

21st Annual Land Use Conference
April 6-7, 2017 • Austin Marriott South • Austin, TX
April 6-7, 2017 • Live Webcast

Thursday Morning, April 6, 2017

Presiding Officer:

James Benjamin Griffin, Brown & Ortiz, P.C. - San Antonio, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	New Land Use Decisions Review recent decisions shaping Texas land use law and practice, including an update on the takings explosion. James L. Dougherty Jr., Attorney at Law - Houston, TX
9:15 am 0.50 hr	Sovereignty Immunity Update Sovereign immunity is the first defense raised by cities in land use litigation. Identify the judicial trends. Arthur J. Anderson, Winstead PC - Dallas, TX Lowell F. Denton, Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. - San Antonio, TX
9:45 am 0.50 hr	Buying and Leasing Government Owned Property Learn how to overcome the limitations state law places on the ability of cities to sell real property, and examine the roles of RFIs, RFPs, RFQs, deed restrictions, and independent foundations in private and government sectors. <i>This session has moved to Thursday at 11:30 a.m</i> Robert Wagnon Collins Sr., City Of Houston Legal Department - Houston, TX
10:15 am	Break
10:30 am 0.50 hr	Fair Housing and Inclusive Communities Explore controversies, hot topics, and recent developments in Fair Housing litigation, regulation, and initiatives. William M. McKamie, McKamie Krueger, LLP. - San Antonio, TX

11:00 am 0.50 hr	<p>Challenges to Infill Residential Development</p> <p>Growth in Texas cities has led to a higher demand for and a shorter supply of housing and commercial space. This has led to higher housing prices, while urban planners see the increase of density within cities as a development strategy. Discuss some of the legal, political, and technical challenges of infill development and how cities might consider approaching them in the future.</p> <p>Garrett Scott Martin, Milestone Community Builders - Austin, TX Jeffrey S. Howard, McLean & Howard, L.L.P. - Austin, TX</p>
11:30 am 0.50 hr	<p>In the Path of Growth: Small Town Growing Pains and Conflicts with Urban Areas</p> <p>Using case studies to provide insights and illuminate the topic, a seasoned planning and design professional provides perspectives on the issues based on a decade of experience helping shape the development and overall growth characteristics in Dripping Springs.</p> <p><i>This session has moved to Thursday at 9:45 a.m</i></p> <p>Keenan E. Smith, City Lights Design Alliance - Dripping Springs, TX</p>
12:00 pm 0.50 hr	<p>ABCs of Development Financing</p> <p>Review the vocabulary and tools used by large and small cities when negotiating today's public-private partnerships, as well as tools used for projects inside and outside city limits.</p> <p>Julie Y. Fort, Messer, Rockefeller & Fort, PLLC - Frisco, TX Misty M. Ventura, Shupe Ventura, PLLC - Dallas, TX</p>
12:30 pm In Austin Only	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Thursday Afternoon, April 6, 2017

Presiding Officer:

William S. Dahlstrom, Jackson Walker LLP - Dallas, TX

LUNCHEON PRESENTATION

12:50 pm 0.50 hr	<p>Financial and Regulatory Constraints on Commercial Development</p> <p>Hear from a private sector non-bank construction lender and investor on public-private development transactions (ground leases), about the construction of new multi-family homes, offices, hotels, and how the structure may impact underwriting and loan proceeds.</p> <p>Ron Lawrie, Orix - Dallas, TX</p>
1:20 pm	<p>Break</p>

1:35 pm 0.50 hr	<p>Sharing Economy</p> <p>Address the regulatory issues associated with sharing—from sharing residences (Airbnb and short term rentals) to modes of transportation (Uber and Lyft)—and how local governments are responding to sharing-for-profit activities.</p> <p>Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
2:05 pm 0.50 hr	<p>Recent Developments in the Regulatory Arena: Use of a Municipality’s Public Rights of Way</p> <p>Cities across Texas have long had the duty to manage the public rights of way in trust for their citizens, but recently that duty has been challenged by entities providing the infrastructure to support small-cell wireless technology. Explore the collision of rights between these entities through which they operate, and the PUC.</p> <p>Georgia N. Crump, Lloyd Gosselink - Austin, TX</p>
2:35 pm 0.50 hr	<p>Rough Proportionality</p> <p>Review the concept and significance of rough proportionality in land-use and development matters, with an emphasis on practical approaches and solutions to rough proportionality concerns, as viewed by land-use practitioners from both government and developer perspectives.</p> <p>Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX James Benjamin Griffin, Brown & Ortiz, P.C. - San Antonio, TX</p>
3:05 pm 0.50 hr	<p>Managing the <i>Fixer Upper</i> Effect</p> <p>Examine the impact of HGTV’s show <i>Fixer Upper</i> on land use in Waco, including short term rentals, redevelopment, and permitting processes.</p> <p>John T. Patterson, City of Waco Attorney's Office - Waco, TX Clint Peters, City Of Waco - Waco, TX</p>
3:35 pm	<p>Break</p>
3:50 pm 0.75 hr	<p>Metropolitan Planning Organizations and Urban Transportation Planning</p> <p>Hear an overview of the process for state and federal transportation funding with a focus on the role and authority of MPO’s transportation policy boards.</p> <p>Tom Nuckols, Travis County Attorney's Office - Austin, TX</p>
4:35 pm 1.00 hr ethics	<p>Cyber-Secure Attorneys: Ethical Obligations, Ambiguities, and Practical Considerations</p> <p>Review developing online security considerations for attorneys, with a focus on ethical obligations, unsettled questions, and practical tips. Address what steps an attorney should take to secure online communications with clients and others, secure law office electronic data, and what online investigative techniques are permissible.</p> <p>Peter Brooke Haskel, City Attorney - Dallas, TX</p>
5:35 pm	<p>Adjourn</p>

