



2018 Zoning, Planning & Land Use Section Annual Meeting and CLE Spectacular

LIVE • LIVE WEBCAST

Friday, April 27, 2018

NC Bar Center, Cary

CLE CREDIT: 6.0 Hours

Includes 1.0 Hour Ethics/
Professional Responsibility

VIDEO REPLAYS, UPDATES & REGISTRATION

www.tinyurl.com/CLE686ZLM

Planned by the NCBA Zoning,
Planning & Land Use Section



SUMMARY: Are you an attorney who regularly practices in the land use and zoning area? Or do you dabble in land use and zoning area as a general practitioner? Either way, join us to hear practical and useful sessions on land use and zoning from the development perspective and the government perspective. This program includes the always helpful legislative and case law updates and interesting topics that touch the zoning, planning and land use field. In addition, get some insight from the field as a panel of practitioners share war stories. If all of that isn't enough to get you to attend, an hour of ethics/professional responsibility is included.

Remember, this year the Zoning, Planning and Land Use Section Annual Meeting is not your typical CLE — this program is monumental.

The North Carolina Bar Association is accredited by the North Carolina State Bar as a provider of continuing legal education.

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2018 Zoning, Planning & Land Use Section Annual Meeting and CLE Spectacular

#686ZLM and #686LWC | Friday, April 27, 2018

FOUR WAYS TO REGISTER

ONLINE* www.ncbar.org/CLE • PHONE* 800.228.3402 • FAX* 919.677.1774

MAIL** Attn: Accounting–NCBA, P.O. Box 3688, Cary, NC 27519-3688

*Credit cards only. **Please make checks payable to NCBA.

TUITION | LIVE · WEBCAST · VIDEO REPLAY (VR) | Select format and tuition rate below.

| REGISTRANT TYPE | EARLY BIRD TUITION Received one week prior to program date. | REGULAR TUITION Received less than one week prior to program date. | WEBCAST TUITION Postmarked less than 6 days prior to live program date. |
|---|---|--|--|
| NCBA Zoning, Planning & Land Use Section Member | \$240 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$295 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$320 <input type="checkbox"/> Webcast |
| NCBA Member | \$260 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$315 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$340 <input type="checkbox"/> Webcast |
| NCBA Paralegal Division Member | \$170 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$225 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$250 <input type="checkbox"/> Webcast |
| Non-member | \$315 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$370 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$395 <input type="checkbox"/> Webcast |
| Full-time LANC Attorney (NCBA Member) | These categories do not qualify for Early Bird tuition. | \$170 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$195 <input type="checkbox"/> Webcast |
| 1st Year Licensed in NC (NCBA Member) | | \$99 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | \$124 <input type="checkbox"/> Webcast |
| CLE Passport Holder | | 6 tokens <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | 6 tokens <input type="checkbox"/> Webcast |
| <input type="checkbox"/> Judge (NCBA Member) <input type="checkbox"/> Clerk of Court (NCBA Member) <input type="checkbox"/> Law Professor (NCBA Member) | These categories do not qualify for Early Bird tuition or include any MCLE fees. | \$75 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | Choose from the applicable Webcast tuition options above. |
| <input type="checkbox"/> Law Student Division Member <input type="checkbox"/> Paralegal Division Student Member | | \$25 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below) | |

TO REGISTER FOR A VIDEO REPLAY | Visit www.tinyurl.com/CLE686ZLM to view all locations and dates, then enter your selection below.

City: _____ | Date: _____ | Code: #686 _____

REGISTRANT INFORMATION | Please print clearly.

686ZLM-B

Print Full Name: _____

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PAYMENT | Registration is processed only after payment is received. Please print clearly.

Enclosed is a check, payable to **NCBA**.

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Friday, April 27, 2018, 8:15a–4:30p

8:15a **Registration and Continental Breakfast**
(included at the Live program only)

8:55 **Welcome and Introductions**

9:00 **Legislative Update**
David W. Owens

Hear an overview of key legislation enacted in 2017, with a focus on plan consistency statements, agricultural exemptions from zoning and wireless telecommunication facilities. Also addressed is the pending 2018 legislation as well as a few recent cases of note.

10:00 **Case Law Update**
Adam Lovelady

This session provides an overview of several legislative enactments and key cases in 2017, with a focus on zoning enforcement, subdivision reviews, solar farm permitting and financing development.

