

# LAND USE LAW: Current Issues in Subdivision, Annexation and Zoning

Confidently fulfill your role in  
land use processes.

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LAS VEGAS, NV  
OCTOBER 13, 2010

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RENO, NV  
OCTOBER 28, 2010

## Credit Information

AIA - 6.0

AICP - 6.0 (pending)

CLE - 6.0

IACET - 0.6

Real Estate - 7.0 (pending)

*See inside for details.*

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## one-day live seminar

### Faculty

Linda M. Bullen  
*Lionel Sawyer & Collins*

Michael A. Harper  
*Michael A. Harper*

Paul E. Larsen  
*Lionel Sawyer & Collins*

Douglas R. Malan  
*Deaner, Deaner, Scann, Malan & Larsen*

Carlos L. McDade  
*Black & LoBello*

Madelyn Shipman  
*Madelyn Shipman*

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# SEMINAR OVERVIEW

## ABOUT THIS SEMINAR

Confidently Handle Subdivision, Annexation and Zoning Processes

Looking for the latest developments on land use law? Want to know how to use the laws and regulations to your fullest advantage? With this one-day seminar, quickly advance your understanding and learn how to avoid legal entanglements to make sure every transaction is smooth and successful. Don't miss this opportunity to attain the information you need! **Register today!**

## 5 BENEFITS OF ATTENDING

- Expand your subdivision knowledge by knowing how city, county and township platting processes work.
- Analyze a comprehensive plan to determine if all the key elements are included.
- Know how annexation decisions are made and what filing requirements need to be fulfilled.
- Recognize who has the power to zone and how those decisions affect you.
- Ensure that critical environmental laws and procedures are adhered to.

## WHO SHOULD ATTEND

This **intermediate level program** is designed for those who want to advance their land use knowledge to the next level. The following should attend:

- Attorneys
- Local zoning and land use officials
- Engineers
- Appraisers
- City and urban planners
- Developers
- Architects
- Surveyors

## CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar. The credits may or may not apply for the audio version of this seminar. Please check with your credit board for details.

For additional questions regarding continuing education credits, please contact us at 866-240-1890.



NBI, Inc. is a Registered Provider with The American Institute of Architects Continuing Education System and is offering this registered program for 6.0 AIA/CES Learning Units, which will be reported to the AIA/CES for AIA members.

**AICP - 6.0 - Pending.** This activity has been submitted to the American Institute of Certified Planners for review. Approval pending.

**CLE - 6.0** - This course has been approved for 6.0 CLE credits by the Nevada Board of Continuing Legal Education, which includes 1.0 hour of ethical considerations. Self-study credit is available.



NBI, Inc. has been approved as an Authorized Provider by the International Association for Continuing Education and Training (IACET), 8405 Greensboro Drive, Suite 800, McLean, VA 22102. NBI, Inc. DBA National Business Institute has awarded 0.6 CEUs to participants who successfully complete this program. (Provider #4558)

**Real Estate - 7.0 - Pending.** This course has been submitted to the State of Nevada Real Estate Division.

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# SEMINAR OUTLINE

## I. ANALYZE THE LAND SUBDIVISION PROCESS

9:00 - 10:00, Written by Michael A. Harper.

Presented by Douglas R. Malan in Las Vegas and Michael A. Harper in Reno.

- A. How City, County and Township Platting Processes Work
- B. When Lot Splits and Industrial Lands are Exempt
- C. Avoid Prohibited Land Division
- D. Rules Applying to Inspections, Dedications and Vacations
- E. Private or Public Streets? Which Choice and When?
- F. When Can Extraterritoriality Be Invoked
- G. The Powers and Processes of Planning Commissions: City vs. County vs. Regional
- H. When Subdivision is Not Zoning and Vice Versa
- I. What to Do When the Land Use Regulation is in the "Gray Area" and Approval is Denied
- J. Design Subdivision Regulations the Old Fashioned Way
- K. Get Up to Speed on the New Urbanism and Subdivision Regulations
- L. Review New Case Histories Involving Local Subdivisions

## II. UNDERSTAND THE DEVELOPMENT AND UTILIZATION OF THE COMPREHENSIVE PLAN

10:00 - 11:00, Written by Michael A. Harper.

