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Land Use Trends in the Rocky Mountain West: The Role of the Rocky Mountain Land Use Institute

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LAND USE TRENDS IN THE ROCKY MOUNTAIN WEST
THE ROLE OF THE ROCKY MOUNTAIN LAND USE INSTITUTE

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ABSTRACT

As one of the fastest-growing regions of the country, the communities of the intermountain West are poised to lead the nation in many ways, including how we manage change, create communities, and foster local places that contribute to a very high quality of life by nurturing and valuing the natural assets that make this region so special. This essay will reflect on how development patterns in the region have shifted over time. This essay will also ponder some potential emerging trends and areas of focus for the future, in the hopes that future scholars, students, and practitioners will build on his important legacy.

INTRODUCTION

Flying into Denver International Airport, the history of the Rocky Mountain Region reveals itself in splendor and sprawl. A region known and valued principally for its natural resources and scenic beauty, the exploding human footprint simultaneously does violence to a still-evident ecological system and represents the rapid change that has come to the region in the last thirty years. The West is a place where the holy trinity of land, water, and energy historically have come together in conflict and contradiction and where rapid demographic growth is forcing a reckoning that could push the region ultimately to lead the country in sustainable development.

For 30 years, the Rocky Mountain Land Use Institute (RMLUI) has been leading a discussion in the West about the challenges presented by growth and the best ideas for addressing those challenges. In the late 1980s, an eclectic group of land use planners, lawyers, professors, real estate professionals, and thought leaders came together at the University of Denver's Sturm College of Law to consider how to manage growth in a booming region in ways that could sustain the economy, promote a high quality of life, and protect the fragile natural ecosystems that set the West apart. Those discussions led to the founding of RMLUI, which for three decades has continued to convene leaders and foster discussions about the tools, strategies, and policy approaches that can contribute to more sustainable patterns of growth and address both the persistent and emerging challenges of our times.

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Over that time, RMLUI has documented, analyzed, and commented on major demographic shifts and significant land use changes across the intermountain West. In some ways, our observations and recommendations have been consistent over time, concerned about how we might manage growth in a way that preserves our Western culture and natural heritage. In other ways, seismic shifts have altered our analysis in ways that we could not, and did not, anticipate, and presented opportunities that we can barely imagine. Throughout it all, RMLUI has elevated and highlighted the work of scholars and researchers who have been at the forefront of thinking about these vexing challenges and devising approaches to address them and has brought those thought leaders together with practitioners who are at the vanguard of land use and development decisions in the region.

Professor Chris Nelson has been one of those academic trailblazers. He helped to define smart growth, bringing together economic and environmental arguments to advocate for compact, transit-oriented development patterns that promote land and resource conservation in the efficient use of land and natural resources and that likewise promote fiscal health in leveraging and maximizing the benefit of public investments in infrastructure.[2] Among his many other accomplishments and contributions, he has been a leading voice at the Rocky Mountain Land Use Institute. Whether advocating for the strategic use of impact fees and demand-based permitting to promote smarter growth or providing detailed analyses of real estate trends pointing to the need for missing middle housing and more compact forms of development around transit, Chris's work has reached hundreds, if not thousands, of planners, lawyers and other professionals engaged in land use and real estate development in the Rocky Mountain region. His mark is visible in the changing nature of our urban landscapes in the West.

As one of the fastest-growing regions of the country, the communities of the intermountain West are poised to lead the nation in many ways, including how we manage change, create communities, and foster local places that contribute to a very high quality of life by nurturing and valuing the natural assets that make this region so special. This essay will reflect on how development patterns in the region, influenced by Chris Nelson's far-reaching vision, have shifted over time. Inspired by Professor Nelson's knack for anticipating approaching challenges, this essay will also ponder some potential emerging trends and areas of focus for the future,

[2] Prof. Nelson's seminal book, *Growth Management Principles and Practice*, set the stage for a smart growth movement. Arthur C. Nelson and James B. Duncan, *Growth Management Principles and Practice* (1995). Since that time, he has published dozens of articles and books exploring a wide range of strategies and tools to promote smart growth, from impact fees to transferable development rights to missing middle housing.

