

2009
LAND USE CONFERENCE

The premier land use conference in Texas—a must for planners, developers, attorneys, public officials, surveyors, engineers, and other real estate professionals.

Earn up to 14.00 Hours of MCLE Credit Including 2.00 Hours of Ethics Credit
 *Optional Wednesday Land Use Boot Camp: Earn up to 4.25 Hours of MCLE Credit
 Specialization Credit Approved for Administrative Law and Real Estate Law

Available Credit: CEP for Professional Engineers;
 TX Professional Land Surveyor (8 Hours for Conference); and
 TREC (9 Hours of General Elective MCE)
 Credit Expected for: AAPL, ACE, APA



\$99 Room Rate - Plus Free Parking

March 25*, 26-27, 2009
 Radisson Austin North
 Austin, Texas

***Optional Wednesday Boot Camp—Register for Both and Save \$50**

2009 LAND USE BOOT CAMP

Perfect for planners, surveyors, engineers, public officials and the occasional real estate practitioner

March 25, 2009 • Radisson Austin North • Austin, Texas

Earn up to 4.25 Hours of Credit

LAND USE BOOT CAMP*

*Optional Boot Camp
Separate registration required.

WEDNESDAY AFTERNOON, MARCH 25, 2009

Presiding Officer:
Terrence S. Welch, Richardson, TX

**12:00 p.m. Registration Opens for
Land Use Boot Camp**

Includes complimentary refreshments.

1:00 p.m. .50 hr

**How Can They (or We) Do That?:
Understanding the Constraints on Land Use
Regulators**

This session covers basic concepts such as police power, due process, takings and vested rights. An ideal overview of the underlying authority and limits on local governmental entities to control land development through comprehensive planning, zoning, platting, etc. Suitable for lawyers and non-lawyers.

Dorothy Palumbo, Highland Village, TX

1:30 p.m. .50 hr

Comprehensive Planning in Texas

This session addresses the role and use of comprehensive plans in Texas. Why are they used? What should they cover? And what types of plans are available? Examples of well-designed plans in Texas are also discussed.

Terrence S. Welch, Richardson, TX

2:00 p.m. .75 hr

Platting Basics

An overview of platting basics including what an ordinance can (and should) say, recommended procedures, county authority, and more.

William S. Dahlstrom, Dallas, TX
Craig Farmer, Lubbock, TX

2:45 p.m. Break

3:00 p.m. 1.00 hr

**Zoning Fundamentals:
The Law, The Players and The Procedures**

The Texas Zoning Enabling Act, the "players" in the zoning game, critical zoning procedures, legal constraints, etc. This session is suitable for lawyers and non-lawyers.

E. Allen Taylor, Fort Worth, TX

4:00 p.m. .50 hr

**Enforcement Options for Ordinance and
Code Violations**

A survey of the enforcement options available for zoning and code violations, including criminal proceedings (municipal court), civil proceedings (injunctions, civil penalties, etc.), administrative proceedings and nuisance abatement (including the imposition of liens). The session also covers the effect of zoning appeals on enforcement and the ability of private parties to bring enforcement actions.

Roxann Pais, Dallas, TX

4:30 p.m. .50 hr

**A Primer on Economic Development
Incentives**

An overview of the toolbox of development incentives available in Texas, including how such incentives can best be combined to enhance their effectiveness.

Peter G. Smith, Dallas, TX

5:00 p.m. .50 hr

Boot Camp Q&A

An opportunity for audience members to pose questions to speakers and hear discussion relating to topics covered during the day.

E. Allen Taylor, Fort Worth, TX
Terrence S. Welch, Richardson, TX
Reid Wilson, Houston, TX
Peter G. Smith, Dallas, TX
Dorothy Palumbo, Highland Village, TX
William S. Dahlstrom, Dallas, TX
Roxann Pais, Dallas, TX

5:30 p.m. Adjourn

**Boot Camp Bonus Materials
Annexation Fundamentals**
2008 paper and presentation on CD
Scott Houston, Austin, TX

LAND USE CONFERENCE

THURSDAY MORNING, MARCH 26, 2009

Presiding Officer: Reid Wilson, Houston, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

**Fear Factor: Financial Market and Real
Estate Development 2009—Where Are We
and What's Ahead?**

Is the Texas real estate market following the rest of the country... down the tubes?

Jay C. Hartzell, Real Estate Finance and
Investment Center, McCombs School of
Business, Austin, TX

9:45 a.m. 1.00 hr

Developers' Perspective in Tough Times

Developers discuss and share their pain and business processes on how they analyze and choose to move ahead on projects, including market analysis, financing constraints, building costs and regulatory costs, burdens and incentives. The session closes with a discussion and commentary on what developers would like to see from municipal and county officials to make development happen.

Moderator: Reid Wilson, Houston, TX
Terry E. Mitchell, Austin, TX
David Palmer, Houston, TX
Michael Van, Sugar Land, TX

10:45 a.m. Break

11:00 a.m. 1.00 hr

**Empty Spaces: Municipal Options to Refill,
Recycle and Redevelop**

This session explores municipal options and approaches to manage, refill, recycle and redevelop empty or abandoned properties. Code enforcement, re-zoning and special incentives, public/private collaboration, etc. are discussed.

