



# Land Development Sentinel

Spring 2011

Volume 2, Edition 2

## Welcome from the New Chair!

**Ed Parrone, Parrone Engineering  
East Rochester, NY**



### Inside this issue:

<b>Welcome from the New Chair</b>	1	The Land Development Coalition is the youngest group for ACEC, currently in its third year of membership. The group has made strides in membership growth and has had a significant influence on advocacy for issues affecting the land development sector as well as the programs sponsored at the National ACEC conferences.
<b>From the Outgoing Chair</b>	1	As a long-standing member of ACEC and a strong proponent for land development, it is my belief that land development serves as the foundation for many of the firms that are members of ACEC. Though we have experienced many challenges in the last three years, I am looking forward to the growth that is to come, particularly in the east with development opportunities rising for home building, senior living and healthcare.
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### **From the Outgoing Chair—A Thanks Blake Murillo, Psomas Los Angeles, CA**

To all the LDC members:

It has been my great privilege to serve as the initial Chair of the Land Development Coalition. The members who I have had a chance to meet and interact with are terrific and share the same passion and concerns for the land development market. What we do is so important for the quality of life in our communities and it's refreshing to see it's in such good hands. And speaking of good hands, the LDC is now in even better leadership hands with Ed Parrone. Ed and his Executive Committee are poised to really elevate the game of the coalition and protect our interests. Please support their efforts, support the coalition and continue to support our industry.

Thanks! - Blake

**The Land Development Coalition  
would like to thank its sponsors:**





### LDC Leadership Transition

The 2011 Annual Convention was a time of new beginnings and finished chapters. We said goodbye to our inaugural Chair, Blake Murillo, and welcomed Ed Parrone as our Chair.

Ed is President and CEO of Parrone Engineering out of East Rochester, NY, with nearly 40 years of experience in the engineering world. Ed has been active with ACEC for 25 years and served on its Executive Committee as Vice President from 1998-2000. He has continued to stay active with ACEC as a member of the Government Advocacy Committee, as well as supporting Coalitions as a Small Firm Council and Land Development Coalition member. Welcome, Ed!



**THE TEN TRENDS TO GET AHEAD OF**

1. Government (MPOs) will begin to truly govern metro growth patterns
2. The mixed-use/multi-use delusion/confusion will be resolved
3. Development companies will be far strategic, but with a broad view
4. The suburbs are not dead. . . Far from it
5. The homebuilder/land developer line will be blurrier than ever
6. Green technologies with a demonstrated cost benefit will catch on at an accelerating pace
7. Passive “green space,” and simplified “engage space” will dominate community amenitization
8. (Slightly) smaller homes are here to stay, but true market segmentation will be more important than ever
9. High-density and mixed-income housing forms will proliferate, even in the ‘burbs
10. Off-shore land investment/development in the U.S. will rebound rapidly

**RCLCO** American Society of Engineers

### Adam Ducker Presents on Trends

This year’s featured Land Development speaker was Adam Ducker, Managing Director-Director of Urban Development Practice Group at RCLCO.

Adam’s presentation “10 Important Trends That Will Drive Your Business for the Next Decade” is available in its entirety on the LDC Website under “Presentations.”

[www.acec.org/coalitions/ldc](http://www.acec.org/coalitions/ldc)

### LDC Briefing at Annual Convention

Besides helping make the Coalition Meet and Greet one of the most successful Coalition events, LDC also held a briefing for its members and prospective members to discuss LDC business and issues in the land development arena. Some issues covered included coalition membership and an update on where the coalition stood in terms of productivity, Machine Control, a re-cap of the presentation by Adam Ducker was done for those attendees not able to attend the previous day’s session. Also recognized at the briefing was the change in leadership from Blake Murillo as Chair to Ed Parrone. If you have ideas about membership or would like to be more involved, contact Heather Talbert at [htalbert@acec.org](mailto:htalbert@acec.org). The next LDC Briefing will take place during the ACEC Fall Convention in Las Vegas, NV, October 19-22, 2011.



# Proposed SBA Size Standard Rule

*What you need to know*

## SUMMARY

- SBA has released a proposal to increase the small business size standard from \$4.5M to \$19M in three year *average annual gross revenue*.
- SBA arrived at \$19M by using national Census data and their published procedures.
- The comment period on the proposed rule was extended from May 16, 2011 to **June 15, 2011**.

