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November 4, 2022

**VIA FIRST CLASS MAIL AND EMAIL**

Suzie Dahl, Director of Land Development Services  
Columbia County Planning Department  
230 Strand Street  
St. Helens, OR 97051  
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**RE: Port of Columbia County – Port Westward Expansion  
Request to Initiate Remand Proceedings**

Dear Ms. Dahl:

This firm represents the Port of Columbia County (“Port”). The Port is the Applicant in Columbia County Application No. PA 13-02/ZC 13-01 (“Application”). The County approved that Application through Ordinance No. 2021-3, dated September 29, 2021 (“Final Decision”). The Land Use Board of Appeals (“LUBA”) remanded the Final Decision to the County on May 9, 2022. The purpose of this letter is to request that the County proceed with the Application on remand.

The Application seeks approval of an exception to Statewide Planning Goal 3 and a corresponding change in zoning for the Subject Properties to the County’s Resource Industrial Planned Development zone. These requests are important to the Port and the community it serves, and the Port remains committed to this process so that the County can capture the critical economic and other benefits it contemplated when it approved the Application.

As you know, the County has reviewed the Application on multiple occasions. The County initially approved the Application through Ordinance No. 2014-01. LUBA remanded that decision based on its conclusion that the approval did not satisfy certain standards relating to the Goal 3 Exception.

In 2017, the Port modified the Application and the County conducted remand proceedings. At the conclusion of those proceedings, the County approved the modified

Application through Ordinance No. 2018-1. That decision, too, was appealed to LUBA. LUBA denied all of the assignments of error presented to it during that appeal, with one exception. Although LUBA determined most of the Goal 3 Exception were satisfied, it remanded Ordinance No. 2018-1 back to the County solely to make more detailed findings relating to ORS 197.732(2)(c)(D) and OAR 660-004-0020(2)(d), both of which require findings relating to the compatibility of the proposed use.

In response to LUBA's remand of Ordinance No. 2018-1, the Port provided additional materials to the County in 2020 to address the compatibility requirements of ORS 197.732(2)(c)(D) and OAR 660-004-0020(2)(d). The County then conducted remand proceedings and, for a third time, approved the Application as part of the Final Decision. LUBA remanded the Final Decision, based on the adequacy of the County's findings with respect to OAR 660-004-0020(2)(d), but only for specific provisions in that rule relating to surrounding natural resources.

Based on LUBA's prior reviews, very few issues remain in this proceeding. Specifically, LUBA determined that remand is necessary for the county to adopt findings addressing the OAR 660-004-0020(2)(d) requirement to evaluate compatibility with "surrounding natural resources and resource management or production practices," and to better define the surrounding areas being reviewed. The Port is prepared to address these narrow issues. LUBA has resolved all other legal and factual issues in favor of the County and the Port's Application.

Neither the County's Zoning Ordinance nor state law prescribes a specific process or timeframe for remand proceedings for requests like those in the Application. The Port will work with the County to develop a process and timeframe that allows the Port an opportunity to address the remaining issues LUBA identified in its remand instructions, and that also allows a full and fair hearing for others wishing to participate in the proceeding. Specifically, the Port would like to work with the County to determine a hearing date before the County's Board of Commissioners to consider the Application on remand, and to determine the scope for which the record will be open for the Commissioners to receive new evidence and arguments.

We request that the County acknowledge receipt of this letter and include it in the record. If there is a particular individual we should work with to begin this process, please let us know. Otherwise, I will reach out to you shortly to request a time to meet and discuss the remand proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tommy A. Brooks', with a stylized, cursive script.

Tommy A. Brooks

Sarah Hanson, County Counsel ([sarah.hanson@columbiacountyor.gov](mailto:sarah.hanson@columbiacountyor.gov))