Moderator: Peter G. Smith, Nichols, Jackson,
Dillard, Hager & Smith L.L.P., Dallas, TX
Marlene Gafrick, City of Houston Planning
Department, Houston, TX
Patrick Howard, Department of Planning and
Development Services, San Antonio, TX
Fernando Costa, City of Fort Worth,
Fort Worth, TX
Theresa O'Donnell, City of Dallas, Dallas, TX

13TH ANNUAL LAND USE CONFERENCE

March 26-27, 2009 • Radisson Austin North • Austin, Texas

Earn up to 14.00 Hours of Credit
Including 2.00 Hours of Ethics Credit

THURSDAY AFTERNOON	3:15 p.m. Break	FRIDAY MORNING, MARCH 27, 2009
Presiding Officer: Veronica Rivera, Austin, TX		Presiding Officer: James L. Dougherty, Houston, TX
LUNCHEON PRESENTATION		
12:00 p.m. Pick up Box Lunch Included in conference registration fee.		
12:15 p.m. .75 hr A Better Way to Zone An analysis of the politics, economics, law and process of land development and zoning in America today. Donald L. Elliott, Denver, CO	3:30 p.m. .33 hr Regulating Signs Without Reading Them The First Amendment is violated when government regulates speech, including signage, based on the content of the message instead of reasonably restricting the time, place and manner of such speech. This session reviews the U.S. Supreme Court jurisprudence prohibiting content-based sign regulations and the case of <i>RTM Media LLC v. The City of Houston</i> recently issued by the United States District Court for the Southern District of Texas on the topic. Additionally, the Texas Supreme Court has granted a petition to review the case of <i>State of Texas v. Central Expressway Sign Associates, et al.</i> regarding the compensability of billboards in eminent domain. Richard L. Rothfelder, Houston, TX	8:00 a.m. .75 hr Breakfast Break-out Sessions Included in conference registration. One-on-one discussions on current issues on topics important to you and your clients. <i>High Tech Zoning: Antennas, Towers & Telecom</i> Deborah F. McAbee, Houston, TX <i>Impact Fees - What's New?</i> Julian Andrew Grant, Austin, TX Dorothy Palumbo, Highland Village, TX <i>No Religion Please. We're Planners</i> Ryan Scott Henry, San Antonio, TX <i>Off-Street Parking: How Much is Enough?</i> Mary Lou Henry, Houston, TX <i>Small Town Land Use Challenges</i> Arthur Pertile, Houston, TX <i>So My Boundaries Don't Close. Is that a Problem?</i> Patty Akers, Austin, TX <i>ETJ and Annexation Workshop: Q&A with an Expert</i> Robert F. Brown, Richardson, TX
1:00 p.m. Break		
1:15 p.m. .75 hr Land Use Regulations Outside the City... in the ETJ and Beyond What activities can cities regulate? What can counties do? How do you deal with overlaps? Moderator: Hon. Penelope Graves Redington, Austin, TX James P. Allison, Austin, TX Stephan L. Sheets, Round Rock, TX	3:50 p.m. 1.00 hr including .33 hr ethics How to Run Bulletproof and Effective Meetings and Contested Hearings—Including Related Ethical Issues This session opens by highlighting the key procedures that must be followed to schedule and run adjudicative hearing and legislative meetings, including tips on how to effectively manage the process and avoid mistakes. This session continues with a discussion on techniques and strategies that can be used to maximize stakeholder input and increase the likelihood of achieving substantive results. Ethical issues and related exhaustion issues are discussed. E. Allen Taylor, Fort Worth, TX Commentator: James L. Dougherty, Houston, TX	8:45 a.m. Break
2:00 p.m. .50 hr MUDs and SUDs and Other Water Critters A primer on financing water, sewer and drainage facilities, including the developer's role, city powers, CCNs and Federal preemption issues. Julie Y. Fort, Frisco, TX Misty M. Ventura, Dallas, TX		9:00 a.m. .67 hr The Appeal of Comprehensive Form-Based Zoning in Troubled Times What has the last year brought in new ideas and implications of form-based zoning? A discussion of the role and goals of form-based zoning with examples of effective use to achieve mixed-use development in troubled times, in combination with other planning tools. Scott Polikov, Fort Worth, TX
2:30 p.m. .75 hr Vested Rights: A Practical Toolkit on How Best to Present and Respond to Claims This session covers best practices and approaches for applicants presenting vested rights claims and for municipalities responding to these claims. Model ordinances, regulatory approaches and best practices in administrative proceedings are covered. This is a practical, non-ideological presentation suitable for lawyers and non-lawyers. S. Mark White, Lee's Summit, MO Dwight A. Shupe, Fort Worth, TX	4:50 p.m. .50 hr It Never Hurts to Ask (Or Does It?): Outrageous Land Use Requests A fun, entertaining and educational look at true stories about land use requests. Charles F. McNabb, El Paso, TX	9:40 a.m. .75 hr Zoning for Transit: Do's and Don'ts Best practices near transit facilities. William S. Dahlstrom, Dallas, TX Jack Wierzenski, Dallas, TX Dana Burghdoff, Fort Worth, TX 10:25 a.m. .67 hr Clean Up that Plat! Experts discuss the proliferation of "plat notes" and other gobbledygook on plats, and suggest a return to the roots of platting with plain English dedication form and related notions. James L. Dougherty, Houston, TX Reid Wilson, Houston, TX

11:05 a.m. Break

11:20 a.m. .50 hr

Ripe and Exhausted: Current Trends in Land Use Case Law

A summary of the hoops a development permit applicant needs to jump through in order to file suit against a governmental entity.

