

BEFORE THE BOARD OF COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

AN ORDINANCE RELATING TO THE
BRADWOOD LANDING LNG PROPOSAL
AND AMENDING THE CLATSOP COUNTY
COMBINED COMPREHENSIVE PLAN AND
ZONING MAP, THE TEXT OF THE CLATSOP
COUNTY COMPREHENSIVE PLAN AND
THE TEXT OF THE CLATSOP COUNTY
LAND AND WATER DEVELOPMENT AND
USE ORDINANCE (ORDINANCE 80-14)

ORDINANCE NO. 08- 05

WHEREAS, on December 12, 2006, Bradwood Landing filed an application to amend the combined Clatsop County Comprehensive Plan Map and Zoning Map to change the current zoning of .79 acres identified as Area 1, .39 acres identified as Area 2, and 4.17 acres identified as Area 3 of a property in Clatsop County (the "Property") described generally in Attachment 3 of Exhibit A and shown specifically on Attachment 4 of Exhibit A, attached hereto, from a zoning designation of AN (Aquatic Natural) to a zoning designation of MI (Marine Industrial) and the current plan designation from Natural to Development; and

WHEREAS, on December 12, 2006, Bradwood Landing filed an application to amend the combined Clatsop County Comprehensive Plan Map and Zoning Map to change the current zoning of a portion of a property in Clatsop County described generally in Attachment 3 of Exhibit A and shown specifically as the 2.51 acre mill-pond identified as Area 4 on Attachment 4 of Exhibit A (the "Property"), attached hereto, from a zoning designation of AD (Aquatic Development) to a zoning designation of MI (Marine Industrial); and

WHEREAS, on December 12, 2006, Bradwood Landing filed an application to amend the combined Clatsop County Comprehensive Plan Map and Zoning Map to change the current zoning of 46.4 acres of the Columbia River designated Area 5 on Attachment 4 of Exhibit A, attached hereto, from a zoning designation of AC2 (Aquatic Conservation 2) to a zoning designation of AD (Aquatic Development) and the current plan designation from Conservation – Other Resources to Development in order to accommodate the turning basin as well as to accommodate the liquified natural gas terminal use; and

WHEREAS, on December 12, 2006, Bradwood Landing filed an application for a Clatsop County Comprehensive Plan amendment adopting an exception to authorize dredging in Area 5 (46.4 acres) shown in Attachment 4 of Exhibit A and uses allowed in the Marine Industrial zone on areas designated Area 1 (.79 acres), Area 2 (.39 acres) and Area 3 (4.17 acres) in Attachment 4 of Exhibit A; and

WHEREAS, on December 12, 2006, Bradwood Landing filed an application to amend the Clatsop County Comprehensive Plan to delete language from the Plan relating to small to medium scale development; and

WHEREAS, on February 9, 2007, Bradwood Landing filed an application for an amendment to the Clatsop County Land Development and Water Use Ordinance to add “cable, sewerline, waterline or other pipeline” as permitted uses in the Open Space, Parks, and Recreation (OPR) zone; and

WHEREAS, the applications were considered by the Planning Commission at public hearings on July 10, 2007 and July 17, 2007 and following public deliberations on August 29, 2007 and September 28, 2007 the Planning Commission recommended addition of “cable, sewerline, waterline or other pipeline” as a conditional use in the OPR zone pursuant to the

requirements of ORS 215.050 and 215.060, the Planning Commission recommended approval of the rezonings of Areas 1, 2 and 3 from AN to MI and the rezoning of Area 4 from AD to MI and the approval of exceptions to authorize the uses along with the identified Plan designations and the Planning Commission recommended approval of a conditional use permit for the proposed turning basin and therefore concluded that the proposed rezoning and plan amendment from AC2 to AD and Conservation-Other Resources to Development would not be necessary and the Planning Commission concluded that the deletion of scale language from the Plan was not necessary; and

WHEREAS, consideration for this ordinance complies with ORS 197.610–ORS 197.625 and related Oregon Administrative Rules on post-acknowledgement plan amendments, the County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Board received and considered the Planning Commission’s recommendations on this request and held a public hearing on this ordinance pursuant to law on October 22, 2007 and November 19, 2007 and deliberated on December 13, 2007; and

WHEREAS, all notices to interested property owners and interested parties have been provided pursuant to law; now therefore,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. The portion of the property described above and shown in Attachment 4 of Exhibit A (attached) as Area 1 (.79 acres), Area 2 (.39 acres) and Area 3 (4.17 acres) is hereby rezoned from AN (Aquatic Natural) to MI (Marine Industrial) and the Comprehensive Plan designation is changed from Natural to Development.