## WHAT ACEC IS DOING

- ACEC has convened a Small Business Size Standards Working Group to lead this effort:
  - ✓ Requested and received an **extension on the commentary period**.
  - ✓ **Testified** before the House Committee on Small Business.
  - ✓ Set up a **dedicated web resource** center on this issue.
  - ✓ Solicited **commentary from the Small Firm Council**.
  - ✓ Compiling **factors that impact firm size considerations**.
  - ✓ Analyzing the **impact on the total industry**.

## WHAT CAN YOU DO

- Get involved in the Small Business Size Standards Working Group – email Mark Steiner at [msteiner@acec.org](mailto:msteiner@acec.org)

ACEC Coalitions has set up a separate website to address the proposed ruling on SBA Size Standards. We will notify you via email with updates, but the most up-to-date information will be at:

**[http://www.acec.org/coalitions/sba\\_standards.cfm](http://www.acec.org/coalitions/sba_standards.cfm)**



## INDUSTRY NEWS

### HARVARD, AT LEAST, THINKS OREGON'S LAND-USE PLANNING SYSTEM IS GREAT

*The Oregonian* Eric Mortenson—05/05/2011

[http://www.oregonlive.com/environment/index.ssf/2011/05/harvard\\_at\\_least\\_thinks\\_oregon.html](http://www.oregonlive.com/environment/index.ssf/2011/05/harvard_at_least_thinks_oregon.html)

Property rights advocates and conservationists might disagree, but Harvard University believes Oregon's land-use system is one of the nation's Top 25 Innovations in Government. The selection makes the state program one of the semi-finalists for Harvard's American Government Award that will be announced this fall. Other semi-finalists include a "Shape Up Somerville" childhood obesity campaign in Somerville, Mass., and a homeless services program in King County, Wash.

In a news release, Harvard said Oregon's land-use system "conserves rural lands while promoting sustainable urban development." Oregon enacted [statewide planning](#) in 1973. It's guided by 19 goals and implemented by comprehensive plans adopted by cities and counties. The system is complicated and frequently marked by appeals, lawsuits and ballot measures, but has largely resulted in a clear separation of urban-style development and farms, forests and natural areas. Each city has an urban growth boundary intended to prevent sprawl. The system is frequently challenged, however, because many rural property owners had development options legislated out from under them when the state adopted land-use planning. Local comprehensive plans applied restrictive zoning in rural areas, and many landowners who had planned to build on their property were unable to proceed.

Measure 37, approved by voters in 2004, gave thousands of rural property owners the right to develop their land in a way that was allowed when they bought it, or to receive compensation for diminished land values. Measure 49, approved in 2007, rolled back development rights. Most of the 6,500 people who filed claims under the first measure [settled for a Measure 49 option](#) that allowed them to build one to three homes.

Property rights groups such as [Oregonians in Action](#) believe the system is too restrictive. Conservation groups such as [1000 Friends of Oregon](#) are wary of development leaking onto farm or forest land.

### CITIES RAMP UP DEVELOPMENT AROUND "AEROTROPOLISES"

*USA Today* (04/19/11) Yu, Roger

Development projects next door to airports are gaining popularity throughout the United States, as financially struggling cities look to attract export-oriented and high-tech businesses. Several cities are latching onto the trend of trying to build all the aspects of a city around an airport, a concept known as an "aerotropolis" by planners. The push is for aviation authorities to partner with private companies to develop land near the airport to attract office space, warehouses, logistics centers, retail stores, recreational facilities and apartments. Atlanta, Denver, Indianapolis, Milwaukee, Detroit and the Winston-Salem/Greensboro region in North Carolina have plans to pursue aerotropolises. Even cities that have had expansive development near the airport, such as Dallas-Fort Worth and Memphis, want to push the concept further.

[Free Web Link](#), May Require Registration

### EPA SOLICITS COMMENTS ON STORMWATER DISCHARGE

*U.S. Environmental Protection Agency* (04/15/11)

The EPA has released a proposed Construction General Permit that would regulate the discharge of storm water from construction sites, asking for public comments on the draft within 60 days. The new permit aims to protect impaired and sensitive waters through new requirements such as eligibility for emergency-related construction, required use of the electronic notice of intent process, sediment and erosion controls, natural buffers or alternative controls, soil stabilization, pollution prevention, site inspections, storm water pollution prevention plans, and permit termination. The permit would be effective in the areas where EPA is the permitting authority, which include Idaho, Massachusetts, New Hampshire, New Mexico, Washington, D.C., and most territories and Indian lands.

