








Kelly S. Hossaini

Partner

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“Clients appreciate that I am thoughtful, engaged, and responsive from the beginning of a project to the end. I work collaboratively with the client and its development team to fashion the best solutions for the issues that arise, whether those issues are engineering, planning, architectural, or legal. When it comes to development not every problem is a legal problem, but just about every solution can benefit from some experienced legal thinking.”

Kelly Hossaini’s practice is devoted to representing clients, including developers, in a full scope of land use matters. Kelly assists public entities, including special districts, school districts, and other educational institutions, with planning for new facilities, urban growth boundary amendments, annexations, conditional use review, and site plan review. She also assists other public entities, including cities, with condemnation of property, when necessary for public projects.

Kelly’s practice extends to counseling national and regional homebuilders, retailers, senior care providers, and industrial developers with regard to site selection and all land use entitlements necessary for a successful project. Processes and approvals may include annexation, subdivision or planned unit development approval, and site plan review. Kelly also assists alternative energy providers, such as wind and solar, with site selection and land use approvals.

In complex land use permitting cases, thoughtful strategy and vigilant course correction are key to successful navigation. Identifying possible project risks at the outset, including threats to schedule and budget, and then working deliberately to address them goes a long way.

Kelly represents clients throughout the state of Oregon at the local government level, the Land Use Board of Appeals, the Oregon Court of Appeals, and at administrative hearings before state agencies.

Professional Activities

- American Planning Association, Oregon chapter, member
- Multnomah Bar Association, member

Education

J.D., Lewis & Clark Law School, 2000

- Member, *Environmental Law Journal*

B.A., Portland State University, 1993

- MURP, AICP Student Planner of the Year Award recipient

Bar Admissions

Oregon, 2001

- Oregon State Bar Association
 - Real Estate and Land Use Section, member
 - Sustainable Future Section, member

Civic Activities

- Ridgeview Homeowners Association, president
- Portland Business Alliance
 - Land Use Task Force, past chair, 2012-2016
 - Leadership Portland Program, graduate, 2006
 - Leadership Portland Alumni Association, member
- Portland State University
 - Advocate Committee, member
 - Presidential Search Committee, member
 - 1620 Club, Executive Committee member, 2019-present
 - Alumni Board, past Executive Committee member

Representative Experience

Urban Growth Boundary Amendments & Annexations

- Assisted large developer in negotiations with the City of Bend to include approximately 700 acres in the city's urban growth boundary.
- Assisted a group of adjacent property owners with annexing properties to Oregon City.
- Assisted property owner with negotiating with city to include approximately 40 acres into the city's urban growth boundary.
- Assisted school districts in Sherwood and Seaside with expanding urban growth boundaries and annexing additional land into the cities for school facilities.

Condemnation Actions

- Represented school district in the aggregation of properties for a new school facility, including consensual purchases and condemnation.
- Represented school district in obtaining new access to an existing elementary school through condemnation of an easement over neighboring property.
- Defended private landowner in Oregon Department of Transportation (ODOT) action involving condemnation of a portion of landowner's mixed-use, master-planned property for a new highway. Included takings in five different zoning classifications and associated damages to remainder property.
- Negotiated on behalf of private property owners in right-of-way condemnation actions.
- Represented large commercial farm against ODOT condemnation of a portion of the farming operation, including complex operational disruption and damages.

State & Federal Agency Experience

- Obtained a conditional use permit for a fire suppression reservoir in Crook County, including negotiation with Oregon Water Resources Department.

Publications

Kelly is a frequent writer. Following is a listing of presentations since 2016. A complete list is available upon request.

- "Will a New Restriction on the Size of Homes Qualify for Measure 49 Relief? The Oregon Court of Appeals Says No." Miller Nash Graham & Dunn, *From the Ground Up* (Jan. 2021)

- “After Four Years of Controversy, Portland Adopts the Residential Infill Project,” Miller Nash Graham & Dunn, *From the Ground Up* (Aug. 2020)
- “CARES Act Provides Relief for Federally Backed Property Loans and Renters,” Miller Nash Graham & Dunn, *From the Ground Up* (Mar. 2020)
- “COVID-19 and the Oregon Land Use Process,” Miller Nash Graham & Dunn, *From the Ground Up* (Mar. 2020)
- “State of Oregon Loses Statutory Recreational Immunity Defense Under New Court of Appeals Decisions” Miller Nash Graham & Dunn, *From the Ground Up* (Aug. 2018)
- “Oregon Supreme Court Allows Coos Bay Terminal Project to Move Forward” Miller Nash Graham & Dunn, *From the Ground Up* (July 2018)
- “Are State and Local Regulations Making the Portland Housing Affordability Crisis Worse?” Miller Nash Graham & Dunn, *From the Ground Up* (Feb. 2018)
- “City of Corvallis Loses the First Round of the Voter Annexation Fight,” Miller Nash Graham & Dunn, *From the Ground Up* (Mar. 2017)
- “Lack of Evidence of Prior Use Not Fatal to Implied Easement Claim,” Miller Nash Graham & Dunn, *From the Ground Up* (Aug. 2016)

Presentations

- “Tigard, Where Collaboration Meets Goals,” American Planning Association, National Planning Conference (Apr. 2018)
- “CISF Regional Roundtable,” Metro Area Regional Facility Workshop, moderator (Nov. 2014)
- “Attorneys’ Guide to Local Government Law,” National Business Institute (Sept. 2014)
- Miller Nash, 19th Annual Affordable Housing Conference (May 2012)
- “Entitlements: Land Use Matters, Adjusting the Lot Line and Statutory Warnings,” Oregon Law Institute, Real Estate 101: A Toolkit for the Real Estate Practitioner (Dec. 2011)
- “2010 Land Use Case Review,” The Seminar Group, 14th Annual Oregon Land Use Law (Dec. 2010)
- “Top Ten Land Use Tips for Affordable Housing Developers,” Miller Nash, 17th Annual Affordable Housing Conference (May 2010)
- “Navigating the Land Use Process Before a Hearings Officer—The Development Perspective,” Oregon State Bar, Fundamentals of Real Estate and Land Use CLE (Jan. 2008)
- “Explaining the Changes: How Measure 49 Amends Measure 37,” Oregon Law Institute, CLE on Measure 49 Explained (Dec. 2007)

Recognition & Honors

- Recognized as a “Leader in Their Field” by *Chambers USA* for Real Estate: Zoning/Land Use
- Selected for inclusion as an Oregon Super Lawyers—Rising Star, 2009-2011

Personal Activities

Kelly enjoys traveling, reading, and hiking in the Columbia Gorge and central Oregon.