

26th Annual Land Use Conference
April 21-22, 2022 • AT&T Conference Center • Austin, TX
April 21-22, 2022 • Live Webcast

Thursday Morning, Apr. 21, 2022

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast
8:30 am	Welcoming Remarks
8:40 am 0.75 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 am 0.50 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 am 0.50 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 <i>Reagan National Advertising of Austin, Inc. v. City of Austin</i> and the Supreme Court process. Meghan Lee Riley, City of Austin - Austin, TX Patricia Link, City of Austin Law Department - Austin, TX
10:25 am	15-Minute Break
10:40 am 0.50 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 am 0.75 hr	<p>Do Cities Have the Right to Unilaterally Terminate Legal Nonconforming Uses?</p> <p>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?</p> <p>Arthur J. Anderson, Winstead PC - Dallas, TX</p>
11:55 am In Austin Only	<p>Pick up Lunch</p>

Thursday Afternoon, Apr. 21, 2022

Presiding Officer:

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

LUNCHEON PRESENTATION

	<p>Thank You to Our Luncheon Sponsor</p> <p>Wilson, Cribbs + Goren</p> <p>WILSON CRIBBS + GOREN REAL ESTATE LAW</p>
12:15 pm 1.00 hr 0.50 hr ethics	<p>Land Development and How It Impacts Gentrification and Displacement</p> <p>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.</p> <p>Nefertitti Jackmon, City of Austin - Housing and Planning Department - Austin, TX Patricia Link, City of Austin Law Department - Austin, TX</p>
1:15 pm	<p>15-Minute Break</p>
1:30 pm 0.75 hr	<p>Short-Term Rental Litigation and Regulation Update</p> <p>Where are we now after <i>Zaatar v. Austin</i>? And what can we do to address the damaging impacts of short-term rentals?</p> <p>Matthew Boyle, Boyle & Lowry, L.L.P. - Irving, TX Chance Weldon, Texas Public Policy Foundation - Austin, TX</p>
2:15 pm 0.50 hr	<p>ETJ Municipal Regulatory Authority in the ETJ</p> <p>Municipal and County land use regulatory authority outside city limits, and the statutory limitations on that authority.</p> <p>Reid Wilson, Wilson, Cribbs + Goren, P.C. - Houston, TX</p>

2:45 pm 0.75 hr	<p>Growing Pains: The Evolving Law and Regulations Governing Retail Water Service to Municipal ETJs in Times of Urban Sprawl</p> <p>Suburban growth spurs annexation, regionalization, and a battle for certificated service areas between municipalities and other retail water service providers.</p> <p>C. Cole Ruiz, Lloyd Gosselink Rochelle & Townsend, P.C. - Austin, TX</p>
3:30 pm	10-Minute Break
3:40 pm 0.75 hr	<p>ETJ Infrastructure and Financing Tools</p> <p>ETJ history and opportunities, including tools available to large and small cities to finance infrastructure and encourage annexation.</p> <p>Moderator: Tad Holland Cleaves, Texas Municipal League - Austin, TX</p> <p>Panelists: Scott Bounds, Olson & Olson LLP - Houston, TX Justin Pruitt, Olson & Olson, LLP - Houston, TX</p>
4:25 pm 0.75 hr	<p>Development Agreements Between the City and Developer</p> <p>Viewpoints of development from a policy perspective and public versus private sector hot buttons.</p> <p>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</p>
5:10 pm	Adjourn

Friday Morning, Apr. 22, 2022

Presiding Officer:

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

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:25 am	Announcements

8:30 am 0.50 hr	<p><i>Cedar Point Nursery v. Hassid</i>: The United States Supreme Court’s Latest Pronouncement on Unconstitutional Takings</p> <p>In <i>Hassid</i>, the Court held that a California regulation that provided union organizers limited access to agricultural worksites was a <i>per se</i> taking based upon the proposition that any governmental grant of physical access, no matter how time-limited or functionally constrained, constitutes a <i>per se</i> unless one of the Court’s articulated exceptions applies. A review of the <i>Hassid</i> 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 <i>per se</i> taking.</p> <p>Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
9:00 am 0.50 hr	<p>Land Use Case Updates: Part 2</p> <p>Rapid review of recent land-use-related decisions, including updates on short-term rentals, non-conformities, vesting, ripening/exhausting, takings, billboards, and more.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
9:30 am 0.50 hr	<p>Hot Topics in Land Use: New and Emerging Topics</p> <p>Explore the hot issues in land use.</p> <p>William S. Dahlstrom, Jackson Walker LLP - Dallas, TX Luke Franz, Jackson Walker LLP - Dallas, TX</p>
10:00 am 0.50 hr	<p>Future Technology and Land Use</p> <p>A look at how new technologies are reshaping the way we think about land use issues.</p> <p>Casey Burgess, Dallas City Attorney's Office - Dallas, TX</p>
10:30 am	15-Minute Break
10:45 am 0.75 hr	<p>We Are Family, or Are We?</p> <p>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.</p> <p>Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
11:30 am 1.00 hr ethics	<p>Ethics in the Local Government World of Land Use and Development</p> <p>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.</p> <p>Barbara A. Boulware-Wells, The Knight Law Firm, LLP - Austin, TX</p>
12:30 pm In Austin Only	<p>Pick Up Lunch</p> <p>Included in registration</p>

Friday Afternoon, Apr. 22, 2022

Presiding Officer:

Tad Holland Cleaves, Texas Municipal League - Austin, TX

LUNCHEON PRESENTATION

12:50 pm 0.50 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 pm	15-Minute Break
1:35 pm 0.50 hr	First Amendment and Land Use For Both Public and Private Uses Bradford E. Bullock, Russell Rodriguez Hyde Bullock, LLP - Georgetown, TX
2:05 pm 1.00 hr ethics	When the FBI Comes Knocking (or No-knocking) What are the initial ethical considerations for attorneys; what are the key steps they should consider; and what are the ethical and practical standards governing all lawyers, public and private. Presenting from Lewes, DE. Peter B. Haskel, Bojorquez Law Firm, PC - Austin, TX
3:05 pm	Adjourn