



# NOTICE OF DECISION AND ORDER

## Modification to Approved Plans MC-24-3

MAILED September 20, 2024

APPLICANT: Seth Hague

PROPERTY OWNER: Fort Pointe Land Partners LLC

SUBJECT OF REVIEW: Modification of Condition of Approval 28 from MC-23-3

### HEARING AND RECORD

The Planning Commission approved the preliminary subdivision and planned unit development plan for the Fort Pointe development (SUB-20-2) on January 14, 2021. Since then, the approval was modified twice, the first by MC-22-2, final and effective on February 14, 2023, and the second by MC-23-3, final and effective on October 11, 2023. The applicant is asking to modify one of the conditions of approval from MC-23-3, specifically Condition of Approval 28.

The Planning Commission held a public hearing on September 12, 2024. At the hearing, the Planning Commission moved to approve the modification MC-24-3 based on the findings and conclusions of the staff report to change the language of modify the language of Condition of Approval 28 of MC-23-3 to read as follows: "The developer shall be authorized to convey the wetland tract to a private entity. The transfer shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC as of September 12, 2024, and shall be subject to all city, state, and federal regulations regarding wetlands disturbance."

Copies of all submittals and related documents are available by contacting the Warrenton Planning Department at (503) 861-0920 or [planning@warrentonoregon.us](mailto:planning@warrentonoregon.us).

Type III decisions are final and effective one day after the appeal period expires. The appeal period is September 23, 2024 – October 7, 2024. **This decision is final and**

**effective on October 8, 2024.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

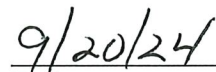
## **RIGHT TO APPEAL**

In accordance with Warrenton Municipal Code 16.208.050(H), any person with standing to appeal may appeal the Planning Commission's decision by filing a Notice of Appeal according to the following procedures:

1. Time for filing. A Notice of Appeal shall be filed with the Community Development Director within 14 days of the date the notice of decisions was mailed.
2. Content of Notice of Appeal: The notice of appeal shall contain:
  - A. An identification of the decision being appealed, including the date of the decision.
  - B. A statement demonstrating the person filing the notice of appeal has standing to appeal.
  - C. A statement explaining the specific issue raised on appeal.
  - D. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
  - E. Filing fee.
3. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

For questions, please contact the Warrenton Planning Department at (503) 861-0920 or [planning@warrentonoregon.us](mailto:planning@warrentonoregon.us).

  
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Chris Hayward, Chair  
Warrenton Planning Commission

  
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Date