

26TH ANNUAL
LAND USE CONFERENCE

**FUNDAMENTALS**

April 20, 2022

CONFERENCE

April 21–22, 2022

AT&T Conference Center ■ Austin, Texas

📍 Live Webcast April 20–22

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FUNDAMENTALS—MCLE Credit Hours: 4.25 hrs

CONFERENCE—MCLE Credit Hours: 13.25 hrs 2.50 ethics

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2022

LAND USE FUNDAMENTALS

April 20, 2022 ■ AT&T Conference Center ■ Austin, Texas

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(hours vary by state)

Professional Accreditation Available for TX Professional Engineers and TX Real Estate Commission (TREC)

Times listed are in Central Time

WEDNESDAY AFTERNOON, APR. 20, 2022

Presiding Officer:

Dorothy Palumbo, Bojorquez Law Firm, PC, Austin, TX

12:00 p.m. Registration Opens

Includes light refreshments.

12:50 p.m. Welcoming Remarks

1:00 p.m. .75 hr

Zoning 101

Includes 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

1:45 p.m. .75 hr

Subdivision and Plats

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, potential processes, and regulation of platting including review of shot clock rules.

Laura Mueller, City of Dripping Springs, Dripping Springs, TX
Omar Izfar, Wilson, Cribbs + Goren, Houston, TX

2:30 p.m. .50 hr

Annexation and Development Agreements

An overview of the basics of annexation for municipalities and the drafting of ETJ Development Agreements under Tex. Loc. Gov't Code Ch. 212.

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

3:00 p.m. 15-Minute Break

3:15 p.m. .75 hr

The Regulation of Development in the ETJ

An overview of the regulation of development in the Exterritorial Jurisdiction (ETJ), including the creation of special districts.

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

4:00 p.m. .50 hr

Board of Adjustment

Overview of the function, structure, procedure, authority, and judicial review process of Board of Adjustment. The presentation will also discuss recent statutory changes, particularly changes concerning the factors the Board may consider in determining a hardship.

Cathy Cunningham, Thomson Reuters, New York, NY

4:30 p.m. .75 hr

Intro to Economic Development Incentives

Hear a discussion of the economic development incentive toolbox. Review the incentives used today by developers and local governments, the latest trends, the fundamentals of negotiation, and how you can incentivize a 17 Billion Dollar Semiconductor Plant.

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

5:15 p.m. Adjourn

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*Planning Committee member

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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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THURSDAY MORNING, APR. 21, 2022

Presiding Officer:

Brenda N. McDonald, Messer, Fort & McDonald, Frisco, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:30 a.m. Welcoming Remarks

8:40 a.m. .75 hr

Land Use Case Updates: Part 1

Rapid review of recent land-use-related decisions, including updates on short-term rentals, non-conformities, vesting, ripening/exhausting, takings, billboards, and more.

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

9:25 a.m. .50 hr

Land Use and Real Estate Legislation Update

A quick survey of notable 2021 legislation affecting land use and real estate in Texas.

Jack P. Turano III, Haynes Boone, LLP, Houston, TX

9:55 a.m. .50 hr

Sign Regulation Where are We and Where are We Going?

Recent federal decisions indicate that the on-/off-premise distinction may no longer be viable. To help you understand this trend, this presentation highlights the Fifth Circuit's decision in *Reagan National Advertising of Austin, Inc. v. City of Austin* and the Supreme Court process.

Meghan Lee Riley, City of Austin, Austin, TX
Patricia Link, City of Austin Law Department, Austin, TX

10:25 a.m. 15-Minute Break

10:40 a.m. .50 hr

Homelessness and Panhandling

What to do if you have a tent city on your property? Are you committing a crime by removing it?

Thomas A. Gwosdz, City of Victoria, Victoria, TX

11:10 a.m. .75 hr

Do Cities Have the Right to Unilaterally Terminate Legal Nonconforming Uses?

Amortization and termination of legal nonconforming uses by a city's board of adjustment has been upheld by the courts. Can a city still unilaterally terminate these uses on a property that has vested rights?

Arthur J. Anderson, Winstead PC, Dallas, TX

11:55 a.m. Pick up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

Charles E. Zech, Denton, Navarro, Rocha, Bernal & Zech, P.C., Austin, TX

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REAL ESTATE LAW

12:15 p.m. 1.00 hr | .50 hr ethics

Land Development and How It Impacts Gentrification and Displacement

How land development regulations can contribute to the displacement of households and what policies, programs and investments can be developed to achieve more equitable outcomes for vulnerable communities.

Nefertitti Jackmon, City of Austin - Housing and Planning Department, Austin, TX
Patricia Link, City of Austin Law Department, Austin, TX

1:15 p.m. 15-Minute Break

1:30 p.m. .75 hr

Short-Term Rental Litigation and Regulation Update

Where are we now after *Zaatar v. Austin*? And what can we do to address the damaging impacts of short-term rentals?

Matthew Boyle, Boyle & Lowry, L.L.P., Irving, TX
Chance Weldon, Texas Public Policy Foundation, Austin, TX

2:15 p.m. .50 hr

ETJ Municipal Regulatory Authority in the ETJ
Municipal and County land use regulatory authority outside city limits and the statutory limitations on that authority.

Reid Wilson, Wilson, Cribbs + Goren, Houston, TX

2:45 p.m. .75 hr

Growing Pains: The Evolving Law and Regulations Governing Retail Water Service to Municipal ETJs in Times of Urban Sprawl

Suburban growth spurs annexation, regionalization, and a battle for certificated service area between municipalities and other retail water service providers.

