

28th Annual Land Use Conference
April 4-5, 2024 • DoubleTree by Hilton Hotel Austin • Austin, TX
April 4-5, 2024 • Live Webcast

Thursday Morning, Apr. 4, 2024

Presiding Officer:

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

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	Land Use Case Law Updates Part 1 A rapid review of recent land uses cases, including platting, zoning, takings, vesting, and development agreements. James L. Dougherty Jr., Attorney at Law - Houston, TX
9:15 am 0.50 hr	General Legislative Update Following nearly 250 days of Texas state legislative activity in 2023, this session provides a fast-paced review of the land use bills that passed along with a few that didn't. Tad Holland Cleaves, Texas Municipal League - Austin, TX
9:45 am 0.50 hr	Super Preemption and H.B. 2127 Litigation Update H.B. 2127, the so called “Super Preemption Bill,” was set to become law on September 1, 2023, but was struck down as unconstitutional (at least as to the Cities of Houston, San Antonio, and El Paso) by a Travis County district judge on August 30, 2023. This law seeks to expressly preempt certain city regulations, while implicitly preempting other city regulations that are in conflict with a “field of regulation” occupied by certain state laws. This presentation reviews H.B. 2127, its scope and likely applications, and provide an update on the litigation over H.B. 2127. Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX
10:15 am	15-Minute Break

10:30 am 0.75 hr	<p>Out of the ETJ and Into the Unknown? What the SB 2038 ETJ-Removal Law Does and Its Impact on Cities and Counties</p> <p>A review of what the SB 2038 ETJ-removal law does and its impact on cities and counties, by an experienced panel of land use, real estate and development attorneys, including the plaintiff's attorney in <i>Grand Prairie v. Texas</i>.</p> <p>Moderator: Micah King, Winstead PC - Austin, TX</p> <p>Panelists: Bradford E. Bullock, Messer Fort - Austin, TX Julie Elizabeth Joe, Travis County Attorney's Office - Austin, TX</p>
11:15 am 0.75 hr	<p>Deep Dive into Utility and Other Resources in Planning</p> <p>Legal and land use implications of SB 2038 - ETJ Release.</p> <p>Jon James, Denton, Navarro, Rodriguez, Bernal, Santee & Zech, P.C. - San Antonio, TX Charles E. Zech, Denton, Navarro, Rodriguez, Bernal, Santee & Zech, P.C. - Austin, TX</p>
12:00 pm In Austin Only	<p>Pick up Lunch (in Austin)</p> <p>Included in registration.</p>

Thursday Afternoon, Apr. 4, 2024

Presiding Officer:

Joseph J. Gorfida Jr., Nichols Jackson - Dallas, TX

LUNCHEON PRESENTATION

12:30 pm 0.75 hr	<p>When Technologies are Ahead of the Building Code</p> <p>Explore the challenges with emerging technologies that may outpace code development. Topics include examples from 3D printing concrete and advances in low carbon materials.</p> <p>Skye Masson, City of Georgetown - Georgetown, TX Andrea Schokker, Swenson College of Science and Engineering - Duluth, MN</p>
1:15 pm	<p>15-Minute Break</p>
1:30 pm 0.75 hr	<p>Navigating Recent Texas Legislative Impacts on Development and Land Use Regulations</p> <p>A discussion on how various bills adopted by the Texas Legislature in recent years have impacted cities' abilities to regulate development, land use, and building materials on properties. This also includes a discussion on litigation updates concerning those restrictions and cities' attempts to navigate enforcement efforts to address competing concerns of their citizenry.</p> <p>Carolyn Matthis, City of Irving City Attorney's Office - Irving, TX Janet Marie Spugnardi, City of Irving City Attorney's Office - Irving, TX</p>

2:15 pm 0.75 hr	<p>Cities Don't Enforce Private Restrictive Covenants or Do They?: The City of Houston's Unique Land Use Scheme</p> <p>As one of the only large and unzoned municipalities in the United States, the City of Houston enjoys the unique ability to enforce restrictive covenants as a means of land use regulation. This course explores Houston's enforcement authority and processes, as well as how such enforcement might work for other cities.</p> <p>Heather N. Cook, Randle Law Office Ltd., L.L.P - Houston, TX</p>
3:00 pm 0.50 hr	<p>A Private Solution to a Public Concern? Private Restrictive Covenants versus Short Term Rentals, Residential Amenities, and Accessory Dwelling Units</p> <p>As cities adopt ordinances to regulate a variety of land uses on residential property, they face substantial challenges in both the courts and the Legislature. Perhaps the solution is a private contract between neighbors.</p> <p>Galen Gatten, City of Arlington - Arlington, TX Materials By: Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
3:30 pm	10-Minute Break
3:40 pm 0.75 hr	<p>Mitigating Disasters: What More Can Land Use Planners Do?</p> <p>Land use planning offers a host of regulatory and educational tools that planners and attorneys can employ to protect our communities from the impacts of natural disasters. Yet many of these tools are not fully utilized across Texas communities. This session reports on a survey of the extent to which Texas coastal communities are using common and proven techniques to reduce risk and mitigate disaster impacts, with lessons for all parts of the state.</p> <p>Shannon Van Zandt, Texas A&M University - College Station, TX</p>
4:25 pm 1.00 hr ethics	<p>Let's Chat About ChatGPT: Ethical Considerations in the Use of Generative AI</p> <p>Since the introduction of ChatGPT and other generative AI tools, lawyers around the country have been getting into ethical hot water over their misuse of generative AI. Courts have responded with mandatory AI disclosures and certifications by attorneys. What are your ethical obligations in using AI, and how can you stay within the lines? Come find out in this informative and entertaining presentation!</p> <p>Hon. John G. Browning, Of Counsel, The Cole Law Firm, McKinney, Texas and Distinguished Jurist in Residence, Faulkner University School of Law - Montgomery, AL</p>
5:25 pm In Austin Only	<p>Adjourn to Networking Reception.</p> <p>Thank You to Our Reception Sponsor</p> <p>WILSON CRIBBS+ GOREN</p>

