure can be funded and get the 30,000 foot view of both new and old solutions.

Craig Call, Utah Land Use Institute, Moderator

Brian Baker, Zions Public Finance

Steve Waldrip, Governor's Senior Advisor on Housing Innovation

Laura Hanson, Governor's Office of State Planning

3:50 **Adjourn**

**Background Information –
Speakers, Moderators and Board
Members
Utah Land Use Institute
March 22, 2024**

Brian Baker

Brian Baker has been with Zions Public Finance for over 20 years. He works as municipal advisor to a broad array of municipal entities including the Utah Transit Authority, the Point of the Mountain State Land Authority, Summit County, Provo and Park Cities, Utah Associated Municipal Power Systems (UAMPS) and Utah Municipal Power Agency (UMPA), and Utah State University. Since joining Zions, he has adviser on hundreds of transactions totaling over \$11 billion. Brian is a registered municipal securities representative and municipal advisor, holding series 50 and series 52 licenses. He previously held both series 7 and series 63 licenses. He received his MBA in finance from BYU in 2004 where he was the top student in his class and recipient of the Hawes Scholarship. He has taught graduate finance classes as an adjunct professor in BYU's Romney Institute of Public Management, and worked as an analyst for Goldman Sachs in San Francisco for three years prior to getting his MBA.

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.

Ari Bruening

Ari Bruening has extensive experience in visioning and implementation efforts for regions, large areas, and critical growth-related topics. At Envision Utah, he helped lead the Your Utah, Your Future statewide vision that engaged 52,845 Utahns to tackle eleven different topics, as well as the recommended State Water Strategy, the Point of the Mountain vision, the Vision for Teacher Excellence, and numerous other critical efforts. Ari, an AICP certified planner, graduated magna cum laude from Harvard Law School, where he was an editor for the Harvard Law Review.

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.

Nicole Cottle

Nicole Cottle is an attorney licensed in both Utah and Wyoming. Nicole recently retired from West Valley City after 25 years serving as attorney, community and economic development director and assistant city manager. During this time Nicole served on the Olene Walker Housing Trust Fund Loan Committee, the My Hometown Executive Committee, Chamber West Legislative

Committee, the Utah League of Cities and Towns Legislative Committee and the Utah Inland Port Authority Board. In addition to her municipal service, Nicole has represented private clients in the areas of legislative and government relations, development and land use, charter law, estate and business planning, and other transactional law. In 2006 Nicole started a development company with her husband and together they have entitled and developed multiple small residential properties in Utah. Nicole currently serves as Director of Government Affairs and General Counsel for UTOPIA Fiber and provides contract consulting services to other municipal, municipal like and private development clients. Nicole remains active in service-related capacities on the Utah Land Use Institute and the Our Hometown Communities Foundation as well as the University of Utah Opportunity Scholars Board among 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.

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.

Troy Ence Troy Ence, a native of St. George, Utah, spent his formative years in the budding landscape of Southern Utah's construction/development industry. As the son of one the visionary founders of Ence Homes, Troy's passion for construction was kindled at an early age. His career in residential construction first began at the age of 15 when he got a job helping the stucco crews. In the decade that followed, Troy learned many different trades of the construction industry before assuming ownership of Ence Homes with his two brothers, Tracy and Kim Ence. Troy's construction background has been instrumental in helping to shape the company's trajectory over the past 27 years.

Troy pursued his education in Business at Dixie College and Southern Utah University where he gained additional skills and knowledge that have been vital to his career in the construction/development industry. For the past 17 years, Troy has steered Ence Homes' development and land/lot acquisition endeavors, contributing significantly to the company's growth and success. With a commitment to excellence and an understanding of the construction landscape, Troy and his current partners, Jon and Kolby Ence, continue to push Ence Homes to be a leader of the industry in the St. George area. They are committed to maintaining the Ence Homes' legacy of innovation and quality established by his family.

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.

