

2010

LAND USE CONFERENCE



March 24*, 25–26, 2010

AT&T Conference Center ▪ Austin, Texas

*Wednesday Program: Land Use Fundamentals

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 18.00 Hours of MCLE Credit including 2.00 Hours of Ethics Credit
Specialization Credit Approved for Administrative Law and Real Estate Law

Available Credit:

CEP for Professional Engineers, Texas Professional Land Surveyor (8 Hours for Conference),
TREC (9 Hours of General Elective MCE), and AAPL (RPL and CPL)

Credit Expected: ACE and APA

2010 LAND USE FUNDAMENTALS

March 24, 2010 • AT&T Conference Center • Austin, Texas

Earn up to 4.25 Hours of MCLE Credit

WEDNESDAY MORNING, MAR. 24, 2010

Presiding Officer:

Susan C. Rocha, Denton, Navarro, Rocha & Bernal, P.C., San Antonio, TX

8:30 a.m. Fundamentals Registration Opens

Includes continental breakfast.

9:20 a.m. Welcoming Remarks

9:30 a.m. .50 hr

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

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

E. Allen Taylor Jr., Fort Worth, TX

10:00 a.m. .50 hr

Comprehensive Planning in Texas

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

Terrence S. Welch, Richardson, TX

10:30 a.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
Reid Carroll Wilson, Houston, TX

11:15 a.m. Break

11:30 a.m. 1.00 hr

Zoning Fundamentals and Board of Adjustment: 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.

Alan J. Bojorquez, Austin, TX
David Hartman, Austin, TX

WEDNESDAY AFTERNOON

LUNCHEON PRESENTATION

12:30 p.m. Pick up Box Lunch
Included in Fundamentals registration fee.

12:45 p.m. .50 hr

Vested and Non-Conforming Rights

An overview of the legal bases for and key concepts and current issues involved in Texas vested rights (or "grandfathering") law. The presentation covers the basics of statutory vested rights in Chapter 245 of the Texas Local Government Code and the general application of non-conforming rights. The presentation also addresses some of the issues that cities and developers face in complying with and applying these laws, and how Texas courts are resolving some of those issues.

Jeffrey Steven Howard, Austin, TX

1:15 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.

Charles E. Zech, San Antonio, TX

1:45 p.m. .50 hr

Fundamentals Q&A

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

Alan J. Bojorquez, Austin, TX
William S. Dahlstrom, Dallas, TX
David Hartman, Austin, TX
Jeffrey Steven Howard, Austin, TX
E. Allen Taylor Jr., Fort Worth, TX
Terrence S. Welch, Richardson, TX
Reid Carroll Wilson, Houston, TX
Charles E. Zech, San Antonio, TX

2:15 p.m. Fundamentals Adjourns

2:45 p.m. Austin Tour Departs
from AT&T Center

Limit of 50 participants, \$25 fee. See details at right.

6:15 p.m. Bus Returns to
AT&T Center

OPTIONAL AUSTIN TOUR: MUELLER AND SEAHOLM

Join us on a unique tour of two of Austin's signature developments, with commentary and discussion from master planners, developers and city officials. Please select on registration form (additional \$25 fee). **LIMIT 50 participants.**

Mueller Airport Redevelopment to Mixed-use and Residential

See the development as it is emerging, and hear the "back stories" of how the project came about:

- the process by which it was planned
- the financing mechanism
- the master development arrangement
- phasing and more...

We expect principals of the ROMA Design Group (the firm that led the master planning process) and Catellus (the master developer of Mueller), city staff, and citizen oversight representatives to speak on this project.

Seaholm Redevelopment Project

Seaholm is a de-commissioned power plant that will be converted into a mixed-use (hotel, retail, etc.) project. Because it is a public/private partnership (the city has a real stake in the project), it has some interesting aspects to it. The power plant is a very impressive building, and a visit will be quite fun.

Key representatives from Southwest Strategies (the leader of the private redevelopment team), ROMA Design Group (the firm that led the master planning process), and key city staff will speak on the project.

2:45 p.m.

Bus departs from AT&T Center for Mueller Redevelopment.

3:00 p.m.

Mueller tour with site planners and city officials.

4:25 p.m.

Depart Mueller for Seaholm project (downtown).

4:50 p.m.