Friday Morning, Apr. 5, 2024

Presiding Officer:

David Hartman, DuBois, Bryant & Campbell, L.L.P. - Austin, TX

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 hr	Deep Dive Platting Navigating responses to new restrictions on plat applications, specifically: "The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law." Bradley A. Anderle, Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Fort Worth, TX Jennifer M. Drysdale, Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Fort Worth, TX
9:00 am 0.50 hr	Land Use Case Law Updates Part 2 A rapid review of recent land uses cases, including platting, zoning, takings, vesting, and development agreements. James L. Dougherty Jr., Attorney at Law - Houston, TX
9:30 am 0.50 hr	Alternative Subdivisions: Not everyone can Live in a Master Planned Community Land Use Professionals love to focus on big, beautiful, well designed residential communities. They are not affordable to many citizens. Many citizens are drawn to living in alternative "subdivisions" for affordability or flexibility reasons: small lot "urban" neighborhoods with basic amenities (if any) in rural areas, manufactured housing communities and RV Parks. This presentation covers land use issues for these alternative "subdivisions". Reid Wilson, Wilson Cribbs + Goren, P.C. - Houston, TX
10:00 am	15-Minute Break
10:15 am 0.75 hr	Advancing Housing Affordability in Counties Counties across the state are struggling with housing affordability, with population surges in unincorporated areas and a growing mismatch between housing needs and supply. Hear from county leaders and housing experts on tools that counties are using to address local affordable housing needs, along with opportunities for expanding counties' toolboxes. Moderator: Heather K. Way, Clinical Professor, The University of Texas School of Law - Austin, TX Panelists: Dr. Theresa Daniel, County Commissioner, District 1 Dallas County - Dallas, TX Janae Ladet, Deputy Director of Policy, Office of Commissioner Rodney Ellis, Harris County - Houston, TX Elizabeth Mueller, Professor, The University of Texas at Austin School of Architecture - Austin, TX

11:00 am 0.50 hr	<p>Hot Topics in Texas Land Use Law</p> <p>From the Legislature’s concerns about Colony Ridge, to “gentle” density issues in Dallas, to poker houses, to “single-family for rent” projects, to an update on STR litigation, this presentation addresses current Texas land use issues at a fast pace.</p> <p>Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
11:30 am 0.50 hr	<p>Practical Water Law Considerations: Amenity Lakes, SWCD Reservoirs and Stormwater Detention Ponds</p> <p>New subdivisions in rural areas raise numerous water law considerations, including how to convert pre-existing rural stock ponds to amenity lakes, dealing with old soil & water conservation district easements and dam structures, and the statutory obligation to avoid flooding downstream neighbors. Come get practical tips on how to address all of these water law issues.</p> <p>Leonard H. Dougal, Jackson Walker LLP - Austin, TX</p>
12:00 pm 0.75 hr	<p>Why Would Anyone Want to Own and Operate a Utility</p> <p>A discussion and analysis on recent trends in the water and wastewater regulatory environment. The presentation addresses what hurdles investor and developer owned utilities are facing in front of Texas regulators, navigating municipal oversight and relationships, and the financial and business outcomes from regulation. Audience members who are considering or advising clients on entering the regulated utility space can expect to come away with a better understanding of this critical Texas industry and its administrative oversight.</p> <p>Cody Faulk, Spencer Fane - Austin, TX</p>
12:45 pm In Austin Only	<p>Pick Up Lunch (In Austin)</p>

Friday Afternoon, Apr. 5, 2024

Presiding Officer:

Veronica Rivera, The Knight Law Firm, LLP - Austin, TX

LUNCHEON PRESENTATION

1:05 pm 0.50 hr	<p>ULI Advisory Services Program</p> <p>For the past 75 years, ULI’s Advisory Services Program (ASP) has paired the brightest minds in real estate with the most challenging problems facing our cities. Members link together with local leaders to draft a plan to revive, rethink, and restore communities around the globe to ultimately enact change and improve the lives of the people who live there.</p> <p>Paulette Gibbins, The Urban Land Institute - Austin, TX</p>
1:35 pm	<p>15-Minute Break</p>

1:50 pm 1.00 hr	<p>The Evolution of Inverse Condemnation Law</p> <p>How the courts have expanded property owner exactions and regulatory takings protections.</p> <p>Arthur J. Anderson, Winstead PC - Dallas, TX</p>
2:50 pm 0.75 hr	<p>Right-of-Way and Land Use Planning</p> <p>An overview of right-of-way planning, including comprehensive plans, traffic issues, subdivision requirements, street standards, private streets, sidewalks. Also gain insight into right-of-way management ordinances, including design manuals, plats, right-of-way dedications, sidewalk vendors and cafes, dockless mobility issues, robot deliveries, utility placement, and a discussion about utility easements vs. right-of-way.</p> <p>Cathy Meyer Cunningham, Thomson Reuters - New York, NY Don Knight, Dallas City Attorney's Office - Dallas, TX</p>
3:35 pm 1.00 hr ethics	<p>Believe It or Not, Ethics do Exist in Land Use!</p> <p>Come listen and participate in deconstructing ethical dilemmas faced in the land use, development, and economic development practice, from attorneys, elected officials, engineers to planners, all those involved face hurdles one must clear to maintain ethical obligations in the land use space.</p> <p>George E. Hyde, Hyde Kelley LLP - Austin, TX</p>
4:35 pm	<p>Adjourn</p>