

Nancy Bainbridge Rogers

nrogers@cairncross.com

direct: 206.254.4417

fax: 206.587.2308

Introduction

Nancy works with real estate developers and land owners to get projects permitted and built. She assists on the front end with due diligence and feasibility, and then helps clients navigate the permitting process. Sometimes, when project permits are appealed or permits are not forthcoming, she defends or brings litigation necessary to get the job done.

She has decades of experience working with regulators and is a skilled negotiator with local government officials. Nancy has taken many projects through controversial proceedings and defended approvals on appeal in the courts. Her work includes real estate development projects in downtown Seattle, city neighborhoods, and surrounding suburbs and counties throughout the Puget Sound region.

Nancy is a stellar communicator who gets results—using her smarts, great connections, and polite persistent persuasion when needed. Clients can count on her to cut through red tape, use loopholes to advantage, and find the way around barriers to reach their goals expertly and efficiently. Nancy sees the law as a tool to achieve sensible growth for a rapidly expanding region like the Pacific Northwest.

She has significant experience applying local codes throughout Washington, including all of the important State statutes affecting land use, including the State Environmental Policy Act (SEPA), the Growth Management Act (GMA), and the Shoreline Management Act (SMA).

Unlike many current Seattleites, Nancy is a Seattle native. And unlike many attorneys, she holds a degree in botany. When not working with clients, you might find her working on upping her golf game. In the guilty pleasure department, it's *Dancing with the Stars*. One of Nancy's most memorable moments was first seeing the beach on Maui just at sunset—supporting her belief that timing is everything, in business and in life.

Areas of Focus:

- Setting strategy to achieve timely permit approvals. Coordinate consultant and client team to develop efficient and effective plan to navigate the permit process.
- Land use hearings and appeals. Present and support project permits in mandatory hearings, and defend client permits against appeals brought by upset neighbors and others.
- Resolution of land use disputes. Negotiate and resolve barriers to development projects, and litigate matters that cannot be resolved out of court.
- Conduct due diligence. Evaluating land use risks for potential property purchases.
- State Environmental Policy Act (SEPA) compliance. Advise on preparation of SEPA documents, including Checklists, Expanded Checklists, and Environmental Impact Statements, and navigate environmental review process, and bring and defend SEPA appeals.
- Critical areas permitting. Advise on paths to comply with critical area protections, while allowing client projects to be developed.
- Crafting local and state legislation. Draft code amendments to enhance client opportunities to develop land, and shepherd same through the legislative process.

Experience & Results

- Obtained approvals for Black Diamond Master Planned Developments, including 6,000 new homes, and 1 million square feet of commercial.
- Processed and achieved preliminary plat approvals for many residential subdivisions, totaling thousands of lots for new homes.
- Obtained approvals for low-rise, mid-rise, and high-rise development, including high end hotels and apartments, and assisted living facilities.
- Obtained Conditional Use Permit approvals for large sand and gravel mines and associated operations.
- Successfully brought land use litigation deeming an adverse permit decision to be arbitrary, capricious, and illegal.
- Obtained approval for alley vacation and currently working on all approvals for major redevelopment of Swedish First Hill campus in Seattle.
- Successfully defended appeals seeking to halt expansion of private school sports field facility.

Education

- University of Washington (B.A., with College Honors, 1990, B.S., 1990)
- University of Washington School of Law (J.D., 1994)

Admissions

- Washington
- Alaska
- US District Court, Western District of Washington
- US Court of Appeals, Ninth Circuit
- US District Court, District of Alaska

Awards/Honors and Organizational Memberships

- Ranked in Washington State by *Chambers USA* in the area of Real Estate: Zoning/Land Use since 2016
- Listed in *The Best Lawyers in America*® in Land Use & Zoning Law since 2016
- Listed in *The Best Lawyers in America*® in Litigation - Land Use and Zoning Law since 2020
- Director's Award Recipient, Washington Aggregates & Concrete Association
- City of Redmond Environmental Excellence Award Recipient
- Named on the Washington Super Lawyers list by *Super Lawyers*® Magazine since 2007
- Named on the Washington Rising Stars list by *Super Lawyers*® Magazine
- Recognized as one of the "Top Women Attorneys in Washington" by *Seattle Met Magazine*

- Martindale-Hubbell BV® Distinguished 4.5 out of 5
- NAIOP Washington State Chapter Board Member (2019-present)
- NAIOP Washington State Chapter Government Affairs Committee Co-Chair (2014-2018)
- Master Builders Association, Member
- Urban Land Institute, Member
- Association of Washington Business, Legal Affairs Council, Member
- Washington Aggregates and Concrete Association, Member
- Downtown Seattle Association, Member
- Seattle Metropolitan Chamber of Commerce, Member
- Greater Redmond Chamber of Commerce, Member

Publications/Speaking Engagements

- Moderator, "Rehab or Ground Up: Investment & Development Opportunities Beyond the Urban Core," Marcus & Millichap/IPA Multifamily Forum Pacific Northwest, Seattle, WA (September 25, 2018)
- Speaker, ULI-Northwest, Multifamily Product Council Meeting, "City of Seattle Policy & Regulation Update: Multifamily Development," Seattle, WA (September 11, 2018)
- Moderator, "Seattle Healthcare: Ancient Challenges, Bold Approaches and New Facilities," Bisnow, Seattle, WA (June 28, 2017)
- Speaker, "Elements of a Great Land Use Permit Hearing: An Applicants' Attorney's Perspective," Hearing Examiners Association of Washington, Seattle, WA (October 13, 2016)
- Moderator, "Seattle Healthcare Forum," Bisnow, Seattle, WA (June 29, 2016)
- Moderator, "Future of Downtown & SoDo," Bisnow, Seattle, WA (December 9, 2015)
- Speaker, "Legal Challenges to Creating Land Supply," Master Builders Association Housing Summit, Seattle, WA (September 23, 2014)
- Moderator, "Seattle Construction & Development Summit," Bisnow, Seattle, WA (February 27, 2014)
- Speaker, "Fall/Winter Workshop," *Working with Counties*, Washington Aggregates & Concrete Association (2011)
- Speaker and Author, "Land Use 2005: A Fistful of Planners," *Critical Areas and Water from Storms: The Politics Confront the Science*, Washington Law School Foundation CLE (2005)
- Author, "Is Your Mine Ready for an Extreme Makeover?," *Daily Journal of Commerce* (2005)
- Author, "Growth Management: Finding Suitable Industrial Sites Outside Urban Areas in Washington," Association of Washington Business (2004)
- Co-author, "Development Rights," VII Real Estate Property Deskbook Ch. 107 (Supplement 2002)
- Co-author, "Endangered Species: Salmon and Development Issues," 5th Annual Fall Real Estate Conference, Washington State Bar Association CLE (1998)
- Co-author, "The Shoreline Management Act," *Land Use & Environmental Law: A Checklist Approach to the Fundamentals*, Washington State Bar Association CLE #740B (July 1997)

Cairncross & Hempelmann

Co-author, "Attorney-Client and Work-Product Privileges in Environmental Coverage Litigation," *Attorney-Client Privilege in Civil Litigation, Protecting and Defending Confidentiality* (2d ed.), American Bar Association, Tort and Insurance Practice Section (1997)

Seattle, WA 98104 | (206) 587-0700

www.cairncross.com

Co-author, "Recent Developments in Self-Insurance and Risk Management," *32 Tort & Ins. L.J.* 583 (1997)