



Steven G. Liday

Partner

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"Success in land use and regulatory matters requires not only knowledge of the law, but also relationships with staff, understanding of governmental interests, and appreciation of opponents' concerns. This comprehensive approach often accelerates the requested government action, reduces the likelihood of legal challenge, and is critical to strategic planning where legal challenges cannot be avoided."

Steven Liday helps clients navigate the maze of local and state land use laws. He has extensive experience in preparing complex permit applications, appearing at local hearings, defending or challenging land use approvals at both the administrative and judicial levels, as well as advancing/opposing zoning code amendments.

Steven's core practice includes other areas of administrative law, such as local business licensing, defense of civil enforcement actions, statewide regulation of commercial activities, and participation in/opposition to agency rulemaking. He also handles nonregulatory matters related to land, such as boundary/neighbor disputes, opposition to governmental takings, timber trespass claims, lease disputes, injury to real property, and homeowner association governance.

Steven works throughout the state of Oregon and represents every type of client, from individual property owners to multinational corporations. While equal in importance, Steven adapts his counsel and legal representation to each client's unique set of goals and circumstances.

Professional Activities

- Federal Bar Association of Oregon
 - Young Lawyer Representative, Past Member
 - Board of Directors, Past Member
- Oregon State Bar, Member

Civic Activities

- Campaign for Equal Justice, Associates Committee, Past Member

Education

J.D., University of Washington School of Law, with honors, 2007

- Moot Court Honor Board
- Order of the Coif

B.S., University of Oregon, *magna cum laude*, economics and political science

- Departmental Honors in Economics

Bar Admissions

Idaho, 2020
Oregon, 2007

Court Admissions

U.S. District Court, District of Oregon

Representative Experience

Land Use

- *Land Use Permitting.* Obtained conditional use, design review, partition, property-line adjustment, variance, and other land use approvals to meet client goals for development projects and expanded use of land.
- *Local and Administrative Land Use Appeals.* Represented public and private parties in appeals before local hearings officers, elected officials, and the Land Use Board of Appeals (LUBA).
- *Judicial Review of Land Use Decisions.* Successfully defended local government permit approvals and LUBA decisions before the Oregon Court of Appeals.
- *First-of-Its-kind Planning Goal Exception.* Helped obtain first-ever goal exception to Oregon Statewide Planning Goal 18, Implementation Requirement 5, to allow the construction of a beachfront protective structure necessary to prevent the catastrophic loss of prominent resort from bluff erosion.
- *Reversal of Major Code Amendments by the City of Portland.* Persuaded LUBA and the Oregon Court of Appeals to reverse the City of Portland's adoption of a major, newsworthy legislative code amendment concerning transportation infrastructure.
- *Development on Protected Resource Land.* Navigated state and local law to gain approvals for construction of residences and establishment of businesses on exclusive farm/forest-use land.
- *Historic Resource Protection.* Assisted client in registering historic property and subsequently protected the historic resources from destruction by governmental action.
- *Approval of Zoning Code Amendments.* Obtained approvals by city councils to adopt zoning code amendments that benefited clients.
- *Transportation Development.* Advised Portland's regional transportation agency on infrastructure permitting and condemnation.
- *Real Estate Agreements.* Represented landlords and occasionally tenants in drafting and negotiating various types of real estate agreements, including leases and easements.
- *Homeowners' Association Governance.* Advised homeowners' associations and individual homeowners on numerous governance issues, including enforcement of covenants and rules, amendments to declarations of covenants and restrictions, violation of tree preservation requirements, compliance with state law, and board fiduciary obligations.

Regulatory & Administrative Law

- *Oregon Administrative Law Counsel.* Represented clients in wide variety of matters before Oregon administrative agencies.
- *Portland Administrative Law Counsel.* Represented clients in diverse permitting, enforcement, and appeal matters before City of Portland bureaus and offices, including the Bureau of Development Services, Bureau of Environmental Services, Bureau of Planning and Sustainability, Bureau of Revenue and Financial Services, Bureau of Transportation, Housing Bureau, Water Bureau, Hearings Office, and City Council.
- *Lottery Enforcement Response.* Responded to enforcement actions by the Oregon State Lottery, including appeal and negotiation with the Oregon State Lottery to obtain withdrawal of lottery retailer contract termination order.
- *Oregon Liquor and Cannabis Commission (OLCC) Enforcement Response.* Successfully appealed enforcement actions, including proposed license termination, for alleged violations of OLCC rules.
- *OLCC Licensing.* Obtained liquor and cannabis licenses for retail establishments in sensitive locations and appealed proposed restrictions on liquor licenses.
- *Fuel-Distribution Counsel.* Provided ongoing counsel to primary fuel suppliers of the Pacific Northwest on local and state legislative matters.
- *Energy Permitting.* Obtained local approvals to expand infrastructure for traditional energy companies.

Litigation Matters

- *Boundary Disputes.* Represented numerous clients in and successfully resolved disputes over property lines, which included a variety of claims, such as trespass, nuisance, prescriptive easements, and adverse possession.
- *Timber Trespass.* In multiple cases, obtained favorable settlements for harm to clients' trees and other vegetation through assertion of special, statutory timber-trespass claim.
- *Governmental Takings.* Represented client in claims against governmental entities for de facto taking of private property, including injuries to land as a result of public works projects.
- *Agricultural Lease Dispute.* Negotiated favorable settlement in case concerning wrongful termination of agriculture lease, which included lease extension sought in civil action.
- *Quiet Title.* Assisted bank in defending quiet-title action and foreclosing on multimillion-dollar property, despite the fact that the legal description of the property contained in the trust deed set forth an incorrect metes and bounds narrative for only half the property.
- *Breach of Fiduciary Duties.* Assisted small manufacturing company in obtaining a multimillion-dollar recovery against large transnational corporation arising out of claims that the transnational corporation breached fiduciary duties owed to its implied joint-venture partner.
- *Court Sanctions on Adverse Party.* Obtained rare terminating sanction against opposing-party plaintiff for violation of discovery rules. Opposing party was also ordered to pay substantial portion of client's fees.
- *Insurance Coverage.* Obtained summary judgment that ruled a commercial property destroyed by fire was covered by an insurance policy, even though client had failed to list the property in the schedule of insured properties.
- *Opposition to Discovery in Litigation.* Assisted Italian entity in complex case involving four separate jurisdictions (state court, two federal district courts, and federal bankruptcy court) to undo personal service and avoid the production of documents from abroad.

Publications

- "Oregon County Adopts Historic Goal Exception Allowing Beachfront Protective Structures," Miller Nash, *From the Ground Up*, coauthor (Dec. 2021)

Recognition & Honors

- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2013-2019

Personal Activities

Steven enjoys hiking, camping, traveling, cooking, and playing basketball.