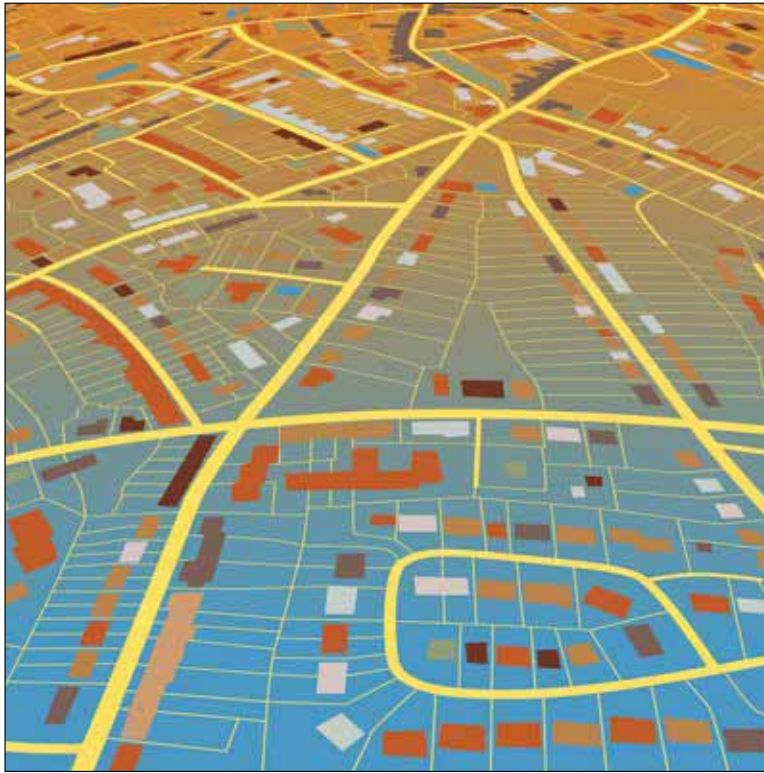


17TH ANNUAL
LAND USE PLANNING



Veer/fawing

FUNDAMENTALS—March 20, 2013
CONFERENCE—March 21–22, 2013
AT&T Conference Center ▪ Austin, Texas

Fundamentals—Earn up to 3.50 Hours of MCLE Credit

Conference—Earn up to 13.75 Hours of MCLE Credit Including 2.25 Hours of Ethics Credit

Specialization Credit Approved for Administrative Law and Real Estate Law

Credit Available: TX Professional Engineers, TREC (9 Hours of General Elective MCE), and AAPL (RPL and CPL)

Credit Expected: AICP, TX Appraiser (ACE), and TX Professional Land Surveyor

LAND USE PLANNING FUNDAMENTALS

March 20, 2013 • AT&T Conference Center • Austin, Texas

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WEDNESDAY AFTERNOON, MAR. 20, 2013

Presiding Officer:

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

12:30 p.m. Registration Opens

Includes light refreshments.

1:20 p.m. Welcoming Remarks

1:30 p.m. .75 hr

Who Are You and What Do You Do? The Private vs. Public Interplay of the Roles of the City Manager, Planning Director and Developer

A lively dialogue as city managers, city planners and developers discuss the various roles and perspectives involved in the development process and in creating public-private partnerships.

Moderator:

Julie Y. Fort, McKamie Krueger, LLP, Richardson, TX

Panelists:

Mike Foreman, City of Celina, Celina, TX
Helen-Eve Liebman, City of Celina, Celina, TX
Tony Ruggeri, Republic Property Group, Dallas, TX
Jake Wagner, Republic Property Group, Dallas, TX

2:15 p.m. .58 hr

Basics of Regulations

What is a regulation? How do regulations get made? How do you find them? What is the anatomy of a regulation? These fascinating questions (and more!) are answered in this session.

Deborah F. McAbee, City of Houston Legal Department, Houston, TX

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FUNDAMENTALS MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 3.50 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

LAND USE PLANNING CONFERENCE

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Earn up to 13.75 Hours of MCLE Credit Including 2.25 Hours of Ethics Credit
Specialization Credit Approved for Administrative Law and Real Estate Law

THURSDAY MORNING, MAR. 21, 2013

Presiding Officer:

Deborah F. McAbee, City of Houston
Legal Department, Houston, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

Case Law Update

Update of recent state and federal land use cases on preemption, vested rights, "spot zoning," takings, ripeness/exhaustion, sexually oriented businesses, etc., with commentary and an attempt to identify which cases follow—or buck—trends in the law.

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

9:45 a.m. .50 hr

Takings Jurisprudence and Municipal Planning and Zoning Practices: The Practical Impact of *Sheffield* and *Stafford*

Nine years have passed since the Texas Supreme Court issued its ground-breaking takings decisions on regulatory takings (*Sheffield v. City of Glenn Heights*) and development exactions (*Town of Flower Mound v. Stafford Estates*). While considered by many at the time of their release as cases that would forever change the legal landscape regarding how Texas cities could engage in legitimate planning and zoning practices, the actual impact of these cases, in both the courts and day-to-day city practices, warrants closer consideration. An analysis of *Sheffield* and *Stafford*, how the courts have interpreted and applied them over the last nine years and, most importantly, how these cases impact planning and zoning practices today is presented.