Arthur J. Anderson, Dallas, TX

11:50 a.m. .50 hr

Green Developing: What's Happening?

Newest LEED, Green Globes and EnergyStar programs for green buildings; ANSI, ASHRAE and traditional building codes; green neighborhood design and platting.

Brian M. Malarkey, Houston, TX

FRIDAY AFTERNOON

Presiding Officer:
William E. (Ed) Walts, Austin, TX

12:20 p.m. .25 hr

Land Use: Legislative Update

What's filed? What might pass?

Dorothy Palumbo, Highland Village, TX

LUNCHEON PRESENTATION

12:35 p.m. Pick up Box Lunch

Included in conference registration fee

1:50 p.m. 1.00 hr ethics

The Big Deal: Ethics of Negotiations Involving Economic Development

A discussion of ethical pitfalls, problem areas, conflict and confidentiality issues, and recommended approaches to negotiating economic development deals involving governmental entities, large out-of-state companies, investors, landowners and locals.

Ross Fischer, Seguin, TX

1:50 p.m. Break

Land Use Regulation of Local Drilling Activities and Pipelines

2:05 p.m. .67 hr

Oil and Gas Exploration and Drilling: "Drill, Baby Drill" vs. "Get that Rig Out of My Yard"

A discussion and analysis of current trends in municipal regulation and drilling activity, including the role of the railroad commission and preemption.

Jim Blackwell, Marble Falls, TX
 Charles E. Zech, San Antonio, TX

2:45 p.m. .33 hr

Regulation of Pipelines

What can local jurisdictions do to regulate pipelines: a look at federal preemption issues and options available to control, limit or prevent build-out.

William G. Owens, Austin, TX

3:05 p.m. .75 hr ethics

Advising Businesses and Government in a Troubled Economy: Ethical Policies, Procedures and Behavior

William J. Chriss, Austin, TX

3:50 p.m. Adjourn

REGISTRATION FOR LB09/LD09

Mail this registration form to:
 The University of Texas School of Law, Attn. LB09/LD09
 P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**
Online registration available at www.utcle.org

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Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION:

BOOT CAMP, March 25, 2009:
Includes Course Binder

Early Registration Fee due by Wednesday, March 18, 2009 \$100.00

Registration Fee after Wednesday, March 18, 2009 \$125.00

LAND USE CONFERENCE, March 26-27, 2009:
Includes Course Binder and Thursday/Friday Box Luncheon Presentations

Early Registration Fee due by Wednesday, March 18, 2009 \$450.00

Registration Fee after Wednesday, March 18, 2009 \$500.00

SAVE \$50—BOOT CAMP AND CONFERENCE, March 25-27, 2009

Early Registration Fee due by Wednesday, March 18, 2009 \$500.00

Registration Fee after Wednesday, March 18, 2009 \$575.00

CONFERENCE PUBLICATIONS AND MEDIA
Allow 2-4 weeks from the conference date for delivery.

Course Binder *Without* Conference Registration \$225.00
Note: Conference registration includes Course Binder.

Audio CD Set \$175.00

eBinder on CD (PDF format) \$225.00/\$50.00
 (\$225 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.
Allow 2-4 weeks from the conference date for delivery.

In-House CLE for 2—*Includes Audio CD Set and Course Binder* \$750.00

_____ Add participants (includes Course Binder) for \$225 each \$ _____

METHOD OF PAYMENT

Check (make checks payable to: The University of Texas at Austin)

VISA or Mastercard (sorry, no AMEX or Discover)

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 4.25 hours of credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

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*"Double Track", collage
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2009

LAND USE CONFERENCE

March 25*, 26-27, 2009 • Radisson Austin North • Austin, Texas
*Optional Wednesday Land Use Boot Camp

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March 25*, 26-27, 2009
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SPECIAL ROOM RATE \$99
good through March 10, 2009
(subject to availability)

Parking: complimentary self-parking
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KEY DATES

Registration & Cancellation

March 18, 2009—5 p.m.
last day for early registration
add \$50 for registrations
received after this time

March 20, 2009—5 p.m.
last day for full refund

March 23, 2009—5 p.m.
last day for partial refunds
\$50 processing fee applied

March 25, 2009—1 p.m.
optional Wed. Boot Camp begins

March 26, 2009—9 a.m.
Land Use Conference begins

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