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SMART GROWTH IN THE WEST

The intermountain West is historically, culturally, and politically distinct from the rest of the country. Characterized by vast public lands, most federally protected in some way or another, the West is relatively unchanged through the ages in some critically important ways that continue to define the region. The national parks, protected wilderness areas, and national monument and recreation areas, which enjoy the highest levels of protection, have a constancy that reminds us of our history and help to preserve the wildlife and iconic landscapes that constitute the most fundamental elements of the great American West. Even the national forests and rangelands, which are managed for multiple use and allow for resource extraction, help to preserve the traditional economies and distinct cultural heritage of the Rocky Mountain West.

In addition to the wide-open spaces, snowcapped peaks, and big skies, the West is also known for its rugged, sometimes-harsh environment where too little water and extreme weather conditions resulted historically in concentrated settlements built in and around river systems and riparian areas. Some places were built around mining, logging, and other resource use, while other communities grew up around transportation infrastructure, most notably trails and rail. These places tended towards compact, clustered patterns of development before there was even a name for it. Although some remote communities have withered away due to a changing economy, many have transitioned and survived (even thrived) by shifting their economic focus from resource extraction to a different kind of exploitation dependent on tourism and those searching for natural amenities.

The Rocky Mountain West is also characterized by a "don't tread on me" libertarian streak and a cultural identity that values rugged individualism and private property rights. Many Westerners chafe against regulation and government intervention that impacts their use of property (often turning a blind eye to the role of government in subsidizing the development of those rights). From a land use perspective, the result has often been a laissez-faire approach to land development that permits private landowners to develop their lands to maximize value without significant central planning or limitations imposed on behalf of the community. Ample space, combined with a reluctance to regulate the development of private land, created the perfect environment for uncontrolled sprawl once federal transportation and housing policy aligned to make distant residential housing economically feasible. In marked contrast to the constancy of the rural West, the urban and urbanizing areas of the West have transformed at a remarkable pace.

Whether on the Front Range of Colorado, the Wasatch Front in Utah, or central Arizona's Sun Corridor, the population growth of the late 20th and early 21st centuries consumed vast areas of previous open space in sprawling communities and networks of highways. A study by Conservation Science Partners in 2016 found that between 2001 and 2011, 4300 square miles of open space was lost to development—an area larger than Yellowstone National Park—with Wyoming and Utah experiencing the largest percent change in areas modified by human development.[3] In some communities, this land rush resulted in the subdivision of ranchlands with little oversight or regulation, and ultimately, without much analysis for whether anyone would want to buy these small lots in remote ranching communities. In places like Teton County, Idaho or Costilla County, Colorado, thousands of individual lots exist on paper without the infrastructure or interest to support actual development. These so-called "zombie" subdivisions created a legacy of sparse development that raised concerns over the cost of building and maintaining infrastructure to support sprawling, poorly planned communities.[4]

By the 1980s, when RMLUI was conceived and Chris Nelson was beginning his career, concerns about the impacts of sprawl were top of mind. Urban centers were in decline, with Denver, for example, reporting a 30% vacancy rate in downtown commercial real estate while giant new master-planned communities featuring tract housing and strip malls were coming out of the ground some 15 miles away. With car-dependent population growth came congestion, increasingly expensive infrastructure costs and maintenance requirements, and a desire to avoid traffic jams and hours behind the wheel. Alarm over the costs of sprawl led to efforts to promote regional planning and smart growth. By the early 1990s Western organizations like RMLUI and the Sonoran Institute in Arizona were founded to consider and advocate for new approaches. Envision Utah in Salt Lake City entered the scene just a few years later. At about the same time, to counter the rapid loss of agricultural lands to sprawl, organizations like the Colorado Cattlemen's Agricultural Land Trust sprang up, and Colorado voters amended the state constitution to direct lottery funds toward land conservation through Great Outdoors Colorado. These organizations, and others like them, directed funds towards creating greenbelts, preserving mountain vistas, and protecting open space for recreation, agriculture, and habitat. Likewise, beginning in the mid-1990s, growing concerns about air quality caused by congestion led several large cities in the West to invest heavily in public transportation and fixed-rail transit systems.

