

Resume | S. Mark White**FILED³**

MAY 11 2006

**WHITE &
SMITH, LLC**
PLANNING AND
LAW GROUP

BACKGROUNDMissouri Public
Service Commission

Mark White is recognized as an expert in zoning and subdivision law, form-based zoning and New Urbanism, land use and taking litigation, housing, development of comprehensive growth management plans and implementation systems. He has represented clients at every level from city, state and local governments, as well as major private developers, many of whom are involved in environmental permitting proceedings and takings litigation. He is the former President of the board of directors of the nonprofit community development group Westside Housing Organization, and is a member of the North Carolina and Missouri Bars, the American Institute of Certified Planners, the American Planning Association, and the Institute of Transportation Engineers.

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In addition, Mr. White has published a variety of notable articles, including "Using Adequate Public Facilities Ordinances for Traffic Management" (American Planning Association); "State and Federal Planning Legislation and Manufactured Housing: New Opportunities for Affordable, Single-Family Shelter" (The Urban Lawyer); "The Interaction of Land Use Planning and Transportation Management: Lessons from the American Experience" (with Freilich, Transport Policy); and "Affordable Housing: Proactive and Reactive Planning Strategies" (American Planning Association, Planning Advisory Service Report No. 441).

Mr. White is also a frequent speaker at the national meetings of the American Planning Association, the Southwestern Legal Foundation, and various other professional organizations.

EDUCATION

Bachelor of Arts, magna cum laude, History/Political Science (Bethany College, Lindsborg, Kansas)

Juris Doctor/Master of Regional Planning (University of North Carolina at Chapel Hill)

Research Editor, North Carolina Journal of International Law and Commercial Regulation

Exhibit No. 84
Case No(s). FA-2006-0309
Date 4-28-06 **Rptr** XF **1**

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Research Assistant, Department of City and Regional Planning,
Center of Urban and Regional Studies.

SELECTED HONORS, AWARDS AND PUBLICATIONS

A 21st Century Land Development Code (with Freilich)
(American Planning Association, Forthcoming 2004)

"Classifying and Defining Uses and Building Forms: Land-Use
Coding for Zoning Regulations," *Zoning Practice* (American
Planning Association, September 2005)

Reviewer and Contributor, American Planning Association *Planning and Urban
Design Standards* (forthcoming)

Contributor, *Codifying the New Urbanism* (American Planning Association,
Planning Advisory Service Report No. 526, 2004)

Contributor, *Planning for Street Connectivity* (American Planning Association,
Planning Advisory Service Report No. 515, 2003)

"Regulation of Concentrated Animal Feeding Operations: The Legal Context,"
Land Use Law & Zoning Digest (February 2000)

The Zoning and Real Estate Implications of Transit-Oriented Development,
Transit Cooperative Research Program (TCRP) Legal Research Digest, No. 12
(January 1999)

Neotraditional Development: A Legal Analysis, 49 *Land Use Law & Zoning
Digest*, No. 8 at 3 (August 1997)

Adequate Public Facilities Ordinances and Transportation Management
(American Planning Association, Planning Advisory Service Report No. 465,
August 1996)

State and Regional Roles in Transportation and Land Use (with Freilich),
American Planning Association, Planning Advisory Service Report no. 462/463,
March 1996)

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State and Federal Planning Legislation and Manufactured Housing: New Opportunities for Affordable, Single-Family Shelter, 28 The Urban Lawyer 263 (Spring 1996)

Contributing Researcher and Writer, Model Subdivision Regulations, by Freilich & Schultz (American Planning Association, 1995)

The Interaction of Land Use Planning and Transportation Management: Lessons from the American Experience (with Freilich), Transport Policy (U.K.) (March 1994)

Affordable Housing: Decent Shelter Is a Fundamental Right (with Jim Hecimovich), in Planning and Community Equity (APA's Planners Press October 1994)

The Use of Zoning and Other Local Controls for Siting Solid and Hazardous Waste Facilities, Natural Resources and Environment, 7:3-45 (with Shortlidge, N.R.).

