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9th Annual Conference!

# Land Use Law

Exciting New Stuff and How to Get It Done!

December 2-3, 2004 • Hyatt Regency Hotel • Albuquerque

## Featured Presentation!

State Growth  
Management Initiatives

**Ned Farquhar**

Energy and Environmental  
Advisor to Governor Richardson

## Who Should Attend:

- Attorneys and Legal Staff
  - Planners
  - Architects
  - Government Officials
  - Landowners
  - Developers
  - Real Estate Professionals
  - Appraisers
  - Environmentalists
- ...and anyone else concerned  
with the present and  
future use of New  
Mexico's land!

Dear Colleagues:

I'd like to invite you to attend the 9th Annual New Mexico Land Use Law Conference.

In addition to providing the annual update of land use case law and legislation, the program will address the evolution of land use law in New Mexico, highlighting recent cases, including *Hyde Park v. the City of Santa Fe* and the significant *Albuquerque Commons v. City of Albuquerque*.

In a time of deepening drought, the relationship of land use and water will be addressed, with particular attention to state and regional water plans under consideration. Albuquerque and Bernalillo County may be unified by December; if they aren't, we'll have a postmortem discussion addressing city/county relationships.

On Friday, the program will concentrate on the "How To" of implementing certain land use strategies. How to get special districts, PUD's and unusual projects approved, with exciting current examples of actual projects, and how to utilize impact fees, with an analysis of how they're currently being implemented in the state. The nuts and bolts of variances and vested rights will be covered by New Mexico experts, as will how to effectively plan in rural areas. The program will conclude with an interactive Ethics segment.

There's something in this program for everyone involved in land use planning in New Mexico! Hope to see you there.

Sincerely,

A handwritten signature in black ink that reads "Anita P. Miller".

**Anita P. Miller, Esq.**

Program Chair



**Anita P. Miller, Esq.**



Visit our website at [cle.com](http://cle.com) for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

Register Online at [www.cle.com](http://www.cle.com) or Call (800) 873-7130  
Conference Schedule and Speaker Biographies Inside



