

25TH ANNUAL
LAND USE CONFERENCE



FUNDAMENTALS

April 14, 2021

CONFERENCE

April 15–16, 2021

 Live Webcast

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2021

LAND USE FUNDAMENTALS

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Times listed are Central

WEDNESDAY AFTERNOON, APR. 14, 2021

Presiding Officer:
Dorothy Palumbo, Bojorquez Law Firm, PC, Austin, TX

12:00 p.m. Welcoming Remarks

12:10 p.m. .50 hr

ABC's of Cities
 This presentation will explain the fundamentals of city regulation, including a discussion of the different types of cities in Texas.
 Amber McKeon-Mueller, Texas Municipal League, Austin, TX

12:40 p.m. Break

12:50 p.m. .75 hr

Zoning 101
 Including a review of zoning legal requirements and procedures; how to make a zoning decision, and how zoning interacts with the comprehensive plan.
 Brenda N. McDonald, Messer, Fort & McDonald, Frisco, TX

1:35 p.m. Break

1:45 p.m. .75 hr

Subdivision and Platting: A Land Use Foundation
 Regulation of subdivision platting often greatly impacts the use of land and plays an important role in the land development process. Hear a description of key concepts, mechanics, and regulation of platting.
 Omar Izfar, Wilson, Cribbs + Goren, P.C., Houston, TX

2:30 p.m. Break

2:40 p.m. .75 hr

Board of Adjustments
 An overview of the role of the ZBA in adjudicating variances, special exceptions, and appeals from administrative decisions. Emphasis placed on the importance of procedural rules, development of the record, and the standards imposed by statute and the courts.
 Alan J. Bojorquez, Bojorquez Law Firm, PC, Austin, TX

3:25 p.m. Break

3:35 p.m. .75 hr

Basics of Annexation & Development Agreements
 A high level view of annexation in the State of Texas and Development Agreements.
 Charles E. Zech, Denton, Navarro, Rocha, Bernal & Zech, P.C., Austin, TX

4:20 p.m. Break

4:30 p.m. .75 hr

Vested Rights: What Have We Learned in the Last 10 Years
 Learn how the Legislature has trimmed local government rights to apply new/modified regulations after a "project" is initiated by an application for a "permit". This presentation will focus on the statute's language, as interpreted and applied by Texas courts, providing a new tool for reference when analyzing vested rights claims.
 Reid C. Wilson, Wilson, Cribbs + Goren, P.C., Houston, TX

5:15 p.m. Adjourn

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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. 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).

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25TH ANNUAL LAND USE CONFERENCE

April 15–16, 2021 ■ Live Webcast

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TX Board of Legal Specialization Credit Expected for Administrative Law, Oil, Gas and Mineral Law, and Real Estate Law
Professional Accreditation Expected for TX Accounting CPE; Professional Engineer (PE);
TX Real Estate Commission (TREC), TX Land Surveyor, and Expected for TX Appraiser (ACE)

Times listed are Central

THURSDAY MORNING, APR. 15, 2021

Presiding Officer:

Hon. Penelope Graves Redington,
Austin, TX

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr

Case Law Updates: Part 1

Rapid review of recent land-use cases, with updates on short-term rentals, retroactivity/vested rights, ripeness/exhaustion, takings, billboards, historic preservation and more.

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

9:00 a.m. Break

9:10 a.m. .75 hr

Legislative Update on Land Use Issues for Cities & Counties

Hear a moderated panel discussion on pending land use legislation of interest to cities and counties.

Moderator:

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

Panelists:

Richard A. Crow, Clark Hill Strasburger, Houston, TX
Tom Nuckols, Travis County Attorney's Office,
Austin, TX

9:55 a.m. Break

10:05 a.m. .75 hr

Code Enforcement Today: Addressing Nuisances and Substandard Properties in a Pro-Property Rights State

As cities face increasing pressures from citizens to address nuisance properties, like party houses and short-term rentals, this presentation will discuss the current legal landscape which poses challenges to code enforcement's efforts. Additionally, this presentation will look at other options to improve quality of life in neighborhoods by addressing secondary effects of nuisance properties and getting back to the basics of substandard building regulations.

Janet Marie Spugnardi, City of Irving City Attorney's Office, Irving, TX

10:50 a.m. Break

11:00 a.m. 1.00 hr

The Unique Nature of Land Development in the ETJ

How cities, counties and developers are addressing issues related to development outside of the city limits.

Arthur J. Anderson, Winstead PC, Dallas, TX
Margaret Wallace Brown, City of Houston,
Houston, TX
Cheryl Williams, Collin County Commissioners Court,
McKinney, TX

12:00 p.m. Break for Lunch

Presentations resume at 12:30 p.m.

THURSDAY AFTERNOON

Presiding Officer:

Joseph J. Gorfida Jr., Nichols, Jackson,
Dillard, Hager & Smith L.L.P., Dallas, TX

LUNCHEON PRESENTATION

12:30 p.m. .50 hr

Rice's Ion Innovation District in Midtown Houston

An overview of Rice University's investment in developing a mixed-use, inclusive, and integrated district focused on being a hub of new economic opportunities for Houston.

Ryan LeVasseur, Rice Management Company,
Houston, TX

1:00 p.m. Break

1:10 p.m. .75 hr

Financing Public Infrastructure via Special Districts: The Domino Effect.

An overview of MUDS, PIDS and other special districts in Texas commonly requested by developers to finance public infrastructure, and a discussion of the City and County considerations when reviewing these applications, including the intersection between review and approval of special districts and other required approvals such as zoning and platting.