Presented by Douglas R. Malan in Las Vegas and Michael A. Harper in Reno.

- A. Definition of a Comprehensive Plan
- B. Key Components of a Comprehensive Plan
- C. How Comprehensive Plans for City, County and Township Differ
- D. What is the Basis for Land Use Control? A Policy, Map, or No Plan at All?
- E. The Importance of Consistency Within the Plan
- F. Procedures for the Adoption and Amendment of the Plan
- G. How the Plan is Implemented
- H. Tips for Working Within - and Outside - the Plan

## III. BE ALERT TO THE LEGAL AND PRACTICAL CONSIDERATIONS OF ANNEXATION

11:15 - 12:15, Written by Madelyn Shipman.

Presented by Douglas R. Malan in Las Vegas and Madelyn Shipman in Reno.

- A. Update on Key Issues in Annexation Law
- B. Get It Right the First Time – Understand Filing Requirements
- C. How County Commissioners Impact Annexation Decisions
- D. How to Request a Review by the Courts
- E. Successful and Unsuccessful Challenges to Annexation
- F. What Does Contiguity Mean? How Does It Apply?

- G. How the General Good of the Territory is Determined
- H. How Mergers, Detachment, Incorporation and Local Government Changes Impact Annexation
- I. What Happens to Pre-Annexation Agreements
- J. What You May Not Know About Joint Economic Developments
- K. Review of Current Annexation Case Law and How It Applies

## IV. TAKE A COMPREHENSIVE LOOK AT LAND USE LAW

1:15 - 2:15, Written by Madelyn Shipman.

Presented by Paul E. Larsen in Las Vegas and Madelyn Shipman in Reno.

- A. Who Has the Power to Zone? How Does It Affect You?
- B. The Ins and Outs of Board of Zoning Appeals
- C. Ubiquitous Manufactured Housing: Implications for Your Community
- D. What Quasi-Judicial Decisions Usually Involve
- E. Navigating the Appeal Process
- F. What is Environmentally Driven Zoning Law?
- G. Determine the Impact of Current Land Use Law

## V. STAY ON TOP OF ENVIRONMENTAL CONSIDERATIONS

2:30 - 3:30, Written by Carlos L. McDade.

Presented by Carlos L. McDade in Las Vegas and Linda M. Bullen in Reno.

- A. Look at the Impact of Environmental Regulations on Land Use
- B. How Endangered Species Fit into Land Use
- C. Why Primary Permit Requirements are Vital to Successful Development
- D. Strategies for Controlling Wetlands Use and Abuse
- E. Who Does Superfund Liability Extend To?
- F. Reuse of Environmentally Impaired Property: Liability Issues and Impact Reduction
- G. How Hazardous Substances Impact Land Development

## VI. ETHICS IN LAND USE

3:30 - 4:30, Written by Michael A. Harper.

Presented by Paul E. Larsen in Las Vegas and Michael A. Harper in Reno.

- A. Code of Professional Responsibility
- B. Land Use Decisions for the Public Good
- C. Duty to Protect the Environment
- D. Ex Parte Contacts
- E. Conflicts of Interest

\*If needed, the above agenda may be changed to best accommodate all of our attendees.

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# IMPORTANT DETAILS

## LAS VEGAS — OCTOBER 13

### Gold Coast

4000 W. Flamingo Road, Las Vegas NV 89103  
Phone 702-367-7111

## RENO — OCTOBER 28

### Circus Circus Hotel

500 N. Sierra Street, Reno NV 89503  
Phone 775-329-0711

## SCHEDULE

**Registration** 8:30 — 9:00 am

**Seminar** 9:00 am — 4:30 pm

Complimentary snacks and refreshments are provided. Lunch is on your own.

## TUITION

**\$365** for the first registrant

**\$355** for each additional registrant

## DIRECTIONS & PARKING

To obtain directions and parking information, please contact the facility listed.

## FREE REFERENCE BOOK

*Land Use Law: Current Issues in Subdivision, Annexation and Zoning*

Receive a comprehensive course book, included with your tuition, which you can take back to your office and use as a reference.

