

## Real Estate, Land Use & Environmental

Foster Garvey's Real Estate, Land Use & Environmental team is one of the most well-respected teams in the Pacific Northwest. Our collective experience covers the full spectrum of real estate law including commercial and real estate finance, construction, environment and natural resources, land use and zoning, water quality, water rights and real estate litigation.

We have experience with all types of projects including commercial buildings, mixed-use projects, shopping centers, hospitals and medical centers, hotels and resorts, single and multi-family projects, convention centers and more. Our land use and environmental attorneys have years of experience addressing the unique issues associated with small to large projects.

Our clients include large and small local and national real estate developers, property owners, lenders, real estate investment advisors, fund sponsors, REITs, property managers, real estate agents and others involved in the real estate industry.

### Blog Posts

Uncle Sam Is Watching: New Risks in Making Real Estate Deals With Foreigners  
*Cross Border Business Law Blog*, 2.26.20

**Short-Term Rental Update:** Vacasa reaches unicorn status with its latest funding round; Airbnb bans 'party houses'  
*Northwest Real Estate Forum*, 12.6.19

**Short-Term Rental Update:** WeWork nixes Seattle WeLive location; Booking.com shakes up short-term rentals with new star rating system; 9th Circuit affirms Santa Monica's short-term rental regulations  
*Northwest Real Estate Forum*, 10.28.19

### Service Contact

Bryan Helfer  
T 206.447.6218  
bryan.helfer@foster.com

### Related Professionals

Jason M. Ayres  
Joseph A. Brogan  
Zachary Browning  
Deborah A. Crabbe  
P. Stephen DiJulio  
Gary E. Fluhrer  
Chelsea J. Glynn  
Anthony Godwin  
Bryan Helfer  
Alan A. Heller  
Jon G. Hongladarom  
Ryan K. Jensen  
David M. Knutson  
William C. Lenz  
Kelly Meltzer  
Christopher S. Napier  
Scott B. Osborne  
Patrick J. Schneider  
Thomas J. Scott  
Thain D. Simon  
Robert B. Spitzer  
Bob C. Sterbank  
Paul H. Trincherio  
Joseph W. West  
Rylan Weythman  
Kinnon W. Williams  
Adrian Urquhart Winder  
Dan Youngblut

**Short-Term Rental Update:** Vacasa as the first STR platform to directly connect to Google Hotels; Marriott selects BookingPal as its STR technology partner

*Northwest Real Estate Forum* , 10.3.19

**Short-Term Rental Update:** Seattle once again delays registration deadline for short-term rental operators; Airbnb stays eclipse top seven hotel chains combined

*Northwest Real Estate Forum* , 8.13.19

**Short-Term Rental Update:** Sonder now worth \$1 billion after its latest funding round; commercial tax rate could quadruple short-term rental tax bills

*Northwest Real Estate Forum*

**Short-Term Rental Update:** Airbnb goes luxe; The Plum Guide aims to become the Michelin Guide for the short-term rental world; short-term rental opportunities expand in Seattle with the approval of accessory dwelling units by the City

*Northwest Real Estate Forum* , 7.16.19

**Short-Term Rental Update:** Disney works its magic for short-term rentals; Airbnb educates Seattle's short-term rental community

*Northwest Real Estate Forum* , 6.24.19

**Short-Term Rental Update:** Airbnb poised for a reprieve in the EU; Guesty offers innovative and more streamlined tools for property management side of short-term rentals

*Northwest Real Estate Forum* , 5.17.19

**Short-Term Rental Update:** Short-term rental operator Lyric raises \$160m; Fannie Mae-backed mortgages allowed for short-term rentals; City of Seattle enforcement delayed

*Northwest Real Estate Forum* , 5.2.19

**Short-Term Rental Update:** Airbnb argues about City of Boston's short-term rental ordinance; AirDNA expands footprint of rental data; Google's hotel search adds short-term rentals

*Northwest Real Estate Forum* , 4.18.19

**Short-Term Rental Update:** HomeAway and Airbnb lose the battle against Santa Monica; Blueground gains traction

*Northwest Real Estate Forum* , 3.22.19

#### Areas Of Focus

Commercial & Real Estate  
Finance  
Construction  
Environment & Natural  
Resources  
Land Use, Planning &  
Zoning  
Real Estate  
Real Estate Funds &  
Syndications  
Water Quality  
Water Rights

#### Related Services

Creditors' Rights &  
Bankruptcy  
Emerging Companies  
Eminent Domain & Inverse  
Condemnation  
Environmental Litigation  
Hospitality, Travel & Tourism  
Investment Management  
Public Finance & Municipal  
Government  
Senior & Affordable  
Housing  
Tax  
Transportation & Logistics