Robert F. Brown, Brown & Hofmeister, L.L.P.,
Richardson, TX

10:15 a.m. Break

10:30 a.m. .75 hr

Grandfathering and Dealing with Nonconformities

Municipal implementation of Texas Local Government Code Chapter 245 and ordinances addressing nonconforming uses and nonconforming structures is covered.

Moderator:

Alan J. Bojorquez, Bojorquez Law Firm, PLLC,
Austin, TX

Panelists:

Arthur J. Anderson, Winstead PC, Dallas, TX
Terry D. Morgan, Terry Morgan & Associates, P.C.,
Dallas, TX

11:15 a.m. .67 hr

Case Studies in Downtown Revitalization: Before and After

Many cities—both large and small—have recently undertaken revitalization projects. Hear the stories and learn the tools used to harness the market while promoting a strong public vision.

Robert M. Eury, Central Houston, Inc., Houston, TX
E. Scott Polikov, Gateway Planning Group, Inc.,
Fort Worth, TX
Jimmy Stathatos, City of Roanoke, Roanoke, TX

11:55 a.m. Pick Up Lunch

Included in conference registration.

THURSDAY AFTERNOON

Presiding Officer:

Hon. Penelope Graves Redington,
Texas Association of Regional Councils,
Austin, TX

LUNCHEON PRESENTATION

12:10 p.m. .75 hr

Demographic Characteristics and Trends in Texas: Implications for Land Use

Information on demographic, social and economic characteristics and trends in Texas with a focus on major urban areas is discussed in light of implications for shifts related to land value and use.

Lloyd Potter, Ph.D., Office of the State Demographer,
Austin, TX

12:55 p.m. Break

1:10 p.m. .50 hr

Utilities/Infrastructure

A discussion of who can provide services under current law and what those services entail.

Mark H. Zeppa, Law Offices of Mark H. Zeppa, PC,
Austin, TX

1:40 p.m. 1.00 hr including .50 hr ethics

Meeting Process, Procedures and Presentation

Legal, practical and ethical issues associated with public meetings.

Jeffrey S. Howard, McLean & Howard, L.L.P.,
Austin, TX
Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C.,
San Antonio, TX

2:40 p.m. Break

2:55 p.m. .50 hr

County Land Use

Discussion of the current state of county land use law in Texas, including the statutes and authorities that counties have at their disposal and how to implement those authorities in order to regulate land use more effectively.

James P. Allison, Allison Bass & Associates,
Austin, TX

3:25 p.m. .50 hr

Land Use Aspects of Natural Gas Drilling

While many cities in Texas have adopted comprehensive natural gas drilling ordinances, one of the key issues cities must address at the outset is whether gas drilling should be treated as a traditional zoning matter or simply as a business regulation that impacts land uses. This topic addresses the unique issues associated with various municipal regulatory frameworks.

Terrence S. Welch, Brown & Hofmeister, L.L.P.,
Richardson, TX

CONFERENCE MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.75 hours, of which 2.25 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

3:55 p.m. .75 hr

New Developments in Fair Housing Law and Tools for Confronting "Not In My Back Yard"

Experts in affordable housing discuss neighborhood opposition to locational and permitting approvals and offer legal as well as practical solutions. The discussion includes new legal developments nationally and in Texas that are impacting the siting of affordable and moderately-priced housing in higher income communities and how these developments are shifting the way some governmental entities approach land use planning. Case studies of best practices for confronting NIMBY in a variety of contexts are included.

Ann Lott, Inclusive Communities Project, Dallas, TX
Heather K. Way, The University of Texas School of Law, Austin, TX

4:40 p.m. .75 hr ethics

Ethics, Schmethics

Conflicts of interest, improper conduct and other ethical considerations. Situational ethics (are ethics fungible): "My ethics may not be yours, may not be hers, may not be his, etc."

Roberta 'Robin' Buchman Cross, City of Galveston, Galveston, TX

5:25 p.m. Adjourn

FRIDAY MORNING, MAR. 22, 2013

Presiding Officer:

Misty M. Ventura, Shupe Ventura Lindelow & Olson, PLLC, Dallas, TX

Breakfast Break-Out Sessions

Small group discussions on current issues important to you and your clients. Included in conference registration.

8:00 a.m. .75 hr

**TOPIC A:
Shared Equity Housing**

Kelly E. Weiss, Austin Habitat for Humanity, Austin, TX

**TOPIC B:
Signage**

Larry W. Schenk, City of Houston Legal Department, Houston, TX

**TOPIC C:
Conservation Easement (How Tax Policy Affects Land Use)**

Craig Bowen, Plateau Land & Wildlife Management, Dripping Springs, TX

**TOPIC D:
Preemption**

David F. Johnson, Winstead PC, Fort Worth, TX

**TOPIC E:
Anticipating Litigation**

Arthur J. Anderson, Winstead PC, Dallas, TX

8:45 a.m. Break

9:00 a.m. .50 hr

Legislative Update

Overview of the current legislative landscape and review of proposed legislation impacting land use planning.

