

**RESOLUTION NO. 1775**

**(Denies Appeal and Approves Development Review Board Decision)**

**A RESOLUTION DENYING AN APPEAL IN 02DB03A, ADOPTING FINDINGS AND CONDITIONS, APPROVING A TENTATIVE SUBDIVISION PLAT, STAGE II FINAL PLANS, SITE AND DESIGN PLANS, LOT LINE ADJUSTMENTS, TYPE C TREE PLAN FOR THE PROPOSED BOECKMAN PARK 103-LOT SUBDIVISION. THE SUBJECT PROPERTY IS LOCATED ON BOECKMAN ROAD ON TAX LOTS 800, 900, 1000, 1300, 1400, 1500 (southerly portion), 1600 (southerly portion), AND 1700, OF SECTION 13A, TOWNSHIP 3 SOUTH, RANGE 1 W, WILSONVILLE, CLACKAMAS COUNTY OREGON. CLAREMONT CONSTRUCTION, APPLICANT.**

WHEREAS, an application together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff prepared reports on the above-captioned subject dated March 11, 2002 (Exhibit 5) and May 13, 2002 (Exhibit 4), and

WHEREAS, said planning exhibits and staff reports were duly considered approved by the Development Review Board – Panel A, at regularly scheduled meetings conducted on March 11, 2002, which was continued to May 13, 2002; the Development Review Board approved the requests at which time exhibits, together with proposed findings and conditions of approval, and public testimony were entered into the public record, and

WHEREAS, interested parties had an opportunity to be heard on the subject, and

WHEREAS, an appeal on that decision was filed on May 30, 2002 from David and Karen Schaefer; and

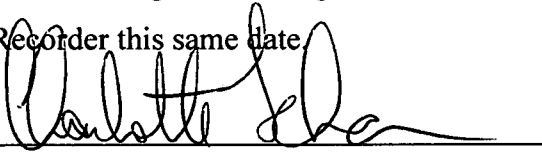
WHEREAS, the City Council determined to hear the Schaefer's appeal on the record with limited testimony by the Schaefers on June 13, 2002, and a Planning Staff Report regarding this appeal dated May 13, 2002 was received and considered by the City Council, and after public hearing, and based on the materials, exhibits and testimony presented, Panel 'A' of the Development Review Board of the City of Wilsonville approved the application as submitted and adopted additional findings, including the discussion and motion of the Development Review Board in the public hearing.

WHEREAS, due notice of these matter having been duly given, the applicable criteria stated, and the parties and interested persons having been given an opportunity to be heard, the City Council, having reviewed the record and being fully advised in this matter.

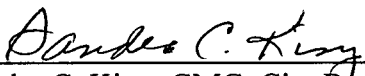
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The findings and responses of Planning Division Staff Report regarding the appeal, dated June 13, 2002 marked (Exhibit A) attached hereto and incorporated herein, are adopted.
2. The appeal is resolved as follows:  
The appeal of the issues raised by David and Karen Schaefer are not substantiated by evidence when taken in the record as a whole and are hereby denied.
3. This effective date of this Resolution is June 17, 2002

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 13th day of June 2002, and filed with the Wilsonville City Recorder this same date.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan	<u>YES</u>
Councilor Helser	<u>EXCUSED</u>
Councilor Barton	<u>YES</u>
Councilor Kirk	<u>YES</u>
Councilor Holt	<u>EXCUSED</u>

## PLANNING DIVISION STAFF REPORT

**Date:** June 13, 2002

**To:** Honorable Mayor and City Council

**From:** Blaise Edmonds, Manager of Current Planning

**Subject:** Appeal of DRB Decision in Planning Case File 02DB03 (Boeckman Park Subdivision)

**Planning File No. 02DB03A**

**Appellants:** David and Karen Schaefer, 28529 SW Cascade Loop, Wilsonville

**Applicant:** Claremont Construction

**Property Owners (File 02DB03):**

<u>Property Owner</u>	<u>Boeckman Road Address</u>	<u>Tax Lot(s) – 3S 1W 13A</u>
Eamonn and Kathleen Hughes	6940	800
Donna Jensen	7020	900
Frank and Phyllis Vidin	7140	1000
Larry and Lola Larson	7200	1300
Clair and Bethyl Cain	7270	1400
Claudia and David Reiwald	7310	1500
Michael and Beth Timm	7400	1600&1700

**Legal Description:** Boeckman Road, Tax Lots 800, 900, 1000, 1300, 1400, 1500, 1600, and 1700, of Section 13 A, T 3 S, R 1 W, Wilsonville, Clackamas County Oregon.