Seaholm tour and discussion with developers and city officials.

6:00 p.m.

Depart Seaholm for AT&T Center.

6:15 p.m.

Arrive at AT&T Center. Tour concludes.

2010 LAND USE CONFERENCE

March 25–26, 2010 • AT&T Conference Center • Austin, Texas

Earn up to 13.75 Hours of Credit including 2.00 Hours of Ethics Credit

THURSDAY MORNING, MAR. 25, 2010

Presiding Officer:

Julie Y. Fort, Strasburger & Price, LLP,
Frisco, TX

8:00 a.m. Conference Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

Jump-Starting Development: Tools, Incentives and Transportation Funding

9:00 am 1.00 hrs/ 0 ethics

Regulatory Barriers to Development: Developer Perspectives and Municipal Responses

"Red tape" or necessary administrative and public process? Excessive regulation harming property rights and the economy, or valid laws promoting the public health, safety and welfare? The answers may be different depending on the perspective, but how a city prevents one and promotes the other often requires the cooperation and creativity of those with different perspectives. This panel discussion will explore how some municipal development procedures and substantive requirements can create "regulatory barriers" to development. The panel will also discuss possible methods of addressing, removing or mitigating regulatory barriers where they exist, including a review of tools to facilitate desirable development.

Moderator

Jeffrey S. Howard, Austin, TX

Panelists

Rob Killen, San Antonio, TX
James B. Knight, P.E., Austin, TX
John Webb, Richardson, TX
Diane C. Wetherbee, Plano, TX

10:00 a.m. .75 hr

An Updated Look at Public Improvement Districts (PIDs) to Promote Economic Development

A practical guide to using PIDs for economic development after HB 621 taking into consideration the impact of guidelines from the Attorney General's office, including the use of installment sales agreements, reimbursement agreements and bonds, and including timelines for PID creation and the levy of assessments.

Dwight A. (Ike) Shupe, Fort Worth, TX

10:45 a.m. Break

11:00 a.m. .75 hr

Economic Development Incentives for Jump-Starting Small- and Medium-Sized Development

Hear how to seek and provide financing for small- and medium-sized developments through the use of 380 agreements, TIRZ, TIF, Certificates of Obligations, Land Banking, and Type A and Type B sales tax, including examples. Economic development is not just for big projects anymore.

Peter Gardner Smith, Dallas, TX

THURSDAY AFTERNOON

Presiding Officer:

James L. Dougherty Jr., Attorney at Law,
Houston, TX

LUNCHEON PRESENTATION

11:45 a.m. Pick up Box Lunch

Included in Conference registration fee.

12:00 p.m. .83 hr ethics

Avoiding the Perp Walk: Criminal Laws and Ethics in Land Use

In the land use context, seemingly innocent behavior—including emails, meetings, phone calls, meals, trips and even expressions of gratitude—can implicate criminal laws and ethics rules. They can apply to public officials and private parties, both lawyers and non-lawyers. This presentation is designed to help everyone avoid "the worst case scenario."

James L. Dougherty Jr., Houston, TX
Ross Fischer, San Antonio, TX

12:50 p.m. Break

1:05 p.m. .67 hr

The Road is to Be, or Not to Be? Driving through the Smoke and Mirrors of Transportation Funding

Simplifying the mystery of transportation funding. Will there be any in the future? What is an MPO and how does it affect me? Tips on finding funding for a road or thoroughfare.

Rider Scott, Frisco, TX

1:45 p.m. .33 hr

TxDOT Project Development Process Manual Revisions

Learn about the revisions to TxDOT's Project Development Process Manual enabling new approaches for transportation projects in urban contexts. These changes require local partnerships and provide for more flexibility in design of federal aid and state roadways, creating opportunities for more walkable, sustainable development and neighborhoods.

E. Scott Polikov, Fort Worth, TX

2:05 p.m. .75 hr

Platting and Proportionality: A Practical Look at Local Government Code 212.904

This session looks at the impact of "Rough Proportionality" in light of the limits recent case law and statutes place on local government requirements for dedications and fees as a condition to plat and development approvals. The discussion reviews ordinance procedures, and provides guidance on how to assess development impact and how to negotiate a proper result under *Stafford v. City of Flower Mound* and *Tex. Loc. Gov't Code Sec. 212.904*, with a primary focus on roadway dedications and traffic issues. The session also includes discussion on how to present and appeal a local government decision.