SECTION 2. The portion of the property described above and shown in Attachment 4 of Exhibit A (attached) as Area 4 (2.51 acres) is hereby rezoned from AD (Aquatic Development) to MI (Marine Industrial). The Comprehensive Plan designation remains Development.

SECTION 3. The portion of the property described above and shown in Attachment 4 of Exhibit A (attached) as Area 5 (46.4 acres) is hereby rezoned from AC2 (Aquatic Conservation) to AD (Aquatic Development). The Comprehensive Plan designation is changed from Conservation – Other Resource to Development and the request for a conditional use permit to allow the proposed dredging in the AC2 zone is denied.

SECTION 4. The amendment to the Comprehensive Plan provided in Attachment 6 to Exhibit A attached hereto is adopted and the Board concludes that goal exceptions requested are not required. Language related to scale of development as small to medium is not deleted from the Comprehensive Plan.

SECTION 5. Provisions of the LWDUO are amended to list “cable, sewerline, waterline, or other pipeline” as a conditional use in the OPR zone, as described in Section 6.

SECTION 6. LWDUO § 3.586(10) is amended to state “10. cable, sewerline, waterline or other pipeline” and the current LWDUO § 3.586(10) is made LWDUO § 3.586(11).

SECTION 7. In support of this ordinance, the Board adopts the March 5, 2008 Findings of Fact and Conclusions of Law as indicated in Exhibit A (attached).

Approved this 20th day of March, 2008.

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By Patricia G. Stead, Chair

By Valerie Crawford
Recording Secretary

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

In the matter of the Land Use Permit
Applications of Bradwood Landing LLC

RESOLUTION AND ORDER
NO. 2008-_____

- A. On December 12, 2006, Bradwood Landing LLC ("Applicant") filed permit applications to develop a liquified natural gas terminal and associated facilities, at the property described in Attachment 3 to Exhibit A.
- B. Applicant later submitted applications to permit a natural gas pipeline and terminal construction worker park and ride facility.
- C. These applications were consolidated for the purpose of County review. The Planning Commission held public hearings on the requested actions on July 10 and July 17, 2007 and recommended approval of the applications subject to conditions of approval following public deliberations on August 29, 2007 and adoption of findings on September 28, 2007.
- D. The Board of Commissioners held public hearings on the requested actions on October 22, 2007 and November 19, 2007, and deliberated on December 13, 2007 and made tentative decisions to approve the same, with such tentative approval to be finalized upon the presentation of findings.

NOW THEREFORE, the Board of Commissions hereby approves the land use applications submitted by Bradwood Landing as set forth below,

IT IS HEREBY ORDERED:

1. The applicant is granted the approvals described in Exhibit A, subject to conditions of approval described therein for the following activities:

- a. Hunt Creek Bridge Replacement
- b. Concrete Batch Plants
- c. Dredging
- d. Dredged Material Disposal
- e. Electrical Power Line
- f. Construction Worker Park and Ride Lot
- g. In Water Structures
- h. Lay Down (Storage and Staging) Areas
- i. Two LNG Storage Tanks and the Gassification Plant
- j. Railroad Relocation
- k. Road Improvements to Clifton and Bradwood Roads
- l. Pipeline Segment in MI Zone.
- m. Pipeline Segment in F80 Zone.
- n. Pipeline Segment in HI Zone.
- o. Pipeline Segment in LW Zone.
- p. Pipeline Segment in AD Zone.
- q. Pipeline Segment in EFU Zone.
- r. Land Use Compatibility Statements

2. The effective date of this Resolution and Order is the effective date of Ordinance

No. 08-05.

///

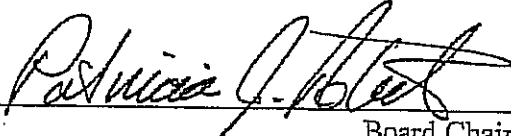
///

///

3. The Findings and Conclusions of Law in Exhibit A are adopted by reference in support of this Resolution and Order.

DATED this 20th day of March, 2008.

ON BEHALF OF THE
THE BOARD OF COMMISSIONERS
FOR CLATSOP COUNTY, OREGON



Board Chair