(with Freilich), Transportation Congestion and Growth Management: Comprehensive Approaches to Resolving America's Major Quality of Life Crisis, 24 Loyola Of Los Angeles Law Review 915 (June 1991)

CONFERENCE PRESENTATIONS

"Land-Based Classification Standards and Zoning" (American Planning Association National Conference, April 2006)

"Integrating New Urbanism into Your Development Code" (American Planning Association National Conference, April 2006)

"Growth Management for Schools" (American Planning Association National Conference, April 2006)

"The Mechanics of Code Writing" (American Planning Association National Conference, April 2006)

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"Design Graphics for Planning" (American Planning Association audio conference April 12, 2006)

"Zoning for Transit-Oriented Development" (American Planning Association audio conference, November 2, 2005)

"Residential Design" (South Carolina Chapter, American Planning Association, October 28, 2005)

"Infrastructure Capacity and Connectivity" (Kansas Conference of Mayors, August 13, 2005)

"Planning, Environmental and Land Use Law" " (participant) (American Planning Association audio conference, June 29, 2005)

"Smart Growth" (National Business Institute, Kansas City, Missouri, June 13, 2005)

"Development Codes for Built-Out Communities" (American Planning Association National Conference, March 21, 2005)

"Zoning on Trial" (American Planning Association National Conference, March 21, 2005)(debate over form-based zoning and modern unified development codes)

"Zoning for Transit-Oriented Development" (American Planning Association National Conference, March 21, 2005)

"Cracking the Codes: Codifying Transit-Oriented Development" (Rail-Volution, September 2004)

"Linking Smart Growth Codes with Vision Driven Plans" (Virginia Citizens Planners Association, October 11, 2004)

"Traditional Neighborhood Developments and Ordinances" (University of Wisconsin Planning and Zoning Seminars, Madison, WI and Boulder, CO, 2004)

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Greening the Heartland 2004: Beyond Sustainability, "Growing Greener Codes" (Columbia, MO: March 11, 2004)

"Zoning and Land Use Controls," National Business Institute (November, 2003)

"Legal Issues Involving Missouri Local Governments," National Business Institute (November, 2003)

Participant, "Partnerships for Prosperity: A Framework for Progress," Missouri Commission on Intergovernmental Cooperation (discussion of county zoning enabling legislation) (September, 2003)

"Restructuring the Commercial Corridor," Congress for the new Urbanism (June, 2003)

"Unraveling the Mysteries of Development Codes," American Planning Association National Conference (Denver: May, 2003; Washington, DC: 2004; San Francisco, CA: 2005 pending)

"Successful New Urbanism," American Planning Association National Conference (Denver: 2003)

"Successful New Urbanism," American Planning Association, Florida Chapter Conference (September, 2003)

"Adequate Public Facilities Ordinances," Natural Resources Journal Symposium, hosted by University of New Mexico School of Law (Albuquerque: April 2003)

"Streets that Create Context," American Planning Association National Conference (Chicago: 2002)

"Implementing New Urbanism," Florida Chapter of American Planning Association, Key West: September 2002

"Too Smart for Its Own Good? A Critical Assessment of New Urbanism," *Florida* Chapter, American Planning Association (St. Petersburg, FL: February 19, 2002).

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"Development Regulations: Creating Effective Zoning Regulations," University of Wisconsin, Planning and Zoning for Community Land-Use Management (March 18-20, 2002, May 6-8, 2002, June 17-19, 2002)

"Streets That Create Context," American Planning Association National Conference (Chicago, IL: April, 2002).

"Negotiating the Maze of Land Division Regulations: A Brief Synopsis of Missouri and Kansas Subdivision Law," National Business Institute (May 22, 2002).

"Implementing New Urbanism," Florida Chapter, American Planning Association (Key West, FL: September 2002).

Panelist, Congress for the New Urbanism, Special Session on Codes (2002 Santa Fe Council).