# conference schedule

Land Use Law

Thursday, December 2	Friday, December 3						
<p>8:30 Registration</p> <p>8:50 <b>Welcome and Introduction</b> <i>Anita P. Miller, Esq., Program Chair</i> Albuquerque</p>	<p>8:45 <b>Review of Day One</b> <b>Introduction to Day Two</b> <i>Anita P. Miller, Esq., Program Chair</i></p>						
<p>9:00 <b>Featured Presentation</b> State Growth Management Initiatives <b>Ned Farquhar, Energy and Environmental Advisor to Governor Richardson</b> <i>Office of the Governor, Santa Fe</i></p>	<p>9:00 <b>Special Districts and/or PUDs</b> How to Make Them Work Downtown Albuquerque: An Arena? <b>Christopher B. Leinberger, Managing Partner</b> <i>Historic District Improvement Company, Albuquerque</i> East Downtown (EDO) Charrette and Master Plan <b>Rob Dickson, Owner</b> <i>Paradigm &amp; Company, Albuquerque</i> <b>Ken Balizer, AICP, Executive Director</b> <i>Sawmill Community Land Trust, Albuquerque</i></p>						
<p>9:30 <b>Legal and Legislative Update</b> What You Need to Know <b>Robert M. White, Esq., City Attorney</b> <i>City of Albuquerque</i> <b>Lora A. Lucero, Esq., AICP</b> <i>American Planning Association, Albuquerque</i></p>	<p>10:15 Morning Break</p> <p>10:30 <b>Impact Fees and Exactions</b> Where Are They Working? <b>Lora A. Lucero, Esq., AICP</b></p>						
<p>10:30 Morning Break</p> <p>10:45 <b>Evolution of New Mexico Land Use Law</b> From Hyde Park to Albuquerque Commons Partnership <b>Mark Hirsch, Esq., Assistant City Attorney</b> <i>City of Albuquerque</i> <b>Karl H. Sommer, Esq.</b> <i>Sommer, Udall, Hardwick, Ahern &amp; Hyatt, Santa Fe</i> <b>Anne Lovely, Esq., Assistant City Attorney</b> <i>City of Santa Fe</i> <b>John A. Myers, Esq.</b> <i>Myers, Oliver &amp; Price, Albuquerque</i></p>	<p>11:15 <b>Vested Rights: Changing Rules in the Middle of the Game</b> When Do Rights Vest in Subdivisions? When Do Rights Against Zone Changes Vest? Are Approved Subdivisions Immune from Zoning Changes? <b>Anita P. Miller, Esq., Program Chair</b></p> <p>12:00 Lunch Break</p> <p>1:15 <b>Criteria For Special Exceptions: Variances, Conditional Uses and Special Uses</b> <b>Roberto Albertorio, Esq., Zoning Hearing Examiner</b> <i>City of Albuquerque</i></p>						
<p>12:00 Lunch Break</p> <p>1:15 <b>The Challenges of Mixed-Use Development</b> A New Development Era? <b>Bob Paulsen, AICP</b> <b>Manager, Development Review Division</b> <b>Albuquerque Planning Department</b> <i>City of Albuquerque</i> <b>Gary B. Sapp, President</b> <i>HBC Land, El Paso</i></p>	<p>2:00 <b>Rural Land Use</b> Innovative Planning and Regulatory Strategies <b>Ken Hughes, AICP, Planning Section Chief</b> <i>New Mexico Department of Finance and Administration, Santa Fe</i> <b>Miguel Salinas, Planning Director</b> <i>Town of Taos</i></p>						
<p>2:00 <b>Water and Land Use</b> The State Water Plan and Land Use <b>Estevan R. López, PE</b> <b>Director, Interstate Stream Commission</b> <b>Deputy State Engineer</b> <i>New Mexico State Engineer's Office, Santa Fe</i> The Connection Between Land Use and Water <b>Marilyn C. O'Leary, Esq., Director, Utton Transboundary Resources Center and Research Professor of Law</b> <i>University of New Mexico School of Law, Albuquerque</i></p>	<p>2:45 Afternoon Break</p> <p>3:00 <b>Ethics for Land Use Lawyers and Planners</b> <b>Robert M. White, Esq., City Attorney and Members of the Faculty</b></p> <p>4:00 Adjourn</p>						
<p>3:00 <b>Cities and Counties: Marriages or Divorces?</b> Unification of Albuquerque and Bernalillo County <b>David S. Campbell, Esq.</b> <i>Vogel, Campbell &amp; Blucher, Albuquerque</i> The Albuquerque/Bernalillo County Water Authority: How's It Doing? <b>Nann M. Houlston, Esq.</b> <i>Sheehan, Sheehan &amp; Stelzner, Albuquerque</i> Extraterritorial Zoning: Seamless Development? <b>Chuck McMahon, Director of Community Planning and Economic Development</b> <i>Doña Ana County, Las Cruces</i></p> <p>4:30 Q&amp;A Panel <i>Members of the Faculty</i></p> <p>4:45 Adjourn</p>	<p><b>Upcoming</b></p> <table border="0"> <tr> <td>Land Use Law November 4-5, Cleveland</td> <td>Endangered Species Act December 2-3, San Francisco</td> </tr> <tr> <td>Endangered Species Act November 4-5, Tucson</td> <td>Ethics December 6, Denver</td> </tr> <tr> <td>Land Use Law November 15-16, Denver</td> <td>Law of the Rio Grande January 27-28, 2005, Albuquerque</td> </tr> </table> <p>For more information about these and other programs, visit our website at <a href="http://www.cle.com">www.cle.com</a></p>	Land Use Law November 4-5, Cleveland	Endangered Species Act December 2-3, San Francisco	Endangered Species Act November 4-5, Tucson	Ethics December 6, Denver	Land Use Law November 15-16, Denver	Law of the Rio Grande January 27-28, 2005, Albuquerque
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## Land Use Law

# meet your faculty

### Program Chair

**Anita P. Miller** is a leading land use practitioner who represents New Mexico municipalities and counties on land use, subdivision growth management and environmental matters. She is a member of the Regional Board of the Rocky Mountain Land Use Institute, and she is an Adjunct Professor of land use law at UNM School of Architecture and Planning and the School of Law. She is the author of *Grassroots Historic Preservation Law*, a recent publication of the New Mexico Historic Preservation Division.

### Featured Presenter

**Ned Farquhar** is New Mexico Governor Bill Richardson's policy advisor for energy and environmental issues. Prior to his current appointment, he worked at the Packard Foundation as Western Lands Program director. He has also done natural resources work in Alaska and Vermont.

**Roberto Albertorio** has been the Zoning Hearing Examiner for the City of Albuquerque Planning Department since 1988. He conducts monthly quasi-judicial public hearings regarding application of Special Exceptions to the Zoning Ordinance.

**Ken Balizer** has 25 years' experience in community development, affordable housing and commercial redevelopment. Previously, he was Director of the City of Albuquerque's Redevelopment Agency and the City Planning Department.

**David S. Campbell** is a New Mexico board certified specialist in Real Estate Law, working primarily in land use, zoning, governmental regulation, and administrative law matters. He was previously an Albuquerque City Attorney.