[Free Web Link](#), May Require Registration



## **EPA LAUNCHES NEW STRATEGY TO PROMOTE USE OF GREEN INFRASTRUCTURE FOR ENVIRONMENTAL AND ECONOMIC BENEFITS**

*For full Press Release <http://yosemite.epa.gov/opa/admpress.nsf/0/5390E840BF0A54D785257881004F96D1>*

WASHINGTON - The U.S. Environmental Protection Agency (EPA) is launching a new strategy to promote the use of green infrastructure by cities and towns to reduce storm water runoff that pollutes our nation's streams, creeks, rivers, lakes and coastal waters. Green infrastructure decreases pollution to local waterways by treating rain where it falls and keeping polluted storm water from entering sewer systems. In addition to protecting Americans' health by decreasing water pollution, green infrastructure provides many community benefits including increased economic activity and neighborhood revitalization, job creation, energy savings and increased recreational and green space.

"Through this agenda, we'll help cities and towns across the nation clean up their waters and strengthen their communities by supporting and expanding green infrastructure," said Deputy Administrator Bob Perciasepe, who announced the agenda at a Green Street, Green Jobs conference focused on fostering green infrastructure in the Washington, DC metropolitan area. "Green infrastructure changes improve the health of our waters while creating local jobs, saving communities money and making them healthier and more prosperous places to raise a family and start a business."

Storm water is one of the most widespread challenges to water quality in the nation. Large volumes of polluted storm water degrade our nation's rivers, lakes and aquatic habitats and contribute to downstream flooding. Green infrastructure captures and filters pollutants by passing storm water through soils and retaining it on site. Effective green infrastructure tools and techniques include green roofs, permeable materials, alternative designs for streets and buildings, trees, rain gardens and rain harvesting systems.

As part of the strategy, EPA will work with partners including local governments, watershed groups, tribes and others in 10 cities that have utilized green infrastructure and have plans for additional projects. EPA will encourage and support expanded use of green infrastructure in these cities and highlight them as models for other municipalities around the country. The 10 cities are: Austin, Texas; Boston, Mass.; Cleveland, Ohio; Denver, Colo.; Jacksonville, Fla.; Kansas City, Mo.; Los Angeles, Calif.; Puyallup, Wash.; Syracuse, N.Y.; and Washington, DC and neighboring Anacostia Watershed communities.

For more information on EPA's green infrastructure agenda: <http://epa.gov/greeninfrastructure>

## ACEC Comments on Proposed Rules from MSRB and SEC



Last summer, Congress approved major financial services reform legislation, known as the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 975 of the law requires “municipal advisors” to register with the Securities and Exchange Commission (SEC) and the Municipal Securities Rule-making Board (MSRB).

Although Congress included an exemption from registration for “engineers providing engineering advice,” the SEC’s proposed rule to implement the provision was narrowly written and would capture traditional engineering activities. In addition, the MSRB has issued a proposed rule stating that individuals or firms that register as municipal advisors will have a fiduciary duty to their clients.

ACEC worked with a number of member firms to draft comments on the SEC’s proposed rule, as well as the MSRB’s proposed rule. In order to discuss the engineering exemption in greater detail, ACEC has met with the SEC. *Read the [SEC](#) and [MSRB](#) comments.*

For a summary of that meeting or for additional information on this issues, contact Katharine Mottley, ACEC’s Director of Tax and Regulatory Affairs, at [kmottley@acec.org](mailto:kmottley@acec.org) or 202-682-4306.

## ACEC Education Opportunities



### May 12—*2010 Legal Year in Review: The Court Decisions You Need to Know*

J. Kent Holland, Esq., Construction Risk, LLC

Discussion of recent court decisions affecting the legal principles firms must follow.

### May 18—*Why the Green Globes Rating System Is an ANSI Standard*

Erin Shaffer, Vice President Federal Outreach, and Kevin Stover, PE, Commercial Program Consultant, Green Building Initiative

Insights on essential elements of this green building guidance and assessment program for new and existing commercial and institutional buildings.

### May 24—*The New Health Care Law: What Your Firm Needs to Know Now*

Nancy K. Campbell, Snell & Wilmer L.L.P.