Susan Alleman, Houston, TX
David Zuehl Conoly, Corpus Christi, TX
Reid Carroll Wilson, Houston, TX

2:50 p.m. .50 hr

Redevelopment Challenges and Opportunities: A Case Study of Downtown Revitalization

How the city or the state looks at redevelopment challenges and opportunities—lessons from the Arlington experience.

Ed Walts, Austin, TX
Trey Yelverton, Arlington, TX

3:20 p.m. Break

3:35 p.m. .75 hr

Annexation and Development Agreements

Growth is coming to your city, and state law gives you various ways to prepare for it. Learn the process of annexing territory and when it may be more advantageous to use the development agreement option.

Julie Y. Fort, Frisco, TX
Scott N. Houston, Austin, TX

4:20 p.m. .50 hr

The Fair Housing Act and Municipal Zoning

This session focuses on the Fair Housing Act and its potential effects on a city's ability to amend its residential zoning ordinances. Density bonuses and affordable housing incentives are also discussed.

Michael C. Klein, Austin, TX
Tom Nuckols, Austin, TX

4:50 p.m. .50 hr

What are the Texas Banks Doing and Why? Funding for New Development, Refi's and Redevelopment

Caught between regulatory demands to increase capital and limit exposure to real estate, the regional banks, including Texas, are providing little if any funding for new development and redevelopment. This session discusses the dynamics and pressures on banks to avoid recognizing losses, increase capital and lower real estate exposure and how that is playing out in the Texas market. How long will this liquidity crisis continue and why? What, if any, options and incentives can municipalities and developers employ to increase the chance of getting development funding?

Prof. James A. Nolen Jr., UT Austin, Austin, TX

5:20 p.m. Adjourn

FRIDAY MORNING, MAR. 26, 2010

Presiding Officer:
Susan C. Rocha, Denton, Navarro, Rocha & Bernal, P.C., San Antonio, TX

8:00 a.m. .75 hr

Breakfast Break-out Sessions

Included in the conference registration. One-on-one discussions on current issues and topics important to you and your clients.

Everything You Wanted to Know About Oversight and Regulation of Dams

Warren Samuelson, TCEQ, Austin, TX

Placement and Regulation of Cell Towers: What Are the Limits?

Georgia Nell Crump, Austin, TX

Illumination and Dark Skies Ordinances, including Open Spaces Involving Military Facilities

Rob Killen, San Antonio, TX

Transmission Line Issues including Wind and Right of Way

Bradford W. Bayliff, Austin, TX

A Practical Look at Municipal Regulation in the ETJ and the Limits of Such Regulating Powers

Robert Brown, Richardson, TX

Rural Water Supply Issues, Federal Funding Blackouts, CCNs and More

Monte Akers, Austin, TX

Dealing with Wetlands in the Land Development Process: Identification, Permitting, and Avoiding Enforcement

Sharon Marie Mattox, Houston, TX

8:45 a.m. Break

9:00 a.m. .67 hr

Recent Land Use Law Developments

A survey of recent case law development and key legislative initiatives including the Texas constitutional amendments related to land use and eminent domain.

Bruce M. Kramer, Houston, TX

9:40 a.m. .50 hr

Advanced Issues Involving Non-Conforming Uses and Structures: Common Law, Ordinances, Chapter 245, and More

Two land use lawyers will compare and contrast the various types of "grandfathering" available under Texas law and provide practical tips for pursuing—and working with—each type.

James L. Dougherty Jr., Houston, TX
Arthur J. Anderson, Dallas, TX

10:10 a.m. Break

10:25 a.m. .50 hr

Municipal Challenges in Managing Foreclosures and Bankruptcies, including Prosecuting and Enforcing the Land Use Code

What has economic meltdown brought to the front door of City Hall? This session covers the problems many cities are facing during the downturn in the economic landscape, including the economic repercussions of developer foreclosures and bankruptcies, as well as the municipal reactions, responses and possible solutions. Additional discussion includes enforcement of land use ordinances and prosecution of violations when landowners are facing foreclosure, in bankruptcy, or when a lending institution has already taken over.