Laura Hanson

Laura Hanson joined the Governor's Office of Planning and Budget (GOPB) in 2021 with over 20 years of experience as a professional planner in both the public and private sectors. Prior to joining GOPB, Laura served as the planning director for the Utah Transit Authority. Laura also served as the first executive director of the Jordan River Commission (JRC). She holds a bachelor's degrees in urban planning and environmental studies, and a master's degree in urban planning from the University of Utah. Post graduate certificates include public involvement, leadership, conflict resolution, and visual resource management.

David Hirschi

David Hirschi a partner at the law firm of NELSON CHRISTENSEN HOLLINGWORTH & WILLIAMS, P.C. His practice emphasizes general business organization formation, business strategies, and business transactions; residential and commercial real estate acquisitions, sales, and land use planning; negotiation and documentation of project, construction, permanent and leveraged lease financing; the preparation and interpretation of commercial, industrial, office and retail leases; title insurance litigation; foreclosures and workouts of troubled loans and developments; real estate investment

strategies; and general estate and trust planning. Mr. Hirschi is the former Chair and current emeritus member of the Utah State Supreme Court Board of Mandatory Continuing Legal Education and is the current Chair and member of the Board of Directors of the Utah Land Use Institute. He also currently serves as a member of the Centerville City Board of Adjustment. He has formerly served as Chair of the Business Law and Real Property Sections of the Utah State Bar and the Centerville City Planning Commission. Mr. Hirschi received his B.A. degree, summa cum laude, from Utah State University and his J.D. degree, cum laude, from the J. Reuben Clark Law School at Brigham Young University. He is a member of the Utah State Bar, the Idaho State Bar, and the Washington State Bar Association. Mr. Hirschi is admitted to practice before the state and federal courts in Utah, Idaho and Washington, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

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 (FAICP)."

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.

John Ulibarri

John Ulibarri is the award-winning Weber County Assessor. John has over two decades of public service. His public service started in 1999 as a residential appraiser with Davis County, and the journey led him to the role of Weber County Assessor in 2011, a position he holds today. John is a licensed Certified General Appraiser and a pre-licensing instructor with the Utah Division of Real Estate. John has received multiple Assessor of the Year and Property Tax Administrator of the Year awards from the Utah Association of Counties and the local chapter of the International Association of Assessing Officers.

John's commitment extends beyond his professional duties. He has been an active member of various professional and community boards. His roles have included

chairing the Utah Real Estate Licensing and Certification Board (twice), serving as president of the Utah Association of Counties, and contributing to the Multi-County Appraisal Trust, and Utah Assessor's Association. John apparently suffered a minor head injury playing hockey as a kid, evidenced by the fact he is both a real estate appraisal worker and remains interested in property tax policy.

Steve Waldrip

Steve Waldrip has extensive experience in real estate development, law and government operations in public and private partnerships. For the past 11 years, he's been a partner and co-founder of the Rocky Mountain Homes Fund, which focuses on providing working professionals in the middle class with homeownership opportunities. Waldrip also serves on the boards of United Way Northern Utah and Ogden Valley Land Trust. He served as chair of the Utah Commission on Housing Affordability and continues to serve on that commission. A former state legislator, Waldrip served in the Utah House representing District 8 from 2019 to 2022. In addition to his public service, Waldrip previously oversaw leasing and new development for the Business Depot Ogden (BDO) project, helping manage a 6.5 million square foot portfolio, including the construction of 2 million square feet of new industrial space. He also managed construction and development of 250,000 square feet of commercial/office buildings. Waldrip has a bachelor's degree in English from Brigham Young University, a law degree from the University of Utah, and a Master of Taxation (LLM) from the University of Washington School of Law.

Stacy Young

Stacy Young has been a developer and land use attorney for the past 20 years. In that time, he has directed the development of thousands of homesites and related commercial and civic uses in Washington County. He is also the Government Affairs Director for the Southern Utah Home Builders Association. Stacy earned degrees from the University of Utah (BA) and Washington University in St. Louis (JD, MBA).