**Rob Dickson** is a New Urbanist real estate developer. He is the Developer at Historic Albuquerque High, involving the conversion of 5 historic buildings on surrounding sites that will contain residential, retail, office and civic uses.

**Mark Hirsch** manages the real estate and land use division of the City of Albuquerque's legal department. He has worked in the legal department for 17 years. Currently, he serves as the City's land use, zoning and planning lawyer.

**Nann M. Houlston** has advised local governments and represented them on electric and natural gas matters since 1991. She also lobbies on behalf of local government interests in these areas.

**Ken Hughes** heads the Planning Section at New Mexico's Local Government Division, where he analyzes and funds comprehensive, infrastructure, economic development and strategic planning.

**Christopher B. Leinberger** is a land use strategist, developer and author combining business realities with social and environmental objectives. He works to make progressive development profitable. He is a founding partner of Arcadia Land Company.

**Estevan R. López** was appointed as the Director of the Interstate Stream Commission by Governor Bill Richardson in January 2003. He also serves as the Deputy State Engineer. From 2001 to 2002, he served as County Manager for Santa Fe County.

**Anne Lovely** is an Assistant Santa Fe City Attorney with primary responsibilities in land use and zoning. She previously served as legal counsel for the New Mexico Department of Transportation and Santa Fe County. She has a master's degree in urban planning.

**Lora A. Lucero** is a land use planner and attorney. Her consulting practice focuses on advising governments and private groups on designing and implementing smart growth strategies, policies and programs to foster sustainable growth.

**Chuck McMahon** is currently the Director of Community Planning and Economic Development for Doña Ana County. The county seat, Las Cruces, has been ranked as one of the fastest-growing communities in the U.S. for the past decade.

**John A. Myers** is in private practice, principally as a transactional lawyer, involving financing, sale, purchase, leasing and development of commercial real estate. He has a particular emphasis on land use and real estate development matters.

**Marilyn C. O'Leary** is Director of the Utton Transboundary Resources Center at the UNM School of Law and responsible for carrying out the Center's mission.

**Bob Paulsen** is Manager of the City of Albuquerque's Development Review Division, which staffs the City's planning and historic preservation commissions.

**Miguel Salinas** is the Planning Director for Taos, New Mexico. Previously, he was the Long Range Planner. He is directing several master plans for this historic community.

**Gary B. Sapp** works in the areas of market feasibility, site acquisitions, entitlement, development, construction and finance. His projects include retail/commercial and multi-family income properties and community scale multi-purpose land developments in El Paso.

**Karl H. Sommer** is Director and Shareholder of his firm. He focuses his practice almost entirely in the area of real property law, zoning and land use issues. His practice includes both transaction related work as well as land use litigation.

**Robert M. White** practices land use law, redevelopment law, zoning law, eminent domain law and administrative law. He has been president of the New Mexico Municipal Attorneys Association.

# conference information

### Continuing Education Credit (MCLE/Real Estate/Planners)

**MCLE:** This course has been approved by the New Mexico Minimum Continuing Legal Education Board for 12 hours of credit including one hour of legal ethics.

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For accreditation in other jurisdictions or disciplines, please call **CLE INTERNATIONAL** at (303) 377-6600.

### Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, e-mail your registration to registrar@cle.com or register online at www.cle.com. Full payment is due at the time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (303) 377-6600 if you require any special accommodations.

### Conference Location and Accommodations

The Conference will be held at the Hyatt Regency Hotel, 330 Tijeras NW, Albuquerque, NM 87102. For reservations and special rates, please contact Community World Travel at (888) 724-0500 or visit [www.communityworldtravel.com](http://www.communityworldtravel.com).

### Tuition

The tuition fee of \$595 per person includes attendance at all sessions, course materials, continental breakfasts and coffee breaks. **CLE INTERNATIONAL** offers special rates for 501(c)(3) organizations, full-time judges and law students.

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**CLE INTERNATIONAL Program Attorney:**  
**Laura Terlisner Mehew, [laura@cle.com](mailto:laura@cle.com)**

### Course Materials

Each registrant will receive a set of course materials, prepared by the speakers especially for this Conference that will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

### Cancellation Policy

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday prior to the Conference. Substitutions may be made at any time.

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**CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This course qualifies for home-study credit.

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9th Annual Conference!

# Land Use Law

Legal, Political and Governmental Perspectives

December 2-3, 2004 • Hyatt Regency Hotel • Albuquerque

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**Doña Ana County • Historic District Improvement Company**

**Paradigm & Company • Sawmill Community Land Trust**

**Town of Taos • New Mexico Department of Finance and Administration**

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