

27TH ANNUAL
LAND USE CONFERENCE

**FUNDAMENTALS**

April 19, 2023

CONFERENCE

April 20–21, 2023

DoubleTree by Hilton Hotel Austin ■ Austin, Texas

 Live Webcast April 19, 20–21**LUNCHEON SPONSORS**

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FUNDAMENTALS—MCLE Credit Hours: 4.75 hrs and 0.50 hr ethics

CONFERENCE—MCLE Credit Hours: 13.50 hrs 1.50 ethics

Approved in TX, CA, OK, and PA (hours vary by state)

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

2023

LAND USE FUNDAMENTALS

April 19, 2023 ■ DoubleTree by Hilton Hotel Austin ■ Austin, Texas

Earn up to 4.75 Hours of Credit; Including 0.50 Hour of Ethics Credit; MCLE Credit Approved in TX, CA, OK, and PA (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. 19, 2023

Presiding Officer:

Tad Holland Cleaves, Texas Municipal League, Austin, TX

12:00 p.m. Registration Opens

Includes light refreshments.

12:30 p.m. Welcoming Remarks

12:35 p.m. Opening Remarks on Land Use Fundamentals

Tad Holland Cleaves, Texas Municipal League, Austin, TX

12:45 p.m. .75 hr

The Power of the City Limits and ETJ Authority and Development Agreements

Land use control in the ETJ, DAs and the continued value of annexation.

Chris Nichols, Wilson Cribbs & Goren, Houston, TX

1:30 p.m. .75 hr

Zoning 101

A foundational look at zoning in the context of development procedures and zoning fundamentals such as how to make a zoning decision, and how zoning interacts with the comprehensive plan.

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

2:15 p.m. .75 hr

Subdivisions: What you Need to Know in the Context of the Current Application

This session looks at what's on a subdivision plat and why, what can be required in the way of exactions, and how fast it has to get done.

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

3:00 p.m. 15-Minute Break

3:15 p.m. .75 hr

Site Planning and Other Commercial Development Issues

An overview of the basics for site plan review, approval or denial from the legal, planning and engineering perspective.

Laton P Carr, City Of Round Rock - Round Rock, TX
Joseph J. Gorfida Jr., Nichols, Jackson, Dillard, Hager & Smith L.L.P., Dallas, TX

4:00 p.m. .50 hr

PUDs/PDDs, SUPs, and Zoning Variances

This session explores the basics of Planned Developments (PD/PDD's), Special Use/Conditional Use Permits (SUP/CUP's), and Zoning Board of Adjustment (ZBA) variances. Through some brief summaries and real examples, learn the general legal framework for using each of these tools, the differences between them, and some best practices."

Bryn Meredith, Taylor, Olson, Adkins, Sralla & Elam, LLP, Fort Worth, TX
Abra Nusser, Peloton Land Solutions, Dallas, TX

4:30 p.m. .50 hr ethics

Ethical Considerations in Land Use

Common ethical challenges that arise in the permit process, negotiation of development deals, and code enforcement.

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

5:00 p.m. .75 hr

What Have We Missed Panel?

Moderator:

Tad Holland Cleaves, Texas Municipal League, Austin, TX

Panelists:

Alan J. Bojorquez, Bojorquez Law Firm, PC, Austin, TX
Laton P Carr, City Of Round Rock, Round Rock, TX
Joseph J. Gorfida Jr., Nichols, Jackson, Dillard, Hager & Smith L.L.P., Dallas, TX
Brenda N. McDonald, Messer, Fort & McDonald, Frisco, TX
Bryn Meredith, Taylor, Olson, Adkins, Sralla & Elam, LLP, Fort Worth, TX
Kimberley Mickelson, City of Houston Legal Department, Houston, TX
Chris Nichols, Wilson Cribbs & Goren, Houston, TX
Abra Nusser, Peloton Land Solutions, Dallas, TX

5:45 p.m. Adjourn

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Times listed are in Central Time

THURSDAY MORNING, APR. 20, 2023

Presiding Officer:
**Melinda Ramos, City of Fort Worth,
Fort Worth, TX**

7:30 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr

Land Use Case Updates: Part 1
A rapid roundup of recent land uses cases, including updates on platting, zoning, takings, vesting and development agreements.
James L. Dougherty Jr., Attorney at Law, Houston, TX

9:00 a.m. .50 hr

Enforcement of Development Agreements
Can second thoughts get you out of a bad deal?
Arthur J. Anderson, Winstead PC, Dallas, TX

9:30 a.m. .75 hr

Cruel and Unusual Sentences: Tips for Improving Your Ordinance Drafting
Drafting ordinances (and other legal documents) can often be a challenge. This session provides guidance on how to improve your drafting skills.
Christopher D. Bowers, The Suster Law Group, PLLC, Plano, TX