"Successful New Urbanism," "Selling New Urbanism Without Selling Your Soul," "Implementing New Urbanism," Seaside Institute (November 2001)

"Moratoria and Interim Development Controls," American Planning Association National Conference (New Orleans: 2001)

"New Urbanism: Too Smart for its Own Good," Tampa Bay Chapter of American Planning Association, 2001

"Interim Development Ordinances and Moratoria," Bettman Symposium, American Planning Association National Conference (New Orleans, LA: March 11, 2001).

"Major Land Use Laws in Kansas: A Brief Synopsis of The Planning Process," National Business Institute (November 14, 2001).

"Selling New Urbanist Codes Without Selling Your Soul," Seaside Institute (November 8-10, 2001).

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Moderator, "Humanizing Streets," American Planning Association National Conference (New York, NY: 2000)

"Humanizing Streets," American Planning Association National Conference (New York, NY: April 17, 2000).

"Recent Developments: Concentrated Animal Feeding Operations," Rocky Mountain Land Use Institute (March 10, 2000)

"Development Regulations: Creating Effective Zoning Regulations" and "Transportation and Land Use," University of Wisconsin, Planning and Zoning for Community Land-Use Management (March 27-29, 2000, May 1-3, 2000, June 12-14, 2000).

"Subdivision Regulation" and "Land Use Ethics," National Business Institute (October 22, 1999)

"Regulating Concentrated Animal Feeding Operations," American Planning Association National Conference (Seattle, 1999)

Moderator, "Neotraditional Development and New Urbanism," American Planning Association National Conference (Boston: 1998)

"Regulating Concentrated Animal Feeding Operations," National Association of Counties (Portland, Oregon, July 20, 1998).

"Traffic Calming-Legal Issues," Institute of Transportation Engineers (Toronto, ON, August 11, 1998)

"Implementing Transfer of Development Rights," American Planning Association National Conference (San Diego, CA: April 7, 1997).

"Update on Land Use and Environmental Case Law," American Planning Association National Conference (San Diego, CA: April 7, 1997).

"State and Local Planning Frameworks for Manufactured Housing," National

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Partners in Homeownership (Washington, DC: October 20, 1997).

"Legalizing Smart Growth & Transit Oriented Development," Rail-Volution Conference (St. Louis, MO: October 28, 1997).

"Removing Barriers to Affordable Housing Production," United States Department of Housing and Urban Development, Great Plains Regional Homeownership Summit (August 14, 1996)(speaker and moderator).

"Affordable Housing Leaders Conference," Albuquerque, New Mexico (December 12-13, 1996).

"State and Provincial Strategies for Affordable Housing," American Planning Association/Canadian Institute of Planners National Conference (Toronto, ON: April 12, 1995).

"Land Use/Transportation Relationships," Kansas Department of Transportation, Kansas MPO Conference (Kansas City, MO: June 2, 1995).

"Identifying and Resolving Land Use Concerns," Clearwater Information Systems Paralegal Practice Series, Kansas/Missouri Real Estate Practice for Paralegals (Kansas City, MO: July 20, 1995).

"Land Use Law Update in Kansas," National Business Institute (Overland Park, KS: November 16, 1994).

"Affordable Housing and Regulatory Barriers," American Planning Association National Conference (May 2, 1993).

"Transportation and Growth Management," American Planning Association National Conference (May 3, 1993) (speaker and moderator).

"Affordable Housing - Proactive and Reactive Planning Strategies," Georgia Planning Association Conference (Columbus, GA: October 14, 1993).

"Affordable Housing," American Planning Association, Zoning Institute (October

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23, 1992)(coordinator and speaker).

"Basics of Comprehensive Planning," Westside Planning Council (November 18, 1992).

"Planning in the Wake of *Lucas v. South Carolina Coastal Council*," Florida Association of Counties (December 3, 1992).

"The National Affordable Housing Act and Comprehensive Planning: An Overview and Analysis," Institute on Planning, Zoning, and Eminent Domain, Southwestern Legal Foundation and Texas Chapter of the American Planning Association (November 20, 1991).