[3] Center for American Progress, *The Disappearing West*, https://disappearingwest.org/land.html#land_big_picture (last visited July 23, 2021).

[4] Jim Holway, Don Elliott, and Anna Trentadue, *Arrested Developments: Combating Zombie Subdivisions and Other Excess Entitlements*, Lincoln Institute of Land Policy, Policy Focus Report, January 2014.

Amidst much skepticism about the wisdom of making these significant investments, these transportation projects were passed by the electorates and paid for by tax increases and federal highway funds.

Although it remains to be seen whether these transportation dollars will meaningfully alleviate the congestion problems by getting people to give up their cars, it is absolutely clear these fixed rail systems—and Prof. Nelson's arguments about the benefits of developing compact communities around them—has changed the development patterns in many Western cities.[5] Rather than facilitating growth in the outer suburbs in traditional, single family residential communities, metropolitan areas like Denver and Salt Lake City are incentivizing and prioritizing growth, in the form of relatively compact, mixed-use development, near the new transit stations. And this development is being designed in many instances around walkable town centers featuring public plazas, broad sidewalks, pedestrian-friendly storefronts, and bike infrastructure meant to attract people and not just to accommodate cars.

The trend away from urban centers and toward the fringes began reversing in some important ways at the turn of the 21st century, with many newcomers to the West preferring to live a more urban, less car-dependent, lifestyle. And metropolitan regions have responded by focusing on their urban cores, improving the living conditions, cultural scene, and the environment. Investments in bike lanes and transportation infrastructure reflect concern about urban gridlock; promoting innovation and creativity in the arts and leisure sector has contributed to thriving 24-hour downtowns; and a focus on urban conservation and enhanced parks and open space has created more livable cities.

As a result, urban centers in the West—Denver, Salt Lake City, Las Vegas, Boise, Albuquerque, Phoenix—are some of the fastest growing in the West. Populations are both older and younger, as those who moved here in the boom of the 80s and 90s to raise their children are now approaching retirement, while the generation graduating college and looking to start careers are flocking to Western cities. Both populations are increasingly interested in giving up the big house, costly landscaping, and long commutes in the suburbs for smaller living space and more vibrant public space, if not in or near the city core, then in town centers and other mixed-use communities in the suburbs. As Professor Nelson has predicted for much of his career, the demand for traditional, single-family detached homes on large lots is waning.

[5] Andrew Goetz, *Suburban Sprawl or Urban Centres: Tensions and Contradictions of Smart Growth Approaches in Denver, Colorado*, 50(11) Urban Studies 2190-2192 (August 2013).

The West is leading the nation in striving to create sustainable, equitable communities. It is a dynamic, future-oriented region of the country, where the economic environment rewards innovation and entrepreneurial activity. The region is culturally dynamic and open, where newcomers with big ideas and bodacious dreams have been able to build a life. And its cities are fast-paced without being a grind because sports and outdoor adventures are a highly valued part of the culture. Tremendous natural assets offer a healthy lifestyle and extreme forms of recreation and entertainment that fuel youthful energy. The pace of growth and change fosters an optimistic energy that attracts young, highly educated people looking for the high tech, new energy, and outdoor industry jobs of the future. The rapid growth also provides an opportunity to build better and to retrofit the sprawling and unsustainable developments of the past.

As the region emerged from the Great Recession, many of these urban economies have been booming, and innovating, and rushing into the future, at the leading edge in trying to tackle some of the nagging problems of our country. Our great western metropolises have conceived, funded, and are building multi-modal transit systems that will rival many of those around the world, resulting in transportation options that reduce air pollution, help ease traffic congestion, and encourage exercise. Our cities are encouraging and incentivizing in-fill development and innovative approaches to the built environment that are designed to maximize access to transit and reduce our collective impact on the natural world. Many people moved to these great cities because of their proximity to recreational opportunities and iconic landscapes, and Western conservationists have been at the forefront of developing creative approaches to preserving private lands and protecting public lands.

