

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



ORIGINAL PROGRAM DATE

August 13, 2024

AVAILABLE MEDIA TYPES

Video & Audio MP3

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

REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live webcast on August 13, 2024, in Seattle, WA. If you attended the live webcast and reported CLE credits, you cannot also report credits from watching or listening to this recording if repeated within your three year reporting period.

DESCRIPTION

Join the ELUL Section on-demand 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.

AGENDA

1 ***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, WA

2 **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, WA

Agenda continues on the next page.

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3 **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, WA

4 **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, WA

5 **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, WA

Ron Perkerewicz - Inspection & Permit Services LLC, Bremerton, WA

6 **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, WA