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S. Mark White's Selected Experience

Client	Project	Year(s)
Albuquerque, New Mexico	Planned Growth Strategy – study and planning policies designed to encourage Smart Growth at a regional scale	1998–2002
	Mixed Use Zones	2005– present
	Growth Management and Adequate Public Facilities Standards	2005– present
	Volcano Heights Charrette and Planning Study	2004– present
Cabarrus County, North Carolina	Adequate Public Facilities Ordinance	2005– present
Catawba County, North Carolina	Unified Development Ordinance	2004– present
Chapel Hill, North Carolina	Land Management Ordinance	2000–2002
Charlotte, North Carolina	Smart Growth audit	1999–2000
Charleston County, South Carolina	Land Development Code update	2004– present
	Greenways Master Plan	2005– present
City of Frederick, Maryland	Carroll Creek Overlay District (form-based code for a riverwalk district)	2004–2005

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Client	Project	Year(s)
	Land Management Code	
Collier County, Florida	Impact fee deferral program for affordable housing. Rural area regulations begins 2006.	2005
Concord / Cabarrus County, North Carolina	Unified Development Ordinance	1996- 1999
Cumberland Region Tomorrow (Nashville, Tennessee)	Regional Plan Implementation Toolbox including economic development, affordable housing, environmental protection, transportation/land use, and rebuilding urban core with model codes	2005- present
Davidson, North Carolina	Adequate Public Facilities Ordinance designed for Smart Growth regulations	1998-2000
Douglas County, Colorado	Concurrency Management Regulations	1995
Hillsborough County (Tampa), Florida	Community Design Regulations including Traditional Neighborhood Development, Pedestrian and Transit-Oriented Development	1999-2002
Harford County, Maryland	Zoning Ordinance Update	2005- present

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Client	Project	Year(s)
Hilton Head, South Carolina	Wetlands Protection, Non-Residential Growth Management and Traffic Congestion Management Ordinances	1992
Jacksonville, North Carolina	Growth Plan and plan implementation	2005-present
Lake Lotawana, Missouri	General Counsel, land use issues	2005-present
Linn County, Missouri	Health Ordinance for Concentrated Animal Feeding Operations and successfully legal defense in Missouri Western District Court of Appeals	1994-1995
Livingston County, Missouri	Special counsel for land use issues, including various zoning updates, zoning ordinance rewrite, subdivision regulations, and legal defense	1993-present
Monroe County, Florida	Concurrency Management Ordinance	1992
Nashua, New Hampshire	Land Development Code	2002 - 2003
New Castle County, Delaware	Sewer impact fees	2005

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North Augusta, South Carolina	Development Code and transportation corridor regulations	2001– present
Nye County, Nevada	Impact fee ordinance and development agreement negotiations	2005– present
Osage Beach, Missouri	Entertainment and Tavern Zoning Regulations	1995
Pasco County, Florida	Transportation Corridor study	begins in 2006
Pierce County, Washington	Countywide Planning Policies and Urban Growth Areas	1991–1993
Prince Georges County, Maryland	Zoning Ordinance Study including: Master plan amendment procedures Rural Tier study and implementing regulations including transfer of development rights, conservation subdivisions, and right to farm ordinance	2004–2005
Queen Creek, Arizona	Zoning Ordinance, Adequate Public Facilities Ordinance, and Impact Fee Ordinance / Manual	1998–2000
Roanoke, Virginia	Zoning Ordinance with urban design standards	2002–2004

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Client	Project	Year(s)
San Antonio, Texas	Unified Development Code including Smart Growth principles, Use Patterns, infill development incentives, maximum parking ratios, transfer of development rights, and liveable street design	1999-2001 (winner of Texas American Planning Association award)
	Expert witness testimony, Borden Park v. City of San Antonio (sign regulations)	2005
San Diego, California	General Plan Guidelines for Future Development and Growth Management Implementation	1990
St. Petersburg, Florida	Land Development Regulations	2002 - 2004
Suffolk, Virginia	Smart Growth Management/ Unified Development Ordinance	1998-1999
Summit County, Utah	Snyderville Basin Development Code Ordinance, Zoning Ordinance, and Administrative Regulations	1992