Barbara A. Boulware-Wells, Austin, TX

10:55 a.m. .50 hr

Practical Tips on How to Avoid Challenges Based on Religious Freedom and Discrimination

Update on recent court decisions under TX RFRA and RUILPA but with an added bonus—a practical guide on how to fix your current zoning ordinances to avoid (or help defeat) a legal challenge in the future.

Ryan Scott Henry, San Antonio, TX

11:25 a.m. .75 hr

Revitalization through Form-Based Codes and Value Capture

Cities are expanding their regulatory tool box beyond conventional zoning to include form-based codes to catalyze redevelopment while preserving the unique character of their downtowns and aging commercial corridors. Combining the creativity of the New Urbanism and the opportunity of preservation, redevelopment can be activated with form-based codes to support catalytic projects that sustain redevelopment through phased reinvestment in streets and public spaces. Scaling up redevelopment in downtowns and commercial corridors requires the belief by investors and developers that investment in one property will be leveraged and supported by investment in other adjacent projects. Accordingly, the need for a city's regulatory scheme for a particular redevelopment area to create a scenario as if the area was under single ownership—in a sense a de facto master development complex—is critical to sustaining development long term. This session explores the changes necessary to the regulatory environment to support such redevelopment in small, medium and large cities.

William S. Dahlstrom, Dallas, TX
E. Scott Polikov, Fort Worth, TX

FRIDAY AFTERNOON

Presiding Officer:
Dorothy Palumbo, City of Highland Village, Highland Village, TX

LUNCHEON PRESENTATION

12:10 p.m. **Pick up Box Lunch**
Included in Conference registration fee.

12:25 p.m. 1.25 hrs ethics

Getting What You Want: A Review of Negotiation Skills and Ethical Issues

This 75-minute presentation outlines the steps in preparing for a negotiation, discusses factors to consider in picking a strategy, and demonstrates both how to use and how to counter some of the most common negotiation tactics. The presentation ends with an audience participation demonstration followed by group critique of the approaches used by participants in the demonstration. A cash prize—jointly sponsored by the law firms of Strasburger & Price and Denton, Navarro, Rocha & Bernal—will be awarded to the best negotiator.

DeWitt F. (Mac) McCarley, Charlotte, NC

1:40 p.m. Break

1:55 p.m.

1.50 hrs

**Preservation of Community Assets:
Open Spaces, Landscaping, Sustainability,
Funding and More**

Sustainable community design techniques including: master planning, preservation of existing vegetation and topography, promoting certain landscaping through regulations, well-designed common areas such as parks, trails, open space, and other community assets. Case studies of preservation of open space and trees are presented.

Moderator:

Dorothy Palumbo, Highland Village, TX

Panelists:

Alan J. Bojorquez, Austin, TX
Matthew Goebel, Denver, CO
Rob Killen, San Antonio, TX
Kimberley Mickelson, Houston, TX

3:25 p.m.

Conference Adjourns

ABOUT THE COVER



the surest way you and i fade, 32" x 48", mixed media on panel, is by Christopher St. Leger. For more information, visit www.christopherstleger.com.

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* planning committee member

M
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E

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 18.00 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

REGISTRATION FOR 2010 LAND USE

Mail this registration form to:
 The University of Texas School
 of Law, Attn. CLE—LD10
 P.O. Box 7759
 Austin, TX 78713-7759

or fax a copy to:
 (512) 475-6876

PLEASE PRINT CLEARLY

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

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City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____ Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

FUNDAMENTALS—MARCH 24, 2010

Includes Course Binder and Lunch

Standard Registration

- Early Registration due Wednesday, March 17, 2010 \$100.00
 - Registration after Wednesday, March 17, 2010 \$125.00
- Early Registration and **Wednesday Afternoon Tour** of Mueller and Seaholm due Wednesday, March 17, 2010 (limit 50; nonrefundable) \$125.00
 - Registration and Wednesday Afternoon Tour of Mueller and Seaholm after Wednesday, March 17, 2010 (limit 50; nonrefundable) \$150.00

Fundamentals Registration Total \$ _____

CONFERENCE—MARCH 25–26, 2010

Includes Course Binder and Thursday and Friday Lunches

Standard Registration

- Early Registration due Wednesday, March 17, 2010 \$460.00
 - Registration after Wednesday, March 17, 2010 \$510.00
- Early Registration and **Wednesday Afternoon Tour** of Mueller and Seaholm due Wednesday, March 17, 2010 (limit 50; nonrefundable) \$485.00
 - Registration and Wednesday Afternoon Tour of Mueller and Seaholm after Wednesday, March 17, 2010 (limit 50; nonrefundable) \$535.00

