

RESOLUTION NO. 2021-42

A RESOLUTION RETAINING LAND USE LEGAL SERVICES FOR PORT WESTWARD REZONING AT THE LAND USE BOARD OF APPEALS.

WHEREAS, the Port of Columbia County (the Port) acquired land in 2010 adjacent to the area known as the Port Westward Industrial Park for purposes of development; the application to rezone this property has been approved by the County Commissioners three times; and

WHEREAS, the Port engaged Beery, Elsner & Hammond, LLP (BEH) in 2016 to respond to Land Use Board of Appeals' (LUBA) original remanded concerns, represent us through that appeal process, and most recently to respond to the one remanded question on compatibility (Resolutions 2019-32 and 2020-38), and

WHEREAS, BEH has continued their excellent work representing the Port, with the County approving the Ports supplemental response to our modified application on compatibility with adjacent uses; and

WHEREAS, BEH is fully aware of the nuances of the case and to replace them with another firm at this point would incur significant expense to review the thousands of pages of documentation involved; and

WHEREAS, responding to the LUBA appeal is likely to require highly complex and technical land use legal knowledge and experience, therefore,


BE IT RESOLVED by the Board of Commissioners of the Port of Columbia County as follows:

The Board directs the Executive Director to retain Beery, Elsner & Hammond, LLP, at a cost not to exceed \$45,000, to intervene on behalf of and represent the Port through the LUBA appeal process.

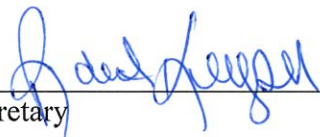
PASSED AND ADOPTED this 10th day of November, 2021, by the following vote:

AYES: 3 NAYS: 2

Port of Columbia County

By: 
President

Attested By:


Secretary