

**2005 Land Use Planning Law Conference**  
**March 10-11, 2005 • Sheraton Austin Hotel at the Capitol • Austin, TX**

**Thursday Morning, Mar. 10, 2005**

**Presiding Officer:**

**Kimberley Mickelson**, Hodges, Loizzi, Eisenhammer, Rodick & Kohn - Arlington Hts, IL

8:45 am 0.50 hr	<p><b>Comprehensive Planning, Policy Issues and the Big Picture</b></p> <p>The relationship of the comprehensive planning process to land use regulatory issues. The role of legislative and advisory boards, commissions and councils within the regulatory process and the review standards employed by each entity. An introductory map and glossary of terms for new players in the field.</p> <p>E. Allen Taylor Jr., Taylor Olson Adkins Sralla &amp; Elam LLP - Fort Worth, TX</p>
9:15 am 1.00 hr	<p><b>An Overview of Zoning in Texas</b></p> <p>An overview of the law of zoning in Texas and the basics of zoning, including practical pointers for land use attorneys and local government personnel.</p> <p>Terrence S. Welch, Brown &amp; Hofmeister, L.L.P. - Richardson, TX</p>
10:15 am 0.75 hr	<p><b>Platting: What You Need to Know</b></p> <p>A presentation covering all platting basics as well as many interesting twists in this companion area to zoning.</p> <p>Reid Wilson, Wilson, Cribbs &amp; Goren, P.C. - Houston, TX</p>
11:00 am 0.50 hr	<p><b>Legislative Update: An Overview of County Land Use Bills Pending before the 79th Texas Legislature</b></p> <p>A brief look at legislation which has been introduced to date and the factors that may influence possible outcomes.</p> <p>Penny Redington, Texas Association of Regional Councils - Austin, TX</p>
11:30 am 0.50 hr	<p><b>Coming Full Circle</b></p> <p>A discussion of how the common law tort of nuisance has influenced the development of land use law and whether nuisance principles have present and possible future significance for land use law. The presentation will emphasize the importance of nuisance as a land use law "fundamental."</p> <p>Thomas J. Patterson Jr., City Attorneys Office/City Of Fort Worth - Fort Worth, TX</p>

**Thursday Afternoon, Mar. 10, 2005**

**Presiding Officer:**

**Reid Wilson**, Wilson, Cribbs & Goren, P.C. - Houston, TX

1:15 pm 0.75 hr	<p><b>Texas Demographics 2005 and Beyond</b></p> <p>There are several key demographic factors that are impacting Texas and the Nation and will affect nearly all persons involved in either the private or public sectors in the coming years. Four factors that will be discussed are: • the rate of growth of the population • the aging of the population • the growth in non-Anglo populations • change in household composition</p> <p>Steve H. Murdock, University of Texas at San Antonio - San Antonio, TX</p>
2:00 pm 2.00 hrs	<p><b>Downtown/Reurbanization Panel</b></p> <p>The use of tax increment financing for transit oriented or mixed use development.</p> <p>William S. Dahlstrom, Jackson Walker, L.L.P. - Dallas, TX W. Boyd London, First Southwest Company - Dallas, TX Paul Nelson Shaw, RTKL Associates, Inc. - Dallas, TX Peter G. Smith, Nichols Jackson Dillard Hager - Dallas, TX Ed Walts, University of Texas System - Austin, TX</p>
4:15 pm 0.00 hr 1.00 hr ethics	<p><b>Ethics and Land Use Planning</b></p> <p>An in-depth discussion of ethical issues that confront both governmental and non-governmental lawyers involved in the land-use process.</p> <p>David C. Caylor, Irving, TX</p>