## AUDIO RECORDINGS

This seminar will be recorded in its entirety. If you can't attend, you can still obtain the benefits of the information provided by purchasing the manual and CD. See the registration form to order.

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### ONLINE

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# OUR DISTINGUISHED FACULTY

## OCTOBER 13 - LAS VEGAS

**PAUL E. LARSEN** is a partner in the law firm of Lionel Sawyer & Collins, where he practices in all aspects of government regulation including zoning, planning, licensing, gaming and sales and use taxation, and he is chairman of the land use and planning section. Mr. Larsen earned his B.A. degree from the University of Oregon and his J.D. degree from the University of Oregon Law School. He is a member of the International Association of Gaming Attorneys, the Nevada Gaming Attorneys, and the International Franchise Association. Mr. Larsen is executive editor and contributing author on the first, second and third editions of the *Nevada Gaming Handbook*. He was recently listed in *Chambers USA* for Land Use and Zoning Law, and in the area of Gaming & Licensing, and listed *Nevada Super Lawyers* in the area of administrative law. Mr. Larsen also speaks frequently on topics related to his areas of expertise.

**DOUGLAS R. MALAN** is a partner in the Las Vegas law firm of Deaner, Deaner, Scann, Malan & Larsen, where he practices in the areas of real property, community associations, finance, regulatory compliance, land use and commercial law. He earned his B.S. degree from Weber State University and his J.D. degree from the University of Utah. Mr. Malan was a Clark County Planning Commissioner from 2001-2009. He is a member of the Clark County Bar Association, the Utah State Bar and the State Bar of Nevada.

**CARLOS L. McDADE** is an attorney with Black & LoBello. He joined Black & LoBello after a successful 22 year career as a Judge Advocate in the United States Air Force. Mr. McDade has more than 12 years of experience in environmental and land use law. He has provided counsel for compliance matters such as air quality, Title V, drinking water, wastewater and storm water permitting; for solid and hazardous waste permitting, handling and reporting; for planning under NEPA, Endangered Species Act and Migratory Bird Act regulatory regimes and airport zoning, bird hazard, flight-path obstruction issues and noise complaints. Mr. McDade has defended against regulatory violations and enforcement actions from state and local regulators and from four EPA Regional Offices in a dozen different states. He earned his B.A. degree from Yale University, his J.D. degree from the University of Colorado Law School and his LL.M. degree, with highest honors, from The George Washington University Law School. Mr. McDade was admitted to practice law in the state of Colorado in November 1985, and the Court of Appeals for the Armed Forces and Air Force courts in December 1986. He has appeared before the Environmental Protection Agency's Environmental Appeals Board and in administrative hearings in a dozen states and filed briefs with the U.S. Supreme Court. As an Air Force JAG, Colonel McDade served as the Air Force Chief of Appellate Criminal Defense and the Air Force Regional Counsel, Eastern Region; as the Staff Judge Advocate at Nellis AFB, Nevada, and Schriever AFB, Colorado; and as Attorney Advisor and Investigator with the Department of Defense Inspector General's Office. During his time in the Air Force, he provided legal counsel for some of the Air Force's most important installations, Nellis, Tinker and Yokota Air Force Bases, and for operational and deployed forces. Mr. McDade was environmental counsel for a hundred million dollar environmental operation, and contract and fiscal counsel on multi-million dollar global satellite operations and worldwide, deployable communications operations. He has litigated at the trial level as both a prosecutor and defense counsel and in federal and state administrative venues. Mr. McDade also has practiced at the appellate level as counsel for the Air Force in military criminal and civil matters. He has lectured on criminal law, environmental law and ethics at both military and civilian seminars and CLE sessions. Mr. McDade has been awarded with the Air Force Chief of Staff Team Award, 2008, for the Nellis Air Force Base Photovoltaic Array Generating Plant; the General Counsel of the Air Force Award, 2006, for enabling Predator Operations and the Department of Defense Inspector General's Award, 1995. He also is a member of the Leadership Las Vegas Class of 2008. Mr. McDade was admitted to the State Bar of Nevada in January 2009.

