



David J. Petersen

PARTNER

david.petersen@tonkon.com

503.802.2054 direct

503.972.3754 fax

LEGAL SERVICES

Real Estate & Land Use Law

Energy Law & Litigation

Environmental & Natural Resources

Nonprofit Organizations

Sustainability Law

Cannabis Industry

EDUCATION

J.D., University of California, Berkeley, School of Law, 1998, Order of the Coif, Recipient, Jamison Award: Excellence in Scholarship and Advocacy

B.A., *magna cum laude*, Syracuse University, 1991

BAR & COURT ADMISSIONS

Oregon State Bar

State Bar of California

U.S. District Courts, Central, Eastern and Northern Districts of California

U.S. Court of Appeals, 9th Circuit

AWARDS & RECOGNITION

The Best Lawyers in America

2013–2019, Energy Law

2013–2019, Land Use & Zoning

2013–2019, Real Estate Law

PROFESSIONAL MEMBERSHIPS

Multnomah Bar Association

David chairs Tonkon Torp's Real Estate & Land Use Practice Group, focusing his practice on land use and local government law. He has helped bring a wide range of development projects to fruition, including large-scale residential developments, big-box retail stores, educational and office campuses, mixed-use developments and master planned communities, and other industrial and commercial facilities. He has successfully represented clients before a wide range of permitting bodies including the Oregon Land Use Board of Appeals and many Oregon and California cities and counties.

David has a subspecialty focusing on renewable energy development, having worked with many clients to bring utility-scale wind and solar facilities online in Oregon, California, and elsewhere. David has represented clients before and served as a hearings officer for the Oregon Energy Facility Siting Council. He is a member of the firm's Energy Law practice group and often speaks and writes on land use topics as they relate to renewable energy.

Beyond land use, David has a robust real estate transactional practice, representing owners and developers in a wide range of title, finance, transactional, leasing, and regulatory matters. He has handled the real estate aspects of several complex mergers, acquisitions and bankruptcies, including the \$1.2 billion sale of 146 senior housing facilities arising out of the bankruptcy of Sunwest, at the time the nation's largest privately-held senior housing provider. He also regularly counsels developers and owners on the intricacies of Oregon law related to owners' associations and restrictive covenants.

David's clients repeatedly praise his direct advice, quickness to grasp key issues, and efficiency in completing work on time and under budget. Clients and decision-makers alike compliment his clear, concise, and forthright explanation of complicated issues and presentation of legal arguments.

Prior to joining Tonkon Torp, David worked as a criminal investigator for the U.S. Department of Agriculture. After law school, he practiced real estate and land use law in the San Francisco area.

Representative Matters

Sale of 90 Acres of Undeveloped Property in Oceanside, CA — Assisted client to complete the sale of 90 acres of undeveloped real property in Oceanside, CA, the last remaining large undeveloped

coastal parcel between Camp Pendleton and the Mexican border. The client's family had tried unsuccessfully to sell the property for over 40 years. The current tenant of the property became obligated

COMMUNITY INVOLVEMENT & ACTIVITIES

Community Services, Inc.

Board of Trustees, Chairperson

Court Appointed Special Advocates

(CASA) for Children of Multnomah,

Washington & Columbia Counties

Volunteer CASA

to purchase the property but instead filed litigation against the seller to delay the sale or create leverage.

After foreclosure of the tenant's interests in the property, a third party buyer ultimately purchased the property for about 97% of the tenant's purchase price while also reimbursing the tenant's lender and funding a nuisance settlement with the tenant.

Site Certificate for Oregon Wind Facility —
Represented client to obtain a site certificate from the Oregon Energy Facility Siting Council to construct a 500 MW wind energy facility in Morrow and Umatilla Counties. The project faced stiff opposition from Umatilla County, some local landowners and a local anti-wind coalition. The project presented unique issues related to energy transmission, as the available

corridors to connect the project to the interstate transmission grid were constrained and presented considerable development challenges. After a five-year process, including a contested case before an administrative hearings officer that was resolved by a successful motion for summary judgment over the opposition of the Department of Energy, the Council issued a site certificate authorizing construction of the facility.

Presentations & Publications

"Cross-Laminated Timber (CLT) – Prospects and Risks," Business of Portland podcast, Pamplin Media Group, October 2018

"Tax Cuts and Jobs Act – Selected Real Estate Impacts," June 2018

"Family Shelter – From Vice to Nice: A Case Study," February 2016

"Requiring Utilities to Buy Solar Power Under PURPA," Solar Now! University, June 2014

"Title Insurance and Survey Review: What You Need to Know" and "Step-by-Step Through the Purchase Contract," Handling Real Estate Transactions with Confidence, National Business Institute, December 2013