Julie Houston, Orrick, Herrington & Sutcliffe LLP,
Austin, TX
Skye Masson, City of Georgetown, Georgetown, TX

1:55 p.m. Break

2:05 p.m. .50 hr

Land Development Toolbox for Small Towns

This topic will address the unique aspects of planning and funding land development outside urban areas, from both developer and municipal perspectives.

Tad Holland Cleaves, City of Liberty Hill,
Liberty Hill, TX

2:35 p.m. Break

2:45 p.m. .50 hr

Hot Topics in Affordable Housing

A quick overview of current issues and innovations in affordable housing in Texas, including public facility corporations, land development code reforms, and community land trusts.

Heather K. Way, University Of Texas School Of Law,
Austin, TX

3:15 p.m. Break

3:25 p.m. .50 hr

Updates on Current Law on Group Homes

Updating current law on group homes and residential treatment facilities in residential zoned areas, with emphasis on Fair Housing Act/ADA implications.

William M. McKamie, Taylor Olson Adkins Sralla &
Elam LLP, San Antonio, TX

3:55 p.m. Break

4:05 p.m. .50 hr

Keynote Address from the Texas Land Commissioner of Texas

Join us for a keynote address from Land Commissioner, George P. Bush.

George P. Bush, Texas Land Commissioner, Texas
General Land Office, Austin, TX

4:35 p.m. Adjourn

CONFERENCE ACCREDITATION

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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).

Presiding Officer:

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

8:30 a.m. .75 hr

COVID 19 Impacts: How Does/Did Impact Land Use Development

Emerging Trends in Land Use Development from COVID-19: How has it affected development and land use and how have developers, and cities, responded.

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

9:15 a.m. Break

9:25 a.m. .50 hr

Case Law Updates: Part 2

Rapid review of recent land-use cases, with updates on short-term rentals, retroactivity/vested rights, ripeness/exhaustion, takings, billboards, historic preservation and more.

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

9:55 a.m. Break

10:05 a.m. .50 hr

Sign Regulation after Reagan v. City of Austin: Changes to the Sign Landscape

The question of constitutional limitations on sign regulation has continued to increase since Reed v. Town of Gilbert, including the issue of off-premise v. on-premise signage delineated in Reagan v. City of Austin. Practical applications surrounding different types of regulations including commercial v. non-commercial, size, location, and sign type will be reviewed in this session.

Laura Mueller, City of Dripping Springs, Dripping Springs, TX

10:35 a.m. Break

10:45 a.m. .50 hr

Short Term Rentals

A review of short term rental case law and update on short term rental discussions in Dallas.

Anna Lamberti Holmes, The City of Dallas - Office of the City Attorney, Dallas, TX

11:15 a.m. Break

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11:25 a.m. .75 hr

Municipal Regulation of Governmental Uses

This topic addresses the extent to which municipalities may regulate uses of property by the federal government, the State of Texas, counties and school districts, including charter schools. Besides a legal overview, the presentation will include practical advice on how cities may regulate (or attempt to regulate!) other governmental uses of property within a city.

Tommy Ludwig, City of Waxahachie, Waxahachie, TX
Terrence S. Welch, Brown & Hofmeister, L.L.P., Richardson, TX

12:10 p.m. Break for Lunch

Presentations resume at 12:40 p.m.

FRIDAY AFTERNOON**Presiding Officer:**

**Melinda Ramos, City of Fort Worth,
Fort Worth, TX**

LUNCHEON PRESENTATION

12:40 p.m. .75 hr ethics

Conducting Land Transactions in the Cloud: Tips for Protecting Confidential Information and Information That May be Subject to the Public Information Act

In the area of land use, there are plenty of documents that are shared by attorneys, municipal governments and consultants through DropBox, Google Drive and other Cloud based systems. Since early 2019, Texas attorneys must comply with the ethical duty of the technology competence which means that, in addition to the duty of confidentiality and the attorney client privilege, we must meet a higher standard for protecting client data. This session will discuss tools and best practices for satisfying this higher standard such as controlling access and adding security controls to protect the material from being accessed by invalid users. Further, review practical and effective safeguards to prevent wire transfer fraud in the context of large amounts of money being wire transferred in real estate transactions.

Prabha Cinclair, Miklos Cinclair Law, PLLC, Farmers Branch, TX
Elizabeth Rogers, Michael Best & Friedrich LLP, Austin, TX

1:25 p.m. Break

1:35 p.m. .75 hr

Shot Clocks, Building Materials, and the Death of Annexation

This session will review several bills from the 86th Legislature affecting land development and planning, updates from the 87th Legislature, and how cities have adapted to; the third amendment to the Annexation Act in as many sessions, the imposition of approval "shot clock" on applications other than subdivision plats, and preemption of regulations on building material.

Kimberley Mickelson, City of Houston Legal Department, Houston, TX

2:20 p.m. Break

2:30 p.m. .75 hr

Religious Institutions: Special Use/Special Protection

Federal protection under RLUIPA and Texas protection under TRFRA are now over 20 years old, so a review of these special land use protections of religious use is timely.

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

3:15 p.m. Break

3:25 p.m. 1.00 hr ethics

Ethics Issues and the Legislature

Every attorney should know the answer to the question, "Who do I work for?" In his presentation, Jon Heining will explore how difficult it is for legislative attorneys to answer this question. In addition, Jon will discuss some general considerations that every attorney should consider when working with legislators and legislative staff.

Jon Heining, Texas Legislative Council, Austin, TX

4:25 p.m. Adjourn

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Individual Registration \$150

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LIVE WEBCAST

April 14, 15–16, 2021

KEY DATES

April 7, 2021

Last day for full refund cancellation

April 9, 2021

Last day for partial refund cancellation
\$50 processing fee applied

April 14, 2021, 12:00 p.m., CT

Fundamentals begins

April 15, 2021, 8:20 a.m., CT

Institute begins

April 16, 2021

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