## Friday Morning, Mar. 11, 2005

### Presiding Officer:

**Dorothy Palumbo**, City of Highland Village - Highland Village, TX

8:30 am 1.00 hr	<p><b>The Trends - An Introduction to Flexible Zoning Tools and Methods to Resolve Land Use Disputes</b></p> <p>The panel will discuss regulatory options that provide flexibility, facilitate value capture and streamline the development approval process, through the use of form-based or performance zoning standards. Practitioners will also examine the use of alternative dispute resolution measures for the resolution of the disputes that arise under traditional or new regulatory methods.</p> <p>Lowell F. Denton, Denton Navarro Rocha &amp; Bernal PC - San Antonio, TX Kimberley Mickelson, Hodges, Loizzi, Eisenhammer, Rodick &amp; Kohn - Arlington Hts, IL Dorothy Palumbo, City of Highland Village - Highland Village, TX E Scott Polikov, Gateway Planning Group - Fort Worth, TX</p>
9:30 am 0.50 hr	<p><b>Access Management: Fasten Your Seatbelt for a Bumpy Ride through the Land Development Process</b></p> <p>Overview of various processes and procedures affecting transportation, traffic and access in the land development process.</p> <p>Rick Reed, Dubois, Bryant, Camp - Austin, TX Heidi Ross, WHM Transportation Engineering - Austin, TX</p>

10:15 am 0.50 hr	<p><b>Drainage Law in Texas: Can Cities and Developers Weather the Storm?</b></p> <p>As less and less developable land exists, drainage and flooding claims by neighboring property owners are on the rise. Cities and developers both play a role in regulating drainage, flooding and development. This presentation explores those roles and further discusses recent Texas Supreme Court cases: <i>Tarrant Regional Water District v Gragg</i> and <i>City of Keller v Wilson</i>.</p> <p>L. Stanton Lowry, Boyle &amp; Lowry LLP - Irving, TX</p>
10:45 am 0.50 hr	<p><b>Use of Impact Fees and Pro Rata Fees in Texas: A Comparison</b></p> <p>Advantages and disadvantages of using impact fees and “pro rata” or “escrow” fees to recoup costs of capital improvements in Texas. New statutory and constitutional challenges to development fees will also be discussed.</p> <p>Terry D. Morgan, Terry Morgan &amp; Assoc. PC - Dallas, TX Dan Sefko, City Of Italy - Italy, TX</p>
11:15 am 0.50 hr	<p><b>Federal and State Environmental Issues</b></p> <p>Strategies to avoid common (and uncommon) pitfalls.</p> <p>Craig M. Douglas, Smith Robertson Elliott Glen Klein &amp; Bel - Austin, TX</p>
11:45 am 0.75 hr	<p><b>Creating Community-Wide Open Space Networks through Conservation Subdivision Design</b></p> <p>Randall Arendt, Narragansett, RI</p>

## Friday Afternoon, Mar. 11, 2005

### Presiding Officer:

**Richard R. Lillie**, American Planning Association - Austin

1:15 pm 1.00 hr	<p><b>Development Agreements</b></p> <p>Legal parameters, typical components, and helpful negotiation techniques will be discussed.</p> <p>Alan J. Bojorquez, Bovey, Akers &amp; Bojorquez, LLP - Austin, TX David Hartman, Smith Robertson Elliott Glen Klein &amp; Bel - Austin, TX R. Alan Haywood, Graves Dougherty Hearon &amp; Moody - Austin, TX</p>
2:15 pm 0.50 hr	<p><b>Takings and Land Use Challenges: A Primer</b></p> <p>Overview of the types of claims that may be brought to challenge the planning, zoning and land development regulations and decisions of local governments, as well as the defenses available to local governments to avoid or mitigate such claims.</p> <p>Robert F. Brown, Brown &amp; Hofmeister, L.L.P. - Richardson, TX</p>
2:45 pm 1.00 hr	<p><b>Litigating the Land Use Case</b></p> <p>Presenting the plaintiff’s side on inverse condemnation and land use litigation.</p> <p>Arthur J. Anderson, Dallas, TX Lowell F. Denton, Denton Navarro Rocha &amp; Bernal PC - San Antonio, TX</p>