Understand and prepare for new and upcoming requirements under the Patient Protection and Affordable Care Act.

For more information or to register for any of these seminars, visit the ACEC Education page at <http://www.acec.org/education/index.cfm> or contact La’Creshea Makonnen at

(202) 682-4338 or [lmakonnen@acec.org](mailto:lmakonnen@acec.org).



The poster features a night view of Caesars Palace in Las Vegas, with its iconic columns and domes illuminated. The text is overlaid on the image. At the top, the ACEC logo is displayed with the tagline '100 Years of Excellence'. The main title '2011 Fall Conference' is written in a large, yellow, cursive font, with a yellow star above the '2011'. Below the title, a pink banner contains the dates 'October 19-22, 2011'. Underneath, the phrase 'Save the Date' is written in a white, serif font. The words 'Las Vegas' are written in a large, pink, cursive font with a white outline. At the bottom, the 'CAESARS PALACE' logo is shown in white, block letters with arrows pointing left and right, with 'LAS VEGAS' in smaller letters below it. Two yellow stars are positioned on the right side of the poster.

ACEC  
AMERICAN COUNCIL OF ENGINEERING COMPANIES  
100 Years of Excellence

★  
2011 Fall  
Conference

October 19-22, 2011

Save the Date

Las Vegas

CAESARS PALACE  
LAS VEGAS

Keep checking back here for more information!

<http://www.acec.org/education/conferences.cfm>



## **Exclusive Benefit for ACEC Member Firms**



**ACEC Business Insurance Trust (BIT)**

**Front:** H. Kenneth White (Chair), Karen Friese, Marc Alper.

**Back:** Stephanie Wagner, Woody Germany, Gary Loesch, Wayne Shuler.

### **Cash flow protection through ACEC BIT Member Deductible Assistance Program**

**BIT will to the extent possible out of available funds make voluntary payments to members to assist in covering deductible amounts paid by member firms under the ACEC Business Insurance Program policies:**

**Property**

**Automobile (comprehensive and collision)**

**The maximum deductible assistance payment will be limited to \$1,000 per claim subject to available funds**

**Claims should continue to be submitted to the BIT Program's carrier (The Hartford)**

**Once the claim is settled and payment is made by The Hartford, simply request assistance from the ACEC BIT to help cover the cost of your deductible (subject to limits noted above)**

Submit assistance request form to ACEC BIT Treasurer, Woody Germany at:

1111 E. Broadway  
Missoula, MT 59802

Contact Trustee Woody Germany at 406-728-4611 or [wgermany@wgmgroup.com](mailto:wgermany@wgmgroup.com) or Trustee Wayne Shuler at 231-599-2480 or [wshuler@cds-assoc.com](mailto:wshuler@cds-assoc.com) with questions.



**LAND DEVELOPMENT  
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ACEC's Land Development Coalition (LDC) addresses the unique business needs of land development firms, helping firms succeed, today and into the future.

The LDC strengthens the business environment and image of member firms, focusing on quality professional land use services in a competitive global marketplace, providing an outlet for the special needs of your firm, and for confronting issues that impact land development firms.

#####

**Calendar of Events**

- |                       |   |
|-----------------------|---|
| <b>July 23:</b>       | <b>Summer LDC Executive Committee Meeting<br/>St. Louis, MO</b>     |
| <b>October 19-22:</b> | <b>2011 ACEC Fall Conference<br/>Caesar's Palace, Las Vegas, NV</b> |

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## **LDC Executive Committee**

The following LDC Executive Committee members are here to serve your needs. Please feel free to contact any of the members at their email addresses shown below.

**Chairman:** **Edward Parrone**, Parrone Engineering, eparrone@djparrone.com

**Chairman-Elect:** **Mike Snyder**, Dewberry, msnyder@dewberry.com

**Secretary-Treasurer:** **Ralph Guida, IV**, Guida Surveying, rguidaiv@guidasurveying.com

**Past Chairman:** **Blake Murillo**, Psomas bmurillo@psomas.com

**Executive Committee Members:**

**Mark Borushko**, David Evans and Associates, Inc., mborushko@deainc.com

**Timothy D. Crall**, Entellus, Inc., tcrall@entellus.com

**William Green**, RBF Consulting bgreen@rbf.com

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**Michael Smith**, ACEC/Utah michael@acecutah.org

**Executive Director:**

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