

**27<sup>th</sup> Annual Land Use Conference**  
**April 20-21, 2023 • DoubleTree by Hilton Hotel Austin • Austin, TX**  
**April 20-21, 2023 • Live Webcast**

**Thursday Morning, Apr. 20, 2023**

**Presiding Officer:**

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

7:30 am In Austin Only	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:20 am	<p><b>Welcoming Remarks</b></p>
8:30 am 0.50 hr	<p><b>Land Use Case Updates: Part 1</b></p> <p>A rapid roundup of recent land uses cases, including updates on platting, zoning, takings, vesting and development agreements.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
9:00 am 0.50 hr	<p><b>Enforcement of Development Agreements</b></p> <p>Can second thoughts get you out of a bad deal?</p> <p>Arthur J. Anderson, Winstead PC - Dallas, TX</p>
9:30 am 0.75 hr	<p><b>Cruel and Unusual Sentences: Tips for Improving Your Ordinance Drafting</b></p> <p>Drafting ordinances (and other legal documents) can often be a challenge. This session provides guidance on how to improve your drafting skills.</p> <p>Christopher D. Bowers, The Suster Law Group, PLLC - Plano, TX</p>
10:15 am	<p><b>15-Minute Break</b></p>
10:30 am 0.75 hr	<p><b>Adoption of Public Improvement District Policies</b></p> <p>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.</p> <p>Rob Killen, Killen, Griffin &amp; Farrimond - San Antonio, TX  Dorothy Palumbo, Bojorquez Law Firm, PC - Austin, TX</p>

11:15 am  
0.75 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 pm  
In Austin Only

**Pick up Lunch (in Austin)**

**Thursday Afternoon, Apr. 20, 2023**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

**Thank You to Our Luncheon Sponsor**



12:20 pm  
0.50 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 pm

**15-Minute Break**

1:05 pm  
1.00 hr

**Affordable Housing: Land Use Regulation 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 Wegmann, The University of Texas at Austin - Austin, TX

**Panelists:**

Awais Azhar, The University of Texas at Austin - Austin, TX

Nicole Joslin, Capital A Development - Austin, TX

Zachary Krochtengel, Armory Square Development - Dallas, TX

<p>2:05 pm 0.75 hr</p>	<p><b>Single Family For Rent Developments</b></p> <p>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.</p> <p>William S. Dahlstrom, Jackson Walker LLP - Dallas, TX          Luke Franz, Jackson Walker LLP - Dallas, TX          Colton Katzen, Urban Moment - Austin, TX</p>
<p>2:50 pm</p>	<p><b>10-Minute Break</b></p>
<p>3:00 pm 1.00 hr ethics</p>	<p><b>Negotiating for the Public Good</b></p> <p>Like diamonds, cities are forever, your LLC will come and go.</p> <p>J. Grady Randle, Randle Law Office Ltd., L.L.P. - Houston, TX          Reid Wilson, Wilson, Cribbs + Goren, P.C. - Houston, TX</p>
<p>4:00 pm 0.50 hr</p>	<p><b>Parkland Dedications and More</b></p> <p>An overview and update of local practices, landowner reactions, and court decisions for public use exactions, dedications, and fees-in-lieu-of.</p> <p>Kimberley Mickelson, City of Houston Legal Department - Houston, TX</p>
<p>4:30 pm 0.75 hr</p>	<p><b>Challenges of Development From a Landowner’s Perspective: Established Municipalities Versus Growing Municipalities</b></p> <p>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.</p> <p>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</p>
<p>5:15 pm</p>	<p><b>Adjourn</b></p>

**Friday Morning, Apr. 21, 2023**

**Presiding Officer:**

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

<p>7:30 am In Austin Only</p>	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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<p>8:30 am 0.75 hr</p>	<p><b>Panel from the Fastest Growing Cities: Challenges with the Pace of Development</b></p> <p>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.</p> <p>James Earp, City of Hutto - Hutto, TX David Morgan, City of Georgetown - Georgetown, TX Aaron Reed, City of Dripping Springs - Dripping Springs, TX</p>
<p>9:15 am 0.50 hr</p>	<p><b>Land Use Case Updates: Part 2</b></p> <p>A rapid roundup of recent land uses cases, including updates on platting, zoning, takings, vesting and development agreements.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
<p>9:45 am 1.00 hr</p>	<p><b>Partnerships with Public Facility Corporations: A Good Tool for Affordable Housing?</b></p> <p>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.</p> <p>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</p>
<p>10:45 am</p>	<p><b>15-Minute Break</b></p>
<p>11:00 am 0.50 hr</p>	<p><b>When Does an Emergency Police Power Constitute an Unconstitutional Taking of Property?</b></p> <p>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.</p> <p>Robert F. Brown, Brown &amp; Hofmeister, L.L.P. - Richardson, TX</p>
<p>11:30 am 0.50 hr</p>	<p><b>Hot Topics</b></p> <p>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.</p> <p>Terrence S. Welch, Brown &amp; Hofmeister, L.L.P. - Richardson, TX</p>
<p>12:00 pm 0.50 hr</p>	<p><b>General Utilities Updates in Land Use</b></p> <p>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.</p> <p>Cody Faulk, Spencer Fane - Austin, TX</p>

12:30 pm  
In Austin Only

**Pick Up Lunch (In Austin)**

## Friday Afternoon, Apr. 21, 2023

**Presiding Officer:**  
**Ed Walts**, Dallas, TX

### LUNCHEON PRESENTATION

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WILSON  
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12:50 pm  
0.50 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 pm

**15-Minute Break**

1:35 pm  
0.75 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

L'Oreal W. Stepney, Texas Water Development Board - Austin, TX

2:20 pm  
0.75 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 pm

**Adjourn**