10:15 a.m. 15-Minute Break

10:30 a.m. .75 hr

Adoption of Public Improvement District Policies
Public Improvement Districts have allowed cities and counties to support new development by offering a financing mechanism for public infrastructure and other improvements. This panel discusses policy considerations for potential PIDs, examples of PID creation guidelines and insights into negotiations with developers.
Rob Killen, Killen, Griffin & Farrimond, San Antonio, TX
Dorothy Palumbo, Bojorquez Law Firm, PC, Austin, TX

11:15 a.m. .75 hr

Win-Win: Roundtable Discussion of Economic Development Success Stories

Panelists discuss the use of various tools, including incentives and special districts, and highlight projects that have been wins for the city and/or county and the development.

Rob Killen, Killen, Griffin & Farrimond, San Antonio, TX
Sarah Landiak, Winstead PC, Dallas, TX
Tyler Wallach, Fort Worth City Attorney's Office, Fort Worth, TX

12:00 p.m. Pick up Lunch

Included in registration

THURSDAY AFTERNOON

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

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12:20 p.m. .50 hr

Legislative Update

With the 88th Regular Legislative Session still in full swing, this session reviews pending bills and their implications for land use regulation.

Tad Holland Cleaves, Texas Municipal League, Austin, TX

12:50 p.m. 15-Minute Break

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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.



1:05 p.m. 1.00 hr

Affordable Housing: Regulation of Single-Family Lots to Increase and Preserve Affordable Housing

Recently a small group of cities and several entire states have done the unthinkable: they've bucked a century of US planning practice and have begun to allow smaller, cheaper housing units to be built on single-family lots. Texas cities are contemplating doing something similar, will housing affordability for residents of such neighborhoods be helped or harmed?

Moderator:
Jake Wegman, University of Texas at Austin, Austin, TX

Panelists:
Awais Azhar, University of Texas at Austin, Austin, TX
Nicole Joslin, Capital A Development, Austin, TX
Zachary Krochtengel, Armory Square Development, Dallas, TX

2:05 p.m. .75 hr

Single Family For Rent Developments

What they are? Just a "new" type of multi-family development? Why we are seeing them? Single family for rent developments are becoming more popular in satisfying the ever increasing demand and filling the ever decreasing housing supply for "renters-by-choice", starter homes, attainable housing, and the "missing middle" housing. This session presents the typical regulatory challenges faced by cities and developers and best practices for developing and regulating Single Family for Rent developments.

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

2:50 p.m. 10-Minute Break

3:00 p.m. 1.00 hr ethics

Negotiating for the Public Good

Like diamonds, cities are forever, your LLC will come and go.

J. Grady Randle, Randle Law Office Ltd., L.L.P., Houston, TX
Reid Wilson, Wilson, Cribbs + Goren, P.C., Houston, TX

4:00 p.m. .50 hr

Parkland Dedications and More

An overview and update of local practices, landowner reactions, and court decisions for public use exactions, dedications, and fees-in-lieu-of.

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

4:30 p.m. .75 hr

Challenges of Development From a Landowner's Perspective: Established Municipalities Versus Growing Municipalities

Development in growing cities presents issues that can be challenging and vary greatly from development in cities that are established. There are common themes to development in both established and growing cities that are handled in the same manner. The panel, made up of stakeholders and representatives of landowners, discusses these differences and similarities.

Moderator:
Prabha Cinclair, Cinclair Law, Farmers Branch, TX

Panelists:
Justin Belmore, Meritage Homes Corporation, Austin, TX
John Land, North Shore Solutions, LLC, Mount Pleasant, TX
Seth Mearig, BGE, Inc., Austin, TX

5:15 p.m. Adjourn

FRIDAY MORNING, APR. 21, 2023

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

7:30 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. .75 hr

Panel from the Fastest Growing Cities—Challenges with the Pace of Development

Entitlements, utilities, planning and more, this panel of city leaders shares their experiences addressing the challenges of growth and working to capitalize on opportunities for their communities.

Moderator:
David Morgan, City of Georgetown, Georgetown, TX

Panelists:
James Earp, City of Hutto, Hutto, TX
Ginger Faught, City of Dripping Springs, Dripping Springs, TX

9:15 a.m. .50 hr

Land Use Case Updates: Part 2

A rapid roundup of recent land uses cases, including updates on platting, zoning, takings, vesting and development agreements.

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

9:45 a.m. 1.00 hr

Partnerships with Public Facility Corporations: A Good Tool for Affordable Housing?

