

**FILE COPY**

**FINAL ORDER  
APPLEGATE LANDING PHASE II -  
MINOR SITE PLAN AMENDMENT (SR-4-08)**

**A. The City of Veneta Planning Department finds the following:**

1. The applicant has submitted information required by Section 6.03 of Veneta's Land Development Ordinance No. 461 and Chapter 18.10 of the Veneta Municipal Code.
2. The Building & Planning Official provided proper notice of limited land use action according to Section 2.13 of the Veneta Land Development Ordinance No. 461.
3. The Building & Planning Official followed the required procedure and standards for approving site plans as required by Section 2.06 and 6.05 of Veneta's Land Development Ordinance No. 461.

**B. The Building & Planning Official approves the Minor Site Plan Amendment for Applegate Landing Phase II (SR-4-08) with the following conditions of approval:**

**PRIOR TO CONSTRUCTION**

- 1) Prior to construction in any wetland or drainage area, the applicant shall provide a revegetation plan for the section of existing drainage being filled.
- 2) The construction area and areas to remain undisturbed shall be flagged, fenced or otherwise clearly marked in accordance with the prevention notes and details on the approved erosion control plan.

**GENERAL CONDITIONS**

- 3) All flagging, fencing or other markers shall be maintained until the construction of the wetland and drainage is complete.
- 4) Any unauthorized disturbance(s) within the Greenway –Open Space overlay zone shall be revegetated, monitored and reported in accordance with a plan developed by a qualified biologist, landscape architect, or engineer and submitted to the City as an amendment to the approved site plan and receive City approval.

- 5) No native vegetation outside of the approved construction area shall be disturbed and trees within the Greenway shall not be used as anchors for stabilizing construction equipment.

**C. IT IS HEREBY ORDERED THAT the Building & Planning Official approves with conditions the Minor Site Plan Amendment for Applegate Landing Phase II (SR-4-08) based on the information presented in the following findings of fact:**

**Site Plan Review and Veneta Municipal Code, applicable criteria.** Ordinance language is in italics. Findings are in bold.

*The Veneta Land Development Ordinance No. 461*

*Section 2.09 WETLAND DEVELOPMENT*

*Development within a wetland is subject to compliance with Veneta's Wetland Protection Ordinance, Veneta Municipal Code Chapter 18.10.*

- (1) *Notification.* *The City shall provide notice to the Division of State Lands (DSL) the applicant, and the owner of record within five working days of the acceptance of any complete application for subdivisions; building permits for new structures; other development permits and approvals that allow physical alteration of land involving excavation and grading, including permits for removal or fill, or both, or development in the floodplain; conditional uses and variances that involve physical alteration of land or construction of new structures; and planned unit development approvals that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.*

**The proposal is consistent with the provisions of this section. The proposed site plan amendment is located within an identified wetland that is part of DSL permit 34856-RF. The proposed amendment was received on September 12, 2008 and deemed complete on September 29, 2008. A notice of amendment was sent to DSL and was noticed to DSL on September 29, 2008.**

- (2) *Approval.* *Approval of any activity described above shall include one of the following:*
  - (a) *issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;*
  - (b) *notice from DSL that no permit is required;*



**The proposal is consistent with all applicable provisions of the City of Veneta Land Development Ordinance No. 461 and Chapter 18.10 of the Veneta Municipal Code based on the findings and conditions of approval addressed in the findings below.**

- (2) *That traffic congestion is avoided; pedestrian, bicycle and vehicular safety and protected; and future street right-of-way are protected.*

**The proposal does not effect traffic congestion or pedestrian, bicycle or vehicular safety. The right-of-way has already been established; therefore the provisions of this section are not applicable.**

- (3) *That the proposed signs or lighting will not, by size, location or color, interfere with traffic or limit visibility.*

**There are no proposed signs or lighting proposed as part of the site plan amendment, therefore the provisions of this section are not applicable.**

- (4) *That adequate water, sewer and utilities for the proposed use are available.*

**There are no proposed changes in water, sewer or utilities as part of the site plan amendment; therefore the provisions of this section are not applicable.**

- (5) *The drainageways are protected and drainage facilities provided.*

**The proposal is consistent with the provisions of this section. The proposed drainage swale creation and wetland creation will assure that existing and planned site drainage for the Applegate Landing Phase II subdivision will be maintained, and that a potentially adverse drainage impact from water flowing from the wetland onto Greenbrier Court. Drainage onto the adjacent lots will be avoided through the creation of the drainage swale which will redirect the flow away from those areas.**

- (6) *That the extent of emissions and potential nuisance characteristics are reasonably compatible with the land use district, adjacent land uses and the standards of all applicable regulatory agencies having jurisdiction.*

**The proposal is consistent with the provisions of this section. The site is located in the Greenway – Open Space Subzone and will not interfere with adjacent land uses. The extent of traffic, emissions, and potential nuisance characteristics are compatible with the zoning district per Section 4.11 of the Veneta Land Development Ordinance No. 461.**

Section 4.11 GREENWAY OPEN SPACE SUBZONE (GW)

