

REM-19-001

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March 14, 2019

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**VIA EMAIL AND OVERNIGHT DELIVERY**

Jill Rolfe  
Coos County Planning Director  
225 N Adams St  
Coquille, OR 97423

**Re: Jordan Cove Energy Project Land Use Applications  
Coos County File Nos. HBCU-15-05/FP-15-09  
Applicant's Request to Initiate Remand Proceedings**

Dear Jill:

This office represents Jordan Cove Energy Project L.P. ("JCEP"). As you are aware, the Land Use Board of Appeals ("LUBA") entered a final opinion and order remanding, on limited grounds, Coos County ("County")'s decision to approve JCEP's land use applications for a liquefied natural gas export terminal and related facilities (County File Nos. HBCU-15-05/FP-15-09) ("Applications"). *Oregon Shores Conservation Coalition et al. v. Coos County*, 76 Or LUBA 346 (2017). Pursuant to ORS 215.435(2)(a), JCEP requests that the County proceed to review the Applications on remand to address the limited issues sustained by LUBA.

"Resolved issues" are outside the scope of the remand pursuant to *Beck v. City of Tillamook*, 313 Or 148, 153, 831 P2d 678 (1992). "Resolved issues" include: "(1) [I]ssues presented in the first appeal and rejected by LUBA; and (2) issues which could have been, but were not, raised in the first appeal." *Louisiana Pacific v. Umatilla County*, 28 Or LUBA 32, 35 (1994).

LUBA's decision was affirmed on appeal by the Oregon Court of Appeals. *Oregon Shores Conservation Coalition v. Coos County*, 291 Or App 251, 416 P3d 1110 (2018). The Oregon Supreme Court then denied review. *Oregon Shores Conservation Coalition v. Coos County*, 363 Or 481, 424 P3d 728 (2018). An appellate judgment was entered on September 20, 2018. As a result, the County has jurisdiction to take action on remand.

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Enclosed with this letter please find a check payable to "Coos County" in the amount of \$2,500.00 for the remand application fee. JCEP will submit to the County a narrative and evidentiary support addressing the limited remand issues very soon.

JCEP looks forward to working with the County to obtain approval of the Applications on remand. Feel free to contact me with any questions. Thank you for your attention to this request.

Very truly yours,



Seth J. King

Encl.

cc: Steve Pfeiffer (via email) (w/encl.)  
Client (via email) (w/encl.)