## OCTOBER 28 - RENO

**LINDA M. BULLEN** is a shareholder with Lionel Sawyer & Collins, where her main areas of practice are environmental law, renewable energy, National Environmental Policy Act (NEPA) and litigation. Ms. Bullen's practice includes environmental law as an emphasis, with more than 20 years of experience in that practice area. She began her environmental law practice with the U.S. Environmental Protection Agency as Assistant Regional Counsel, Region V, Chicago 1986-1988, and in the Chicago-based international law firm of McDermott, Will & Emery from 1988-1994. Ms. Bullen was the Assistant Attorney General in Minnesota from 1994-1997, where she prosecuted environmental crimes and counseled the Minnesota Department of Natural Resources and the Minnesota Department of Transportation. She advises the firm's clients on complex state and federal environmental matters specializing in hazardous waste, water, air, renewable energy, federal land use and NEPA issues. Ms. Bullen's practice encompasses regulatory counseling, permitting, and litigation. She is a frequent writer and speaker on environmental issues. Ms. Bullen is listed in *Nevada Super Lawyers* and is top-ranked in *Chambers USA* for environmental law. Ms. Bullen holds the distinction of being the first Nevada attorney to be invited to join the American College of Environmental Lawyers (ACOEEL). She also has been invited by U.S. Sen. Harry Reid to participate on a Blue Ribbon Panel which will focus on the steps necessary to move Nevada toward a clean energy future and realize its potential as a net exporter of renewable energy. Ms. Bullen is a member of the American College of Environmental Lawyers (Fellow), Clark County Bar Association, State Bar of Nevada (Environmental and Natural Resources Law Section), 8th Judicial District Pro Bono Foundation (former member), Federal Bar Association, American Bar Association, Illinois State Bar Association, State Bar of Wisconsin and Southern Nevada Association of Women Attorneys. She earned her B.A. degree from the University of Wisconsin - La Crosse and her J.D. degree from the University of Wisconsin Law School.

**MICHAEL A. HARPER** is the former (now retired) planning manager of the advanced planning program in the Washoe County Community Development Department. He had worked for Washoe County for more than 30 years. During this period, he was assistant planning director for the Comprehensive Planning Department for eight years and was director of the Development Review Department for six years. Mr. Harper has been a faculty member of National Business Institute seminars for 12 years. He has lectured numerous times at the American Planning Association national conference, as well as for the Nevada and Pennsylvania chapters of the American Planning Association state conference, and numerous regional conferences on such topics as "Innovative Planning Techniques," "Planning Commissioner Training," "Managing Planning Office" and "Job Security for Planners." Mr. Harper earned his B.A. degree and M.P.A. degree from the University of Nevada, Reno. He is a fellow of the American Institute of Certified Planners and the College of Fellows of the American Institute of Certified Planners; the treasurer of the County Planning Division of the American Planning Association; a member and an officer of the National Association of County Planners; and he is on the Executive Board of the Western Planning Resources Inc.

**MADelyn SHIPMAN** has practiced extensively within northern Nevada in the areas of land use and development. Currently employed part-time by the Laxalt-Nomura law firm, she retired from full-time public law practice in January 2005. Prior to her retirement in January of 2005, she was assistant district attorney and chief civil counsel to the Washoe County Commission. Ms. Shipman has appeared before the 2nd Judicial District Court, the Nevada Supreme Court, various Nevada federal courts and the 9th Circuit Court of Appeals in her various roles as counsel to the Nevada Department of Transportation, the City of Reno and Washoe County. She earned her B.A. degree from The American University, Washington, D.C., and her J.D. degree from Hamline University College of Law in St. Paul, Minnesota. Ms. Shipman is a Settlement Judge for the Nevada Supreme Court and has been certified as an arbitrator to hear court annexed arbitrations in the 1st, 2nd and 9th Judicial District courts. She is a longtime lobbyist at the Nevada Legislature and a frequent speaker to various professional groups on issues related to zoning and land use.

# REGISTRATION FORM

## LAND USE LAW: Current Issues in Subdivision, Annexation and Zoning

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- October 13**  
Las Vegas, NV (53863ER)
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