THE CHALLENGES AHEAD

For all the optimism about the future of the West, the region is faced with significant challenges associated with the threat of climate change, including prolonged drought, severe flooding, and devastating wildfires. Amenities that draw people to the West—vast open spaces, clear blue skies, wildlife, rushing rivers, skiing—are threatened by population growth. Sprawl consumes land; traffic spoils air quality; roads fragment wildlife habitat; and urban water demands suck the rivers dry. The changes predicted from global warming threaten us even further. Significant uncertainty about the impacts of climate change complicate the planning process, but conservative predictions suggest that we would be smart to plan on periods of extended, severe drought while preparing for increased flooding associated with more violent storms. We have to plan for longer, and more devastating fire seasons, as well as periods of more intense heat. Natural disasters will become more common and more unpredictable, so the need to consider natural (and unnatural) hazards in planning our communities is of paramount importance

to mitigate the loss of life and property when we do experience the inevitable extreme weather events.

This strong demand for a more urban life has led to new challenges: rapidly increasing housing costs, gentrification of neglected areas and displacement of long-standing populations, and the need to ensure that increased density does not come at the expense of environmental sustainability and livability. Significant demographic shifts threaten our ability effectively to provide needed social services and upend our best efforts to plan our communities for those we believe will inhabit them in the future. The most expensive real estate is now located in the urban core rather than in the affluent suburbs, and the wealthy are increasingly occupying this urban real estate, pushing up land values and pushing out lower income people who have occupied this city space for generations. Some single-family suburbs are now the first stop for immigrants looking to make a new future for themselves and their families in this country, and these older suburbs supply what passes for affordable housing in many communities across the West. Alan Ehrenhalt has described this phenomenon as "The Great Inversion," pointing to the significant issues that arise when low income people are forced by housing costs to live in sprawling, car-dependent communities where social services and other supports are diffuse, if they exist at all.[6] On the other hand, in our urban centers homelessness has sky-rocketed, income inequality threatens social cohesion, and issues of affordability have proven to be intractable.

The aging of the West's population is of particular note. Although young people are moving to the West in droves, the baby boomers are not leaving and (due to the active western lifestyle) are living longer. Demographers predict that one-fifth of Colorado's population will be over the age of 65 by 2050.[7] Other western states face similar trends. Given that many of these people live in sprawling suburbs where they settled in the 1980s to raise their children, the challenges posed by their transportation, housing, health care, and social needs in the coming years will be significant. They increasingly want the same type of housing desired by millennials: smaller, affordable units, in walkable, mixed-use, high-amenity communities that enjoy good mobility options.[8]

Although urban centers of the West are often the center of attention in discussions about growth and change, smaller communities in the West are also

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[6] Alan Ehrenhalt, *The Great Inversion and the Future of the American City* (2012).

[7] Tamara Chuang, "2020 Forecast: Colorado is Getting Older and Narrowing the Housing gap, but Really Needs Middle Wage Jobs," Colorado Sun (1/2/20), https://coloradosun.com/2020/01/02/colorado-population-2020-statistics/ (last visited July 23, 2021)

[8] Id.

experiencing significant growing pains. Widespread internet access has created population pressures in places like Bozeman and Jackson that are not altogether unlike those faced in larger cities. High tech entrepreneurs and dot.com millionaires can live virtually anywhere, and they have increasingly chosen communities with great access to natural amenities and outdoor recreation. Resort towns, such as Aspen and Park City, have struggled to supply workforce housing that is affordable for ski-lift operators and hotel managers, as well as local teachers and doctors, in communities where home values are escalating, and populations are transient (and often unwilling to invest in public infrastructure or taxes to fund affordable housing). And rural communities have experienced the boom-and-bust cycles (repeatedly) of an energy economy that alternatively has created a crisis in housing availability and housing foreclosures. As Professor Nelson has advocated for his entire career, sustainability and questions about how smart growth concepts can help us accommodate the populations of the future will have everything to do with how successfully the Rocky Mountain Region manages the predicted growth.

