

WSBA CLE #24470 SEA/WEB



Environmental and Land Use Law Section's 2024 Land Use CLE

TUESDAY, AUGUST 13, 2024

4.5 CLE credits (3.5 Law and Legal Procedure + 1.0 Ethics)

\$119 - ELUL Section Members

\$159 - Standard/Non-Section Members

\$159 - Join the Section (\$40) and register at the ELUL Section member rate (\$119)

Washington State Bar Association

1325 Fourth Ave, Ste 600

Seattle, WA 98101

IN-PERSON AND WEBCAST

DESCRIPTION

Presented in partnership with the WSBA Environmental and Land Use Law Section

Please join the ELUL Section for our first CLE focused solely on current land use issues. This CLE includes summaries of recent appellate decisions addressing land use issues, a primer on which type of challenge to file in a land use action, a novel approach to avoid trespass, an overview of legislative updates to local project reviews, a discussion on the challenging land use issues presented by wildfires, and an ethics presentation targeted for environmental and land use practitioners.

CHAIR

Martha Wehling, *Environmental and Land Use Law Section, Olympia, WA*

WSBA IN-PERSON MEETINGS & EVENTS

WSBA will follow the COVID-19 guidance provided at the CDC website [How to Protect Yourself and Others \(cdc.gov\)](https://www.cdc.gov). If state or local health authorities impose stricter requirements than the CDC, WSBA will comply with the state or local requirements in the area in which the event is held.

SCHEDULE

9:00 a.m. > Check-in • Walk-in Registration • Morning Refreshments

9:10 a.m. > Webcast Log-In Opens

9:25 a.m. > Welcome and Introductions by Program Chair

- **Martha Wehling**, *Environmental and Land Use Law Section, Olympia*

9:30 a.m. > MVCC et al v. Okanogan County: Division III's New Test for Timeliness Under the Planning Enabling Act

This session discusses the timeliness of challenges brought to the adoption of comprehensive plans adopted under the PEA.

- **Charlene Koski**, *Van Ness Feldman, LLP, Seattle*

10:00 a.m. > When LUPA Does Not Apply:

Understanding Writs and Declaratory Judgments

The Land Use Petition Act (LUPA), ch. 36.70C RCW, governs appeals of local land use decisions to Washington State Superior Court. However, lawyers should not assume LUPA always applies. Missteps can occur if the decision being appealed is not within LUPA's scope. Such decisions might still be reviewable via statutory writ of certiorari, constitutional writ of certiorari, or declaratory judgment action. Though rare, these methods are required more often than one might expect. This session will provide a discussion about when to use writ practice, when to file for declaratory judgment, and how to pursue these actions.

- **Claudia M. Newman**, *Bricklin & Newman, LLP, Seattle*

10:30 a.m. > Break

10:45 a.m. > Benton County Water Conservancy Board v. Ecology Decision

Hear a brief overview of this case, involving the Benton County Water Conservancy Board and the Washington State Department of Ecology.

- **James Buchal**, *Murphy & Buchal LLP, Portland, OR*

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SCHEDULE

11:15 a.m. > Is This Land Our Land? Examining Corner Crossing in light of Iron Bar Holdings

This presentation discusses *Iron Bar Holdings LLC v. Cape*, a recent case out of the District of Wyoming in which four hunters successfully used the Unlawful Inclosures Act to defend themselves from a trespassing claim that stemmed from corner crossing. Lots of western states, including Washington, have public lands in a checkerboard pattern with private land in between. This set up encourages corner crossing as it's the only way to access this landlocked public land. Corner crossing has been in a legal limbo for decades and *Iron Bar Holdings* has been closely watched by hunters, anglers, hikers, public lands advocates, and private landowners alike as it may serve as a blueprint for legalizing corner crossing in other states.

- **Alexis Van Pernis**, *University of Washington, Seattle*

11:45 a.m. > Lunch on your own

1:00 p.m. > SB 5290 and the Streamlining of Local Project Review

As part of a broader push at the to encourage development statewide, recent legislation (SB 5290) has modified requirements for land use permit review at the local level, with the goal of reducing wait times and making review more predictable. This CLE will provide a primer on the Local Project Review Act and review recent changes to the Act that will be in full effect beginning January 2025.

- **Chris Pierce-Wright**, *Dickson Frohlich Phillips Burgess PLLC, Tacoma*

1:30 p.m. > Break

2:00 p.m. > Community Planning and Preparation for Wildfire Risks and Recent Legislation

Hear two perspectives on recent legislation and suggested steps for planning and preparation for wildfires.

- **Paul Jewell**, *Washington State Association of Counties, Olympia*
- **Ron Perkerewicz**, *Inspection & Permit Services LLC, Bremerton, WA*

3:00 p.m. > Representing Entities, Communicating with the Government, & Using AI in the Practice of Law: What Could Go Wrong?

This session explores ethical and loss prevention issues that may arise for environmental law lawyers including representation of entities, communications, the use of generative AI in the practice of law. Leave with strategies to reduce risk.

- **Nellie Barnard**, *Schwabe, Williamson & Wyatt P.C., Portland, OR*
- **Rosalyn DiLillo-Knock**, *Schwabe, Williamson & Wyatt P.C., Seattle*

4:00 p.m. > Adjourn • Complete Online Evaluations

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Tuesday, August 13, 2024 • #24470 SEA/WEB

REGISTRATION

Please fill out the registration form and mail to WSBA seven business days prior to the program. To register online, go to www.wsba.org and enter **24470** in the search box. For your security, do not email or fax credit card information.

First Name: _____ M.I. _____ Last Name _____

WSBA No: _____ Firm/Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ Email: _____

If special accommodations are needed, please email cle@wsba.org or call toll-free at 1-800-945-9722.

Please omit my name from the networking list made available to exhibitors and/or attendees.

PAYMENT INFORMATION

#24470SEA, attend in Seattle, 8/13/24

- \$119 - ELUL Section Members
- \$159 - Standard/Non-Section Members
- \$159 - Join the ELUL Section (\$40) and register at the discounted rate (\$119)

#24470WEB, attend via webcast, 8/13/24

- \$119 - ELUL Section Members
- \$159 - Standard/Non-Section Members
- \$159 - Join the ELUL Section (\$40) and register at the discounted rate (\$119)

Visa MasterCard AmEx Check enclosed payable to WSBA

▶ Card No. _____

▶ Cardholder Name (print) _____

Exp. Date _____

▶ Authorized Signature _____

Registrations received less than 48 hours before a seminar are not guaranteed a coursebook or other presentation materials on-site.

ONLINE > Go to www.wsba.org and enter **24470** in the search box. Payment by credit card.

PHONE > Call **800-945-9722** or **206-443-9722** with credit card and registration/order form in hand. Our service provider will charge you a separate, non-refundable transaction fee of 2.5% on all bank card transactions.

MAIL > Please fill out this registration form and mail to WSBA seven business days prior to the program along with your check payable to WSBA. Credit card payments by mail or fax are no longer accepted.

PAYMENT POLICIES

- **PAYMENT:** Individual registrants must use a separate form, however, payment may be made with a single check or credit card for multiple parties.
- **NOTE:** Please keep a copy of this flyer for your records.
- **REFUNDS:** Registration fees may be refunded, less \$25 for handling, for written cancellations postmarked or emailed by 5 p.m., up to 3 business days before the seminar. No refunds after that date, but you will receive the coursebook. Canceled registrations may not be transferred to other seminars. You may send a substitute (e.g., someone from your firm) in lieu of canceling.