**Short-Term Rental Update:** Short-term rentals continue to gain market share; partnering early in the multifamily development process; New York City continues to battle Airbnb  
*Northwest Real Estate Forum* , 3.7.19

Puget Sound's Increase in Development, Investment & Supply Panel Discussions at Bisnow's 2019 Pacific Northwest Hotel Summit  
*Duff on Hospitality Law*, 3.6.19

**Short-Term Rental Update:** Startup Recharge's ultra-short-term rental stays; the City of Victoria in British Columbia ramping up enforcement efforts against illegal short-term rentals  
*Northwest Real Estate Forum* , 2.11.19

**Opportunity Zone Funds – Part II:** Due Diligence Required  
*Larry's Tax Law*, 2.5.19

**Short-Term Rental Update:** Airbnb, Inc. v. NYC on data collection and the Fourth Amendment; Airbnb's undisclosed security camera causes privacy snafu  
*Northwest Real Estate Forum* , 1.22.19

**Short-Term Rental Update:** First statewide short-term rental regulations signed into law in Massachusetts; Startups receive influx of funding signifying future collaborations in the industry  
*Northwest Real Estate Forum* , 1.3.19

**Short-Term Rental Update:** L.A. approves regulations for short-term rentals; Las Vegas Council new rule called 'A Ban In Disguise' on Airbnb; Canada's first cannabis hotel plans to launch in 2019  
*Northwest Real Estate Forum* , 12.20.18

**Short-Term Rental Update:** Airbnb's new 'Backyard' initiative; Miami-Dade County files lawsuits against HomeAway and FlipKey; the City of Portland to finalize data-sharing agreement with Airbnb  
*Northwest Real Estate Forum* , 12.6.18

Resources for Doing Business in the U.S. - Installment #11 - Environmental Protection  
*Cross Border Business Law Blog*, 4.5.18

New Seattle Building Tune-Ups Program May Trigger CAM Charge Increases in Commercial Properties  
*Northwest Real Estate Forum* , 2.15.18

Retail Tenants: Don't Discount Those Continuous Operation Lease Clauses  
*Northwest Real Estate Forum* , 2.8.18

Resource for Doing Business in the U.S. – Installment #9 – Real Estate  
*Cross Border Business Law Blog*, 12.28.17

Clarity Is Key in Condemnation Judgments - *Courter v. City of Portland*, 286 Or App 39 (2017)  
*Northwest Real Estate Forum* , 10.12.17

Cannabis Operator Potentially Faced With Lease Going up in Smoke  
*Northwest Real Estate Forum* , 10.5.17

Is a Cannabis Lease Void as an Illegal Contract?  
*Cannabis Business Blog*, 10.4.17

*The Estate of George H. Bartell et. al. v. Commissioner* – IRS Issues an Action on Decision –  
Was It Too Good to Be True? The IRS Thinks So!  
*Larry's Tax Law*, 8.29.17

Form Over Substance Sometimes Prevails in Tax Law – Estate of George H. Bartell et. al. v.  
Commissioner  
*Larry's Tax Law*, 3.8.17

Right 2 Dream Too: LUBA Says “Keep on Dreaming...”  
*Northwest Real Estate Forum* , 10.7.16

Just Because It's on the Plat Doesn't Mean It's an Implied Easement  
*Northwest Real Estate Forum* , 8.5.16

Borrowers Can Run but They Can't Hide – Deficiency Judgments After Washington  
Receivership Sales  
*Northwest Real Estate Forum* , 7.8.16

The Gaping Hole in Recreational Immunity Under the Oregon Public Use of Lands Act  
*Northwest Real Estate Forum* , 5.27.16

The Roots of Dispute in Washington  
*Northwest Real Estate Forum* , 5.20.16

Avoiding Traps in Making or Accepting an Offer of Compromise in a Condemnation Case  
*Northwest Real Estate Forum* , 4.8.16

Is America's EB-5 Program a Boon to Development or an Opportunity for Deception?  
*Northwest Real Estate Forum* , 2.26.16

Who Decides Whether Reasonable Access Exists - The Court or the Jury?  
*Northwest Real Estate Forum* , 1.15.16

Welcome the Stranger  
*Northwest Real Estate Forum* , 12.23.15

Tenants Do Not Have Standing to Sue for Prescriptive Easements  
*Northwest Real Estate Forum* , 11.20.15

The Sharing Economy Meets the Washington Condominium Act  
*Northwest Real Estate Forum* , 9.21.15