A BIG IDEA (OR TWO)

To honor Chris Nelson for his bold and visionary approach to smart growth and his fearlessness in predicting the trends that are just beyond our sightlines, this essay will follow his lead, offering some suggestions for the next generation of smart growth leaders. Two overarching issues that will occupy land use professionals for the foreseeable future are: 1) the impact of climate change on the resilience and livability of our communities, and 2) social justice and equity concerns that threaten our social cohesion and economic vitality. In response to these twin challenges, growth management and land use professionals should focus on the role of nature in helping to mitigate the risks of a changing climate and should re-evaluate our approach to planning and zoning in ways that promote integration, inclusion, and affordability, as well as sustainability. Let's consider these ideas in turn.

Climate change is the defining issue of our time. We will, presumably, use technology—electric vehicles, enhanced energy efficiency in buildings, and low carbon sources of energy—to work towards our climate goals. At the same time, cities are under pressure to reduce sprawl and promote compact forms of development for a variety of reasons: to enable public transportation and mobility options that help to reduce energy demand; to reduce congestion and gridlock; to make efficient use of infrastructure, land, and natural resources; and to avoid the well-documented environmental, fiscal and social costs of sprawl. Dense communities and urban environments, however, are more subject to the heat island effect, have a more difficult time dealing with stormwater events and extreme

weather, and can raise livability concerns.[9] The development of biophilic cities, and the strategic incorporation of nature into cities, can help to alleviate many of the potentially negative impacts associated with dense urban development. For that reason, the importance of urban conservation and the role of natural systems in creating healthier, more resilient communities should emerge as a central part of our urban, regional and comprehensive planning. Indeed, our planning and land development processes should begin with an assessment of the underlying ecological systems, their baseline condition, and the opportunities to preserve or restore ecological function as part of the development process.

In more compact, more impervious, and more vertical communities, we should increase the commitment to enhancing the role that nature plays in ensuring livability in our cities. The benefits of nature to human health and wellness are well-established. We know that access to open space reduces chronic disease, improves cognition and mental health, and helps to promote physical exercise.[10] Understanding this, we must ensure that everyone lives within close proximity to a park or open space that promotes active recreation and easy, safe access to nature and its many benefits. However, we must also go much further in designing those spaces with a view towards equitable inclusion and ensuring that they are culturally responsive to their intended users. This requires considering access issues so that, for example, seniors, baby strollers, and bikers can safely get there. Instead of, or in addition to, soccer fields and basketball hoops, we should strive to create community-driven spaces that reflect the goals of diverse neighborhoods, including, for example, urban gardens featuring foods grown and loved around the world and, perhaps, markets where diverse communities come together to buy or sell those foods. Getting this right will require more effective neighborhood engagement and community participation in planning and activating these spaces.

From an ecological perspective, we must develop a better understanding of how to integrate nature into every corner of our cities in strategic and intentional ways that reflect the limits of our water supply and mimic natural functions as much as possible. We should design our public parks and open space to provide ecological benefits such as stormwater management and wildlife habitat, along with their recreational and other human-centered benefits. In the west, this means less bluegrass and more drought-tolerant native species. But we must go much further, to capture the potential ecological benefits of other types of spaces, particularly as

[9] A recent Climate Central report shows that Denver is, on average, 5 degrees hotter than surrounding areas. Highly developed urban areas can be 15 to 20 degrees warmer. https://denverite.com/2021/07/13/denvers-heat-island-effect-boosts-city-temperatures-by-over-5-degrees/ (Last visited Aug. 3, 2021)

[10] See, e.g., Florence Williams, *The Nature Fix: Why Nature Makes Us Happier, Healthier, and More Creative* (2017).

we promote more compact development patterns. For example, we should think about rooftops and rights-of-way differently, designing them not only to provide shade and mitigate heat island effect, but also to provide habitat for urban birds and migrating pollinators and to maximize the filtration of stormwater and the improvement of air quality. We should recognize the value of underutilized spaces for nature and the opportunity to inject micro-greening into our neighborhoods in ways that enhance ecological function and human health, but that do not result in green gentrification or displacement.