Private partnerships with public facility corporations—and the generous tax breaks they provide—can be a tool for generating affordable housing in Texas. But these partnerships also present numerous pitfalls. This panel explores these pitfalls and how they can be addressed, what local jurisdictions should look out for, and the latest developments at the state capitol to reform this tool.

Moderator:
Skye Masson, City of Georgetown, Georgetown, TX

Panelists:
Cynthia L. Bast, Locke Lord LLP, Austin, TX
Heather K. Way, The University Of Texas School Of Law, Austin, TX

10:45 a.m. 15-Minute Break

11:00 a.m. .50 hr

When Does an Emergency Police Power Constitute an Unconstitutional Taking of Property?

Over 40 years ago, the Texas Supreme Court articulated the "Doctrine of Necessity" as a defense to takings claims that arise from the government's response to emergency situations like natural disasters, and for police tactics that destroy or damage property to apprehend suspected criminals. What are the parameters of this defense? When the state acts pursuant to its police power, rather than the power of eminent domain, can those actions constitute a taking? When does a tort rise to a level to be considered a taking? This presentation explores these concepts.

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

11:30 a.m. .50 hr

Hot Topics

This presentation addresses the evolving nature of short-term rentals, from property rentals to pool, tennis court and kitchen rentals; poker clubs and the fight in Dallas; and ongoing issues with ETJ. Is it worth it to keep it or should a city release all of its ETJ? These and other cutting edge topics will be addressed.

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

12:00 p.m. .50 hr

General Utilities Updates in Land Use

Discussion of relevant changes in legislation, policy, and regulation of utilities in Texas and how it affects the use and development of land throughout the state.

Cody Faulk, Spencer Fane, Austin, TX

12:30 p.m. Pick Up Lunch
Included in registration

FRIDAY AFTERNOON

Presiding Officer:
Ed Walts, Dallas, TX

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12:50 p.m. .50 hr ethics

Ethics Commission Form 1295 Certificate of Interested Parties in light of Legacy Hutto, LLC v. City of Hutto, Texas & City of Hutto v. Wolverine Interests, LLC: A Lesson and Shift in Texas Local Government Contracting.

Texas common law on government contracting places burdens on those contracting to know what laws apply and to follow them "at their peril". what happens when one doesn't? Come find out!

George E Hyde, Hyde Kelley LLP, Austin, TX

1:20 p.m. 15-Minute Break

1:35 p.m. .75 hr

Too Little Water: Water Supply Considerations in Land Use

A survey of water supply and demand conditions in Texas, including implications for water-short areas and TWDB financing to increase supplies.

Robert E. Mace, The Meadows Center for Water and the Environment at Texas State University, San Marcos, TX
Brooke Paup, Texas Water Development Board, Austin, TX

2:20 p.m. .75 hr

Too Much Water: How Water Shapes Urban Land Use

Climate change has and will continue to increase short-term rainfall events generating all types of legal issues from flood plain mapping and regulation to internal drainage design of chemical plants and landfills as well as foreseeability issues in common law damages litigation. Design of the future must make room for the water and so will the legal system as flooding becomes a more dominant force in shaping urban form in the 21st century.

Jim Blackburn, Rice University - SSPEED Center, Houston, TX

3:05 p.m. Adjourn

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

- Live, In-person Event Registration \$200 | \$250 after April 12
- Live, Webcast Registration \$200 | \$250 after April 12

Fundamentals Printed and Shipped Binder with Registration (Shipping Included) – Available Through Friday, April 21, 2023

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.

- Printed and Shipped Course Binder \$70.36 (\$65*)

Fundamentals Webcast Add-on

Register for the in-person conference and add on the webcast format for attendance flexibility.

- Webcast Add-on \$75

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

- Live, In-person Event Registration \$595 | \$645 after April 12
- Live, Webcast Registration \$595 | \$645 after April 12

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- Webcast Add-on \$75

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Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.

- Conference eConference \$645

Conference Post-Course Binder – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) \$265.21 (\$245*)
- Printed Post-Course Binder \$319.34 (\$295*)

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AUSTIN

April 19, 20–21, 2023

CONFERENCE LOCATION



DoubleTree by Hilton Hotel Austin

6505 N. Interstate 35

Austin, TX 78752-4346

512.454.3737 (reservations)

Special Room Rate: \$161

Good through March 29, 2023

(subject to availability)

Parking:

Daily or overnight self-parking: \$10

Valet parking: \$25

KEY DATES

April 12, 2023

Last day for early registration rates

April 14, 2023

Last day for full refund cancellation

April 17, 2023

Last day for partial refund cancellation

\$50 processing fee applied

April 19, 2023, 12:30 p.m., CT

Fundamentals begins

April 20, 2023, 8:20 a.m., CT

Conference begins

April 21, 2023

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

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