Snapper Carr, Focused Advocacy, LLC, Austin, TX

9:30 a.m. .50 hr

Local Legislation/Bracket Bills

With the Texas Legislature in session, it is very timely to review the law and practice of local bills and bracketed bills. A discussion of proper drafting techniques and pitfalls to avoid.

Camm 'Trey' C. Lary, III, Allen Boone Humphries Robinson LLP, Houston, TX

10:00 a.m. .50 hr

Changes in Eminent Domain Procedures

This presentation focuses on the recent comprehensive legislation fundamentally changing and, in some practical respects, complicating the condemnation process. A general analysis of recent, landmark Texas Supreme Court opinions impacting cities and pipeline corporations is also offered.

Jameene Y. Banks, Denton, Navarro, Rocha & Bernal, P.C., San Antonio, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Annexation Battles

Strategies, practices and analysis of hard-fought battles between cities over disputed property.

W. Andrew Messer, Messer Law Firm, Frisco, TX

11:15 a.m. .75 hr

New Uses in Residential Areas

Uses in residential areas that pose challenges to both large and small cities.

Joseph J. Gorfida, Jr., Nichols, Jackson, Dillard, Hager & Smith L.L.P., Dallas, TX
Theresa O'Donnell, City of Dallas, Dallas, TX

12:00 p.m. Pick Up Lunch

Included in conference registration.

FRIDAY AFTERNOON

Presiding Officer:

Ed Waits, The University of Texas System, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. .75 hr

Special Districts: Policy Issues

Is it good policy or bad to have overlapping governmental entities? What are the pros and cons of special districts in counties and corporate limits?

Moderator:

Misty M. Ventura, Shupe Ventura Lindelow & Olson, PLLC, Dallas, TX

Panelists:

Hugh E. Coleman, Denton County, Crossroads, TX
Cheryl Williams, Collin County Commissioners Court, McKinney, TX

1:00 p.m. Break

Public-Private Partnerships

1:15 p.m. .50 hr

Financial Aspects of Public-Private Partnerships

Hear dos and don'ts of underwriting or monetizing economic development agreements. Enforcement issues, remedies, defenses to enforcement and sovereign immunity are discussed.

Peter G. Smith, Nichols, Jackson, Dillard, Hager & Smith L.L.P., Dallas, TX

1:45 p.m. .50 hr

Ground Lease Mixed Use Urban Developments with a University

Case study of UT Austin's redevelopment of an underutilized asset through a P3.

Amy Wanamaker, The University of Texas at Austin, Austin, TX

2:15 p.m. 1.00 hr ethics

Ethical Issues in Public-Private Partnerships

Attorneys must be sensitive to a host of ethical issues in public-private partnerships, ranging from the Disciplinary Rules of Professional Conduct to state regulations to local ethics standards. This presentation identifies relevant standards of conduct, anticipates ethics-related scenarios and provides guidance on dealing with those issues.

Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C., Austin, TX

3:15 p.m. Adjourn

“ A valuable conference with good speakers—I enjoy it every year. The mix of topics is thoughtful, timely and relevant. Well done! Great conference with excellent speakers and interesting topics. One of the best land use conferences I've been to. ”

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School of Law
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Questions? Call us at
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Includes Course Binder

1. Select Course Binder Format

- Electronic Course Binder on USB Key ONLY
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2. Select Type

- Registration by Wednesday, March 13, 2013. \$100
- Registration after Wednesday, March 13, 2013. \$125

Fundamentals Registration Total. \$ _____

CONFERENCE—LD13

Includes Course Binder and Thursday and Friday Luncheon Presentations

1. Select Course Binder Format

- Electronic Course Binder on USB Key ONLY
- Printed Course Binder ONLY

2. Select Type

- Registration by Wednesday, March 13, 2013. \$475
- Registration after Wednesday, March 13, 2013. \$525

Conference Registration Total. \$ _____

REGISTRATION TOTAL \$ _____

SAVE \$50 WHEN YOU REGISTER FOR BOTH LAND USE PLANNING FUNDAMENTALS AND CONFERENCE **-\$50** \$ _____

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

FUNDAMENTALS

- Course Binder WITHOUT Conference Registration \$65
Note: Conference Registration includes Course Binder
- Audio MP3 Speeches on CD \$50
- Audio CD Set \$90
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(\$65 purchased alone, \$25 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

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AUSTIN

March 20, 21–22, 2013

CONFERENCE LOCATION



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1900 University Avenue
Austin, TX 78705
512.404.3600

Special Room Rate: \$174
good through February 26, 2013
(subject to availability)

Parking:

Free daily self-parking at UT garages.
Separate fees apply for valet and overnight.

KEY DATES

March 13, 2013

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

March 15, 2013

last day for full refund

March 18, 2013

last day for partial refund
\$50 processing fee applied

March 20, 2013, 1:20 p.m.
Fundamentals begins

March 21, 2013, 8:50 a.m.
Conference begins

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Allison Bass & Associates
Austin, TX

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Winstead PC
Dallas, TX

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