In order to ensure that these investments in urban conservation are strategic, we should use landscape scale urban conservation planning to establish baselines, to identify ecological assets and needs, and to prioritize the type and location of conservation and restoration efforts. To implement these plans, we will need to expand our planning horizons to include more regional (and cross-jurisdictional) ecological considerations. And we will need to develop a more robust set of regulatory tools that embed conservation planning into subdivision and zoning regulations, such that development and redevelopment is regenerative and contributes to climate resiliency and ecological, as well as human health. Requiring or incentivizing consistency with a regional conservation plan, for example, could help ensure that new development avoids important habitat, protects ecological function, or at least mitigates its identified impacts. These regulatory approaches should include regional strategies and programs that allow for transfer of development rights and investment of public dollars in restoring, reclaiming, and protecting natural assets that are important for enhancing resilience and adaptation to the conditions of climate change. And finally, we need to ensure that our building codes allow the incorporation of biophilic design, including green roofs, green walls, and other nature-based systems, into the buildings of the future.

As we build greener cities, we will also need to focus on promoting equity and inclusion. The 2020 pandemic revealed, in the harshest possible ways, how our historic development patterns—rooted as they are in a zoning system built for exclusion—have led to economic inequality, vulnerability, and disparate health outcomes. In Denver, the highest hospitalization and mortality rates overlap with the areas of town that were historically redlined and that have the lowest access to parks and green space.[11] The urban environment in these neighborhoods is less healthy than in wealthier neighborhoods: the air quality is worse, the level of physical activity is lower, and it is hotter. These disparities show up in health

[11] Jeremy Nemeth and Sarah Rowan, *Is Your Neighborhood Raising Your Coronavirus Risk?,* The Conversation (May 26, 2020), https://theconversation.com/is-your-neighborhood-raising-your-coronavirus-risk-redlining-decades-ago-set-communities-up-for-greater-danger-138256 (last visited Aug. 3, 2021).

outcomes. Therefore, as we invest in greening our cities, we must start with those communities that have been historically neglected.

That said, as we invest in green infrastructure, we must do so in ways that avoid gentrification and the displacement of those people most affected by historic inequities. Investments in natural assets necessarily improve neighborhoods, which is the point. However, these investments should be just green enough to improve health outcomes and ecological function but made in ways (and with the full participation of the affected community) that do not drive out longtime residents. Achieving these goals will require a more intentional approach to ensuring housing affordability and putting protections in place before green investments are undertaken.

This brings us to the second issue that should define the smart growth movement of the future: a growing alarm about housing affordability, which threatens economic vitality and sustainability in a variety of ways. The high cost of living in many of our cities makes it difficult for essential workers to live near work, which in turn makes recruitment and retention of employees difficult and suppresses investment opportunities for companies that cannot grow or expand because of a limited labor market. In Denver, the median purchase price of a house is now over $500,000, and the average monthly rent for a one-bedroom apartment is $1700.[12] A worker has to earn $63,000 to consider this rent "affordable," and would need to earn more than $85,000 (and be able to put up more than $100,000 for a down payment) to afford a mortgage.[13] Rising home prices are a result, in part at least, of inadequate supply. Growth in metropolitan Denver is outpacing the ability of developers to supply new housing, so demand for housing is driving up the price. Moreover, the costs of providing new housing—materials, labor, land, and regulatory costs—are also rising, further contributing to the affordability crisis. As a result, the pressure on existing, naturally affordable neighborhoods is intense, resulting in rapid gentrification and displacement of long-time residents by newcomers with an ability to pay. These trends, of course, are not unique to Denver. Rather, the affordability crisis is on the front page of newspapers across West, where population growth and demand for housing is outstripping the supply and where the rate of homelessness is skyrocketing. When teachers, firefighters, and service workers cannot afford to be part of the communities where they work, social

[12] https://denverite.com/2021/07/07/denver-housing-costs-median-home-price/ (Median home price in June 2021 was $545,000.); https://www.apartmentlist.com/renter-life/average-rent-in-denver (last visited Aug. 2, 2021)

[13] https://www.apartmentlist.com/renter-life/average-rent-in-denver (last visited Aug. 2, 2021).

https://www.westword.com/news/average-salary-need-to-buy-a-home-in-denver-10444367 (last visited Aug. 2, 2021).

cohesion breaks down, stratifications emerge that undermine social sustainability, and cities become much less functional.