C. Cole Ruiz, Lloyd Gosselink Rochelle & Townsend, P.C., Austin, TX

3:30 p.m. 10-Minute Break

3:40 p.m. .75 hr

ETJ Infrastructure and Financing Tools

ETJ history and opportunities, including tools available to large and small cities to finance infrastructure and encourage annexation.

Moderator:
Tad Holland Cleaves, Texas Municipal League, Austin, TX

Panelists:
Scott Bounds, Olson & Olson LLP, Houston, TX
Justin Pruitt, Olson & Olson, LLP, Houston, TX

4:25 p.m. .75 hr

Development Agreements Between the City and Developer

Viewpoints of development from a policy perspective and public versus private sector hot buttons.

Prabha Cinclair, Miklos Cinclair Law, PLLC, Farmers Branch, TX
Michael A. Guevara, Guevara Law, P.C., Cedar Park, TX
Terry E. Mitchell, Momark Development LLC, Austin, TX

5:10 p.m. Adjourn

FRIDAY MORNING, APR. 22, 2022**Presiding Officer:**

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:25 a.m. Announcements**8:30 a.m. .50 hr**

Cedar Point Nursery v. Hassid: The United States Supreme Court's Latest Pronouncement on Unconstitutional Takings

In *Hassid*, the Court held that a California regulation that provided union organizers limited access to agricultural worksites was a per se taking based upon the proposition that any governmental grant of physical access, no matter how time-limited or functionally constrained, constitutes a per se unless one of the Court's articulated exceptions applies. This session will review the *Hassid* decision, which acts both as a primer on takings law under the 5th Amendment, as well as a potential expansion of the takings doctrine as to what constitutes a physical taking of real property in a per se taking.

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

9:00 a.m. .50 hr**Land Use Case Updates: Part 2**

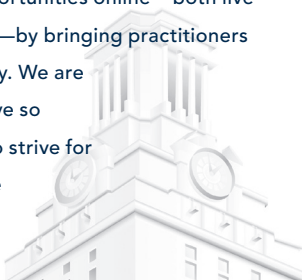
Rapid review of recent land-use-related decisions, including updates on short-term rentals, non-conformities, vesting, ripening/exhausting, takings, billboards, and more.

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

UT Law CLE is committed to Practice Excellence.

We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at www.utcle.org.

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

**9:30 a.m. .50 hr****Hot Topics in Land Use: New and Emerging topics**

Explore the hot issues in land use.

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

10:00 a.m. .50 hr**Future Technology and Land Use**

A look at how new technologies are reshaping the way we think about land use issues.

Casey Burgess, Dallas City Attorney's Office,
Dallas, TX

10:30 a.m. 15-Minute Break**10:45 a.m. .75 hr****We Are Family, or Are We?**

For decades, municipal zoning ordinances have routinely utilized "family" in describing zoning districts and land uses, but the "family" envisioned in the 1950's or 1960's is functionally different than what we may consider a "family" in 2022. Examine the legally evolving definition of "family" and practical implications in current municipal land use law.

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

11:30 a.m. 1.00 hr ethics**Ethics in the Local Government World of Land Use and Development**

Hear how to get a project approved without violating ethics ordinances and various statutes. Tips and dos and don'ts that will help all parties stay away from ethics issues.

Barbara A. Boulware-Wells, The Knight Law Firm, LLP,
Austin, TX

12:30 p.m. Pick Up Lunch

Included in registration

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Learn how we as lawyers can join the fight against racial injustice.

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FRIDAY AFTERNOON**Presiding Officer:**

Hon. Penelope Graves Redington,
Austin, TX

LUNCHEON PRESENTATION**12:50 p.m. .50 hr**

State Bar President's Presentation: Recent Actions by the Board and the S. Ct. Regarding Lawyer Regulation

The mandatory bar structure used to regulate lawyers in most U.S. states has faced multiple legal challenges in recent years, including in Texas. This presentation will cover the latest developments in the federal courts and recent actions by the State Bar of Texas Board of Directors to address the Texas challenge.

Sylvia Borunda Firth, President State Bar of Texas,
State Bar of Texas, El Paso, TX

1:20 p.m. 15-Minute Break**1:35 p.m. .50 hr**

First Amendment and Land Use Both Public and Private

Bradford E. Bullock, Russell Rodriguez Hyde Bullock,
LLP, Georgetown, TX

2:05 p.m. 1.00 hr ethics**When the FBI Comes Knocking (or No-knocking)**

What are the initial ethical considerations for local government attorneys; what are the key steps they should consider; and what are the ethical and practical standards governing both the local government lawyer and federal law enforcement?

Peter B. Haskel, Bojorquez Law Firm, PC, Lewes, DE

3:05 p.m. Adjourn

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Includes Electronic Course Binder Download (PDF) in "Your Briefcase."

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Available Through Friday, April 22, 2022

Please Note: Printed binder will arrive 2-3 weeks after the conclusion of the live conference. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

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SCAN TO VIEW OUR COVID-19 PROTOCOLS

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



LB22/LD22

AUSTIN & LIVE WEBCAST

April 20, 21–22, 2022

CONFERENCE LOCATION



AT&T Conference Center

The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
877.744.8822 (reservations)

Special Room Rate: \$189
good through March 20
reference "Land Use Conference"
(subject to availability)

Parking:

Please visit www.utcle.org/conferences/LD22
for daily and overnight rates

KEY DATES

April 13, 2022

Last day for early registration rates

April 13, 2022

Last day for full refund cancellation

April 15, 2022

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

April 20, 2022, 12:50 p.m., CT

Fundamentals begins

April 21, 2022, 8:20 a.m., CT

Conference begins

April 22, 2022

*Last day to order a printed and shipped course binder
with in-person or webcast conference registration.*

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