11:00 **Break**

11:15 **Ethical Considerations in Land Use Cases: Communications, Conflicts and Compartment***
Nicolas P. “Nick” Robinson

Review ethical issues that arise for counsel in land use cases, including communications with staff, lawyer as witness, conflicts from competing projects and obligation to recuse.

12:15p **Networking Lunch** (included at Live program only)

Zoning, Planning & Land Use Section Annual Meeting
Thomas C. “T.C.” Morphis Jr., The Brough Law Firm, Chapel Hill, 2017–2018 Section Chair, presiding

1:15 **Zoning Issues with the Rise of Airbnb**
Craig D. Justus and Esther E. Manheimer

Participate in a discussion of law and policy regarding short-term vacation rental issues from both a zoning and restrictive covenant perspective.

2:15 **Regulation of Small Cell Wireless Facilities after HB310**
Lisa C. Glover and Thomas H. Johnson Jr.

Now that wireless has become the primary way we communicate and access information, the challenge is providing the infrastructure necessary for reliable service. In more densely populated areas, small cell wireless facilities are necessary to provide reliable access to the wireless network. What are small cells and why are they necessary? How does the passage of House Bill 310 impact the installation and regulation of small cell wireless facilities? This presentation answers these questions from the perspective of both the wireless industry and local government.

3:15 **Break**

3:30 **Panel on Things Encountered Before Boards that Don't Make the Appellate Opinions**

Derek J. Allen, Patrick L. Byker, John H. Carmichael and Elizabeth C. "Beth" Trahos

Land use attorneys from around North Carolina tell stories from the front lines and offer personal experiences from cases that have raised new and unique land use and zoning issues that are not likely to be reviewed by any court.

4:30 **Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit

AVAILABLE IN OUR BOOKSTORE

North Carolina Construction Law Deskbook, Seventh Edition (2016)

Managing Editor Gregory L. Shelton

This revised edition of the comprehensive *NC Construction Law Deskbook* includes the latest case law and discusses recent developments that have significantly impacted the construction industry, including:

- 2014 executive action expanding the Deferred Action for Childhood Arrivals (DACA) program and extending the work authorization period for immigrants
- Deferred action and employment authorization for immigrants through the new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program
- E-Verify requirements for State contracts
- Awarding of contracts by public entities through design-build and design-build "bridging"
- Public-private partnerships (P3s)
- New version of LEED building rating system

Visit www.ncbar.org/CLEBookstore for more information and to order.



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Planners

- **David J. Neill**, Smith Moore Leatherwood LLP, Raleigh
- **Brian T. Pearce**, Nexsen Pruet PLLC, Greensboro

Speakers

- **Derek J. Allen**, Ward & Smith PA, Asheville
- **Patrick L. Byker**, Morningstar Law Group, Durham
- **John H. Carmichael**, Robinson Bradshaw & Hinson PA, Charlotte
- **Lisa C. Glover**, Town of Cary, Cary
- **Thomas H. Johnson Jr.**, Nexsen Pruet PLLC, Raleigh
- **Craig D. Justus**, The Van Winkle Law Firm, Asheville
- **Adam Lovelady**, University of North Carolina School of Government, Chapel Hill
- **Esther E. Manheimer**, The Van Winkle Law Firm, Asheville
- **David W. Owens**, University of North Carolina School of Government, Chapel Hill
- **Nicolas P. “Nick” Robinson**, Bradshaw Robinson Slawter LLP, Pittsboro
- **Elizabeth C. “Beth” Trahos**, Smith Moore Leatherwood LLP, Raleigh

Hotel Information

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

- **Embassy Suites, 201 Harrison Oaks Boulevard, Cary**
Nightly Rate: \$169 single/double and includes evening manager’s reception and full, cooked-to-order breakfast
Reservations: 919.677.1840 or www.tinyurl.com/NCBA-Embassy
NCBA Corporate Account Special Rate Code: 2691626
Please note: The rates may vary according to guest room availability.
- **TownePlace Suites by Marriott, 120 Sage Commons Way, Cary**
Nightly Rate: \$114 studio queen with sleeper sofa (Sunday–Thursday) and includes complimentary hot breakfast. All rooms have a fully equipped kitchen.
Reservations: 919.678.0005 | **Ask for the NC Bar Association corporate rate.**

We extend our sincere gratitude to the NCBA Zoning, Planning & Land Use Section, and the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.

You've been
UPGRADED

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“Well-planned program. Interesting and timely compilation of topics.”
“Great selection of speakers and topics. Practical and thoughtful.”
“Great job!”

-Attendees, 2017 Zoning, Planning & Land Use Section Annual Meeting

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