

**Apollo Land Holdings Remand
LUBA #2017-014**

Written Requests of the Applicant to Initiate a Remand Hearing
and Waive the 120-day Clock

County File #17-0237
March 9, 2018

January 16, 2017

Michael C. Robinson
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VIA EMAIL

Mr. John Roberts, Director
Hood River County Planning Department
601 State Street
Hood River, OR 97031

Re: Remand of Apollo Land Holdings, LLC's Permit Application by Oregon Land Use Board of Appeals; Second Amended Letter Regarding ORS 215.435

Dear Mr. Roberts:

This office represents Apollo Land Holdings, LLC (the "Applicant"). The Oregon Land Use Board of Appeals ("LUBA") issued a final opinion and order remanding Hood River County's (the "County") approval of the Applicant's permit application to the County on June 29, 2017. *Hood River Valley Residents Committee v. Hood River County*, ____ Or LUBA ____ (LUBA No. 2017-014, June 29, 2017).

ORS 215.435 establishes timelines for final action by counties on remand of land use decisions by LUBA. Pursuant to ORS 215.435(2)(a), the Applicant must request in writing within one hundred eighty (180) days of the effective date of the final order of LUBA that the County proceed with the application on remand. The 180-day date is January 17, 2018. The first requesting letter was filed on August 23, 2017, thirty-four (34) days after the effective date of July 20, 2017 of LUBA's final opinion and order and requested that the County proceed with the application on remand, and amended on November 13, 2017. The County has one hundred twenty (120) days from January 16, 2018 (until May 26, 2018) to make a final decision on the application on remand.

The Applicant will provide a revised application and findings pursuant to LUBA's final opinion and order for the County's review. The Board of County Commissioners may decide this matter on remand without returning the matter to the Hood River County Planning Commission. Because this matter is not the initial evidentiary hearing, no party is entitled to an automatic open record or continuance pursuant to ORS 197.763(6)(a). The exception in ORS 215.435(4) is not applicable to this application.

Mr. John Roberts, Director
January 16, 2017
Page 2

Please let me know if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael C. Robinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael C. Robinson

MCR:sv

cc: Mr. Jason Taylor (via email)
Mr. Derek Deborde (via email)
Mr. Bill Summerfield (via email)
Mr. Steven L. Pfeiffer (via email)
Mr. David Delmar (via email)

November 14, 2017

Michael C. Robinson
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VIA EMAIL

Mr. John Roberts, Director
Hood River County Planning Department
601 State Street
Hood River, OR 97031

Re: Remand of Apollo Land Holdings, LLC's Permit Application by Oregon Land Use Board of Appeals; Amended Letter Regarding ORS 215.435

Dear Mr. Roberts:

This office represents Apollo Land Holdings, LLC (the "Applicant"). The Oregon Land Use Board of Appeals ("LUBA") issued a final opinion and order remanding Hood River County's (the "County") approval of the Applicant's permit application to the County on June 29, 2017. *Hood River Valley Residents Committee v. Hood River County*, ____ Or LUBA ____ (LUBA No. 2017-014, June 29, 2017).

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The Applicant will provide a revised application and findings pursuant to LUBA's final opinion and order for the County's review. The Board of County Commissioners may decide this matter on remand without returning the matter to the Hood River County Planning Commission. Because this matter is not the initial evidentiary hearing, no party is entitled to an automatic open record or continuance pursuant to ORS 197.763(6)(a). The exception in ORS 215.435(4) is not applicable to this application.

Mr. John Roberts, Director
November 14, 2017
Page 2

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Very truly yours,

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Michael C. Robinson

MCR:jsf

cc: Mr. Jason Taylor (via email)
Mr. Derek Deborde (via email)
Mr. Bill Summerfield (via email)
Mr. Steven L. Pfeiffer (via email)
Mr. David Delmar (via email)

August 23, 2017

Michael C. Robinson
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VIA EMAIL

Mr. John Roberts, Director
Hood River County Planning Department
601 State Street
Hood River, OR 97031

Re: Remand of Apollo Land Holdings, LLC's Application by Oregon Land Use Board of Appeals

Dear Mr. Roberts:

This office represents Apollo Land Holdings, LLC (the "Applicant"). The Oregon Land Use Board of Appeals ("LUBA") issued a final opinion and order remanding Hood River County's (the "County") approval of the Applicant's permit application to the County on June 29, 2017. *Hood River Valley Residents Committee v. Hood River County*, ____ Or LUBA ____ (LUBA No. 2017-014, June 29, 2017).


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The Applicant will provide a revised application and findings pursuant to LUBA's final opinion and order for the County's review. The Board of County Commissioners may decide this matter on remand without returning the matter to the Hood River County Planning Commission. Because this matter is not the initial evidentiary hearing, no party is entitled to an automatic open record or continuance pursuant to ORS 197.763(6)(a). The exception in ORS 215.435(4) is not applicable to this application.

Mr. John Roberts, Director
August 23, 2017
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Michael C. Robinson

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