As a result of these economic dynamics as well as an increasing awareness (in some quarters, at least) of the social justice issues arising from a history of exclusionary zoning, racially discriminatory lending practices, urban renewal, and now infill development and re-investment that is resulting in gentrification and displacement, cities are becoming much more focused on finding solutions to the affordable housing crisis, experimenting with financing tools and incentives to produce more housing, and even tinkering with the sacrosanct—single family zoning.

As communities try to address the housing shortage and affordability crisis, some of the solutions include strategies promoted by Chris Nelson and other smart growth scholars who advocate for increased density around transit and greater flexibility to allow for "missing middle" housing that is smaller and naturally affordable. These solutions, however, are often prohibited by zoning policies developed almost a century ago, whose goals were to segregate uses and people, and to protect property values associated with single family homeownership. Those restrictive, and exclusionary, policies often prohibit gentle density, in the form of duplexes or townhomes, and do not allow the flexibility to subdivide unaffordable large homes into smaller units (with an attic or basement apartment, for example). These policies not only create pressure to continue to sprawl unsustainably onto undeveloped exurban lands, but by limiting supply in urban centers and near jobs, they further drive-up prices and contribute to gentrification and displacement.

Furthermore, many of the suburban, single-family neighborhoods built over the last few decades (which are less desirable to both the old and young) are subject to covenants, conditions, and restrictions (CC&Rs) that often further restrict landowners' flexibility to modify their housing in ways that might serve the changing needs of future generations. Indeed, in Colorado, some 60% of homeowners live in covenanted communities, or HOAs, where complex contractual rules govern architecture, uses, landscaping, and more.[14] For these communities, adaptation over time often requires the entire neighborhood to vote to change the governing contracts—a nearly insurmountable obstacle. As a result, much of our housing cannot be altered to allow for the construction of mother-in-law suites to house aging parents, or to create office space for remote work or cooperative childcare, or to enable more affordable, or sustainable, forms of housing.

[14] https://ipropertymanagement.com/research/hoa-statistics#state (last visited on 7/23/2021).

Land use professionals in the mold of Professor Nelson should focus their efforts on addressing the inflexibility of our land development tools, to allow communities to adapt and change to shifting demographics and deal with a housing crisis that is stifling growth and undermining social and ecological sustainability. Neighborhood politics often prevents increasing density and allowing flexibility in zoning because current residents have a strong interest in protecting the status quo and tend to benefit from rising home prices. Moreover, just as local economies are dependent upon regional dynamics, housing issues play out at a metropolitan scale. As a result, the exclusionary policies of one jurisdiction can cause spillover effects, creating residential development pressure and increased costs for neighboring jurisdictions. Without a commensurate limit on economic development, the decision of a community to limit housing development pushes its workers to surrounding jurisdictions, contributing to sprawl (and its costs) as well as demand for expensive human services (such as schools). Because of the inequities involved, the solutions to many of these problems must be driven from a regional or statewide level, where the economic interests of the state can help balance the protectionist instincts of neighbors, who might support increased housing supply and subsidies to enhance affordability….as long as it does not affect their part of town.

Perhaps the time has come (once again) to dust off the tenets of the Quiet Revolution[15] and begin to think about land use reforms that prioritize statewide or regional approaches to planning and zoning, that impose landscape scale ecological standards designed to enhance public health and climate resiliency, and that establish an equitable approach to residential development requiring communities to plan for, and provide, the type and amount of housing that is needed for their workforce and anticipated populations. The legacy of Professor Nelson—in taking on the tough challenges of growth, devising strategies to address those challenges, and persuading local governments to give them a try—should serve as an inspiration to those coming along in his wake. The challenges we face now are at least as intractable as those of the past, and the opportunity to develop new and creative solutions has never been greater. What could be more important—or more rewarding—than building on the work of Chris Nelson to ensure that the "smart growth" of the future is resilient in the face of climate change, designed for ecological and environmental sustainability, and developed in ways that promote equity and inclusion? This will be the work of the Rocky Mountain Land Use Institute for decades to come.

[15] Fred Bosselman & David Callies, *The Quiet Revolution in Land Use Control*, Council on Environmental Quality (1971).