*In the GW zone, the following regulations shall apply:*

- (1) *Purpose. To implement the Open Space – Greenway Overlay in the Veneta Comprehensive Plan.*

**The proposal is consistent with the purpose of the Greenway – Open Space Subzone. The Comprehensive Plan requires that care is taken to protect drainage facilities and areas capable of flooding. The existing drainage channel flows to the east and currently terminates near the back of the sidewalk on Greenbrier Court. The proposed realignment of the drainage channel has been approved through Removal/Fill permit 34856-RF (DSL) and 2005-00430 (Army Corps) and redirects the drainage to an existing drainage that flows east to 8<sup>th</sup> Street.**

- (2) *Boundaries.*

- (a) *The boundaries of the GW subzone are shown on the Veneta Zoning Map, updated July 24, 2006, and hereby adopted by reference. In instances where the Greenway boundary shown on the Veneta Zoning Map and the boundary as defined herein are different, the language of the section shall take precedence.*

**The proposal is consistent with the provision of this section. The proposed realignment is located within the Greenway – Open Space Subzone and is consistent with the language of this section.**

- (b) *Upon receiving a new wetland delineation and concurrence from the Division of State Lands (DSL), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.*

**The proposal is consistent with the provisions of this section. DSL has approved the amendment to the approved wetland permit 34856-RF. The Greenway boundary will be modified to reflect all the changes in the amended area in accordance with this section.**

- (c) *In cases where areas not associated with wetlands are necessary to provide for pedestrian/bicycle connectivity, protection of other natural resources, or to provide a buffer between uses, the*

*boundaries of the Greenway shall be as shown on the Veneta zoning map.*

**All necessary pedestrian/bicycle connectivity, natural resources or buffers are already provided within the amended area; therefore the provisions of this section are not applicable.**

(3) *Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.11(6) of this ordinance.*

(d) *Mitigation of development activities.*

**The proposal is consistent with the provisions of this section. The proposed realignment of the drainage channel at the end of Greenbrier Court has been approved by the Department of State Lands and the Army Corps of Engineers and will redirect the existing flow to the drainage that flows towards 8th Street.**

(6) *Application and Construction Standards*

*No ground disturbing activities shall take place in the greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities:*

(a) *The applicant shall submit revegetation plan containing the following information:*

1. *A description of adverse impacts that will be caused as a result of development.*
2. *An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.*

**The proposal is consistent with the provisions of this section. The impacts to the existing 2,072 sq ft of drainage are being mitigated through the development of approximately 6,906 sq ft of wetlands above the proposed drainage channel. The proposed mitigation will add approximately 4,834 sq ft of wetlands to the site. The disturbed areas, including cut and fill slopes will be revegetated with native species as provided by the Wetland Mitigation/Creation Planting Plan provided in sheet L1.4 of the DSL/USACE Addendum.**

3. *A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.*

**Hayden Homes will be responsible for all revegetation work on the development site associated with this wetland mitigation and creation project.**

4. *An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.*

**The proposed realignment of the drainage channel and revegetation will take place in the Fall of 2008. DSL will continue to monitor the created wetland and realigned drainage channel for a period of 5 years.**

- (b) *Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.*

**The proposal is consistent with the provisions of this section with the condition of approval that the construction area and areas to remain undisturbed will be flagged, fenced or otherwise clearly marked in accordance with the approved erosion prevention notes and details. All flagging, fencing or other markers shall be maintained until the construction of the wetland and drainage is complete.**

- (c) *To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.*

**The proposal is consistent with the provisions of this section with the condition of approval that no native vegetation outside of the approved construction area shall be disturbed and that trees within the Greenway shall not be used as anchors for stabilizing construction equipment.**

- (d) *Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by the City, and the vegetation shall be established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare area during revegetation.*

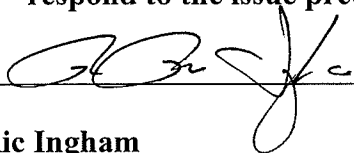
**The proposal is consistent with the provisions of this section with the condition of approval that the applicant provide a revegetation plan for the section of existing drainage being filled prior to construction of any wetland or drainage area.**

- (7) *Enforcement. No prohibited use, construction activity including grading and/or excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway – Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscaping architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall include provisions for monitoring and reporting on a yearly basis until such time the full restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Section 2.10 of this ordinance.*

**The application is consistent with the provisions of this section with the condition of approval that any unauthorized disturbance(s) within the Greenway – Open Space overlay zone shall be revegetated, monitored and reported in accordance with a plan developed by a qualified biologist, landscape architect, or engineer and submitted to the City as an amendment to the approved site plan and receive City approval.**

- D. This approval shall become final on the date this decision and supporting findings of fact are signed by the Building & Planning Official, below. An Administrative decision may be appealed to the Planning Commission within 15 days after the final order has been signed and mailed.**

**Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**

  
\_\_\_\_\_  
**Ric Ingham**  
**City Administrator**

10.15.08  
\_\_\_\_\_  
**Date**