Friday Morning, April 7, 2017

Presiding Officer:

Bryn Meredith, Taylor Olson Adkins Sralla & Elam LLP - Fort Worth, TX

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 hr	Innovative Districts and Creative Spaces Explore public and private sector perspectives on the uses, costs, and special requirements of innovative districts and creative spaces. Ed Walts, The University of Texas System - Austin, TX
9:00 am 0.50 hr	HB 40/245 Between a Gas Rock and a Hard Place Discuss the effect of HB 40 on the enforcement of setbacks, noise, and other gas drilling and fire code regulations as it relates to Chapter 245 and residential subdivision development. Bryn Meredith, Taylor Olson Adkins Sralla & Elam LLP - Fort Worth, TX Sarah J. Fullenwider, City of Fort Worth - Fort Worth, TX
9:30 am 0.50 hr	Regulations of Really Nimby (Dangerous) Land Uses Analyze the recent Texas Supreme Court decision regarding nuisance (<i>Crosstex North Texas Pipeline v. Gardiner</i>) and its effect on prosecuting future nuisance cases. Cathy Meyer Cunningham, Boyle & Lowry - Irving, TX
10:00 am 0.50 hr	Creative Economic Development Examine how innovative zoning and development tools, as well as pocket homes and affordable housing, encourage successful communities, tax base, and job creation. E. Scott Polikov, Gateway Planning Group, Inc. - Dallas, TX
10:30 am	Break
10:45 am 0.50 hr	Prior Non-Conformities Hear a review and update on the law relating to nonconformities, including recent major cases. Discuss how and why an increasing number of communities in Texas, and around the country, are beginning to allow nonconforming uses to continue and, in some cases, expand. Matthew Goebel, Clarion Associates - Denver, CO Karla Mariana Nieman, City Attorney's Office City of El Paso - El Paso, TX
11:15 am 0.50 hr	Reasonable Accommodations in Land Use Hear a discussion and update of federal laws and related cases on accessibility requirements and reasonable accommodations—from sidewalks, to recreation, to housing, to information. Kimberley Mickelson, Olson & Olson LLP - Houston, TX

11:45 am 0.75 hr	Navigating the Muddied Waters of Environmental Investigations in Land Use Learn tips, tricks, and strategies for identifying and evaluating environmental concerns in property development. Mark McPherson, McPherson LawFirm, PC - Dallas, TX Stephanie Sunico, Pape-Dawson Engineers, Inc. - Fort Worth, TX
12:30 pm In Austin Only	Pick Up Lunch Included in registration.

Friday Afternoon, April 7, 2017

Presiding Officer:

Kimberley Mickelson, Olson & Olson LLP - Houston, TX

LUNCHEON PRESENTATION

12:50 pm 0.75 hr	Legislative Update Review pending legislation related to land use issues and other matters important to city and county government. Snapper Carr, Focused Advocacy, LLC - Austin, TX Paul J. Sugg, Texas Association of Counties - Austin, TX Craig Farmer, City of Weatherford - Weatherford, TX
1:35 pm	Break
1:50 pm 0.50 hr	Tax Credits For the past 30 years, the low-income housing tax credit has been a driving force to finance affordable housing. Learn how tax credit financing works and gain insight as to how changes in Washington, D.C. may impact the program. Cynthia L. Bast, Locke Lord LLP - Austin, TX
2:20 pm 1.00 hr ethics	Ethics of Negotiation Discuss the ethical duties and obligations of both city and private attorneys. Distinguish when are you dealing with law and when are you dealing with fairness. Michael A. Shaunessy, McGinnis Lochridge - Austin, TX
3:20 pm	Adjourn