Have You Invited All the Right Parties to Your Easement Lawsuit?  
*Northwest Real Estate Forum* , 8.7.15

The State Supreme Court Confirms Washington is a Neighborly State  
*Northwest Real Estate Forum* , 7.1.15

Not So Recent Court of Appeals Case Grants Improvement Districts Statutory Right to Enter  
onto the Lands of Its Members  
*Northwest Real Estate Forum* , 5.15.15

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*Northwest Real Estate Forum* , 4.7.15

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"Cost-to-Cure" evidence at trial  
*Northwest Real Estate Forum* , 3.13.15

Spring Training: Games Begin; Cubs Win (in Court!)  
*Northwest Real Estate Forum* , 3.6.15

The Supremes Sing the Banks' Song: Guarantors Can't "Stop (Paying) in the Name of Love"  
*Northwest Real Estate Forum* , 1.30.15

RESIDENTIAL BROKERAGE COMMISSIONS – FURTHER UPHEAVAL  
*Northwest Real Estate Forum* , 11.20.14

STILL NO COMPENSATION FOR LOST OR RESTRICTED ACCESS RIGHTS IN OREGON  
CONDEMNATION ACTIONS  
*Northwest Real Estate Forum* , 10.24.14

A Quick Primer on Unwritten Easements  
*Northwest Real Estate Forum* , 9.10.14

Division III's Neighborly Approach to Prescriptive Easements  
*Northwest Real Estate Forum* , 4.8.14

Who Owns a Dedicated Roadway After the County Vacates the Dedication?  
*Northwest Real Estate Forum* , 3.14.14

The Grinch Foiled Again! - How Commercial Real Estate Loan Guarantors Got An Early Christmas Present From The Washington Court Of Appeals  
*Northwest Real Estate Forum* , 12.26.13

Should Land Created by Accretion go to the State?  
*Northwest Real Estate Forum* , 10.21.13

Miscommunication Leaves Buyer with a Problematic Lot  
*Northwest Real Estate Forum* , 10.11.13

Can't Understand the Legal Description? Washington's Court of Appeals Feels Your Pain.  
*Northwest Real Estate Forum* , 8.23.13

Adverse Possession Statute Does Not Apply to Actions to Extinguish Easements  
*Northwest Real Estate Forum* , 6.14.13

Washington Makes Clearing Titles Easier  
*Northwest Real Estate Forum* , 6.7.13

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*Northwest Real Estate Forum* , 1.16.13

Letters of Intent Revisited: 9th Circuit Finds Letter of Intent To Be Binding  
*Northwest Real Estate Forum* , 12.14.12

Notes from 2012 ICSC Shopping Center Law Conference: Hurricane Sandy and Damage and Destruction Clauses in Retail Leases  
*Northwest Real Estate Forum* , 11.13.12

Yet Another "Inherent Power of the Court" or How to Clean Up the Mess Left by the Guy Who Lost His Ranch  
*Northwest Real Estate Forum* , 10.27.12

Oregon Court of Appeals Affirms Judgment Against Title Company for Changing Legal Description  
*Northwest Real Estate Forum* , 7.24.12

In the Face of Oppressive Home Foreclosures The Washington Supreme Court Does Not Waiver!  
*Northwest Real Estate Forum* , 6.26.12

Great Britain Wrestles with Land Use Planning Reforms: Is Oregon Next?  
*Northwest Real Estate Forum* , 5.11.12

The State's Bundle of Sticks Stays in the State's Pile According to the Washington Supreme Court

*Northwest Real Estate Forum* , 3.14.12

Landlord's Failure to Meet Co-Tenancy Requirement Lets Tenant Out of Lease

*Northwest Real Estate Forum* , 2.10.12

Requirement for Grantor of Deed to Pursue Frivolous Defense?

*Northwest Real Estate Forum* , 1.5.12

A Supportive View of Private Development Restrictions

*Northwest Real Estate Forum* , 12.8.11

More ICSC Law Conference: Arbitration Clauses in Leases

*Northwest Real Estate Forum* , 11.10.11

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*Northwest Real Estate Forum* , 11.7.11

Re-developing "Big Boxes:" Due Diligence is Key

*Northwest Real Estate Forum* , 7.13.11

Borrower Fails in Effort to Invoke Consumer Laws Against Foreclosing Mortgage Lender

*Northwest Real Estate Forum* , 6.16.11

Landowners May Condemn Private Easement After Voluntarily Landlocking Their Property

*Northwest Real Estate Forum* , 2.22.11

Letters of Intent: Binding, Nonbinding or a Little of Both?

*Northwest Real Estate Forum* , 12.29.10