Conference Registration Total \$ _____

SAVE \$50 WHEN YOU REGISTER FOR BOTH LAND USE FUNDAMENTALS AND LAND USE CONFERENCE (-\$50.00) \$ _____

REGISTRATION TOTAL \$ _____

CONFERENCE PUBLICATIONS AND MEDIA *Allow 3-5 weeks from the conference date for delivery*

FUNDAMENTALS

- Course Binder *Without* Conference Registration \$60.00
Note: Conference registration includes Course Binder
- Audio CD Set \$90.00
- Audio MP3 Speeches on CD \$50.00
- eBinder on CD (PDF format) \$60.00/\$25.00
(\$60 purchased alone, \$25 with Registration or purchase of Course Binder or Audio CD Set or Audio MP3 Speeches on CD)

Fundamentals Publications and Media Total \$ _____

CONFERENCE

- Course Binder *Without* Conference Registration \$225.00
Note: Conference registration includes Course Binder
- Audio CD Set \$210.00
- Audio MP3 Speeches on CD \$130.00
- eBinder on CD (PDF format) \$225.00/\$50.00
(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio CD Set or Audio MP3 Speeches on CD)

Conference Publications and Media Total \$ _____

PUBLICATIONS AND MEDIA TOTAL \$ _____

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience. *Allow 3-5 weeks from the conference date for delivery*

FUNDAMENTALS

- In-house CLE for 2 \$250.00
Includes Audio CD Set and Course Binder
- _____ Add participants (includes Course Binder) for \$60 each \$ _____

Fundamentals In-House CLE Total \$ _____

CONFERENCE

- In-house CLE for 2 \$825.00
Includes Audio CD Set and Course Binder
- _____ Add participants (includes Course Binder) for \$225 each \$ _____

Conference In-House CLE Total \$ _____

IN-HOUSE CLE TOTAL \$ _____

ORDER GRAND TOTAL \$ _____

METHOD OF PAYMENT

- Check (make checks payable to: The University of Texas at Austin)
- VISA or MasterCard (sorry, no AMEX or Discover)

Card number - - -

X _____
 Authorized Signature

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 Exp. Date (mm/yy)



Austin Tour of Mueller and Seaholm

Wednesday, March 24, 2:45–6:15 p.m.

Join us on a unique tour of two of Austin's signature developments, with commentary and discussion from master planners, developers and city officials.



Seaholm Redevelopment Plan



Mueller Airport Redevelopment



Tour bus space is limited—send in your registration form to reserve now!

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THE UNIVERSITY OF TEXAS SCHOOL OF LAW
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This program is not printed or mailed at state expense.

2010

LAND USE FUNDAMENTALS* AND CONFERENCE

March 24*, 25–26, 2010 ■ AT&T Conference Center ■ Austin, Texas

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School of Law

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or call us at

512-475-6700

for more information

March 24*, 25–26, 2010

AT&T CONFERENCE CENTER AT UT AUSTIN

1900 University Avenue, Austin, Texas

On Martin Luther King Jr. Blvd. between Lavaca St. and Colorado St.



AUSTIN

March 24*, 25–26, 2010

AT&T Conference Center

The University of Texas
1900 University Avenue
Austin, Texas 78705
512-404-3600

Special Room Rate: \$159
good through March 3, 2010
(subject to availability)

Parking:

Self-Parking \$5/day;
Valet \$10/day, \$14/overnight
(subject to change)

KEY DATES

March 17, 2010, 5 p.m.

last day for early registration
add \$50 for registrations received after this time

March 19, 2010, 5 p.m.

last day for full refund

March 22, 2010, 5 p.m.

last day for partial refund
\$50 processing fee applied

***March 24, 2010, 9:30 a.m.**

Fundamentals begins

March 25, 2010, 9 a.m.

Conference begins

NEW
in
2010

Join us at the spectacular new AT&T Hotel and Conference Center on the campus of the University of Texas at Austin. Great rooms, great restaurants, great location.