### **SUMMARY:**

On May 30, 2002, David and Karen Schaefer filed application with the City Recorder to appeal the Development Review Board approval of Planning Case File 02DB03. (Attachment 1).

### **RECOMMENDATION:**

Planning staff recommends that the City Council grant the appellant's request for a *DeNovo* hearing on the Development Review Board's (DRB) decision, limited to the testimony of the appellant; and to uphold the DRB's decision for approval. On that basis staff recommends that the appeal be denied. Additional findings and amended conditions are proposed. Appropriate Council action would be the adoption of Resolution No. 1775. Staff proposes conditions of approval listed at the end of this report. Resolution No. 1775 is attached, which also includes the proposed conditions of approval.

**BACKGROUND:**

After conducting two public hearings, Panel A of the Development Review Board approved the Boeckman Park subdivision. The Development Review Board adopted the staff recommendation for approval, proposed findings and the proposed conditions of conditions of approval. The conditions of approval are included as a part of this Staff Report. Please refer to the DRB minutes for the May 13, 2002, public hearing for this project.

**Actions on File 02DB03:**

The DRB approved the following requests:

- A. Recommendation to the City Council to change the Comprehensive Plan Map density from 0-1 dwelling units per acre to 5-7 dwelling units per acre
- B. Recommendation to the City Council change the Zoning Map from Residential Agricultural-Holding (RA-H) to Planned Development Residential – 4 (PDR-4)
- C. Recommendation to the City Council to approve the Stage I Master Plan
- D. Lot Line Adjustment
- E. Tentative Subdivision Plat for 103 lots that will retain two of the homes on the existing lots (1500 and 1600) through a lot line adjustment
- F. Stage II Final Plan
- G. Site and Design Plans
- H. Type ‘C’ Tree Permit

Approval criteria of the City Council include Section 4.022 (Appeal Procedures) of the Wilsonville Code. Additionally, the Development Review Board considered the following approval criteria:

**City of Wilsonville Comprehensive Plan**

Plan Amendment procedure found on Pages 7 through 9

Applicable Implementation Measures for Roads and Transportation Plan: 3.1.6.a - 3.1.6.cc

Applicable Implementation Measures for Storm Drainage: 3.1.7.a - 3.1.7.t

Applicable Implementation Measures for Parks/Recreation/Open Spaces: 3.1.11.a - 3.1.11.s

Implementation Measures 4.1.1.h, 4.1.1.j, and 4.1.1.k

Applicable Implementation Measures for Residential Development found on pages 65 to 71

Applicable Implementation Measures for Environmental Resources and Community Design: 4.1.5.a - 4.1.5.qq

Title 8, Section 3.07.830, Metro’s Urban Growth Management Plan

Title 1, Metro’s Urban Growth Management Plan

**Zoning**

Section 4.003: Consistency with Plan and Laws

Section 4.008: Application Procedures - In General

Section 4.009: Who May Initiate Applications

Section 4.013: Hearing procedures

Section 4.014: Burden of Proof  
Section 4.015: Findings and conditions  
Section 4.022: Appeals  
Section 4.031: Authority of the Development Review Board  
Section 4.033: Authority of the City Council  
Section 4.034: Application procedures-general  
Section 4.035: Site Development Permits  
Section 4.113.02(A): Outdoor Recreation Area  
Section 4.118: Standards Applying to All Planned Development Zones  
Section 4.131: Authority of the Development Review Board  
Section 4.120: Residential Agriculture-Holding (RA-H) zone  
Section 4.124: Standards Applying To All Planned Development Residential Zones  
Section 4.124.4: Planned Development Residential -4 (PDR-4 zone)  
Section 4.139.00-4.139.10: Significant Resource Overlay Zone  
Section 4.140: Planned Development Regulations  
Section 4.155: General Regulations – Parking, Loading and Bicycle Parking  
Section 4.167: General Regulations – Access, Ingress and Egress  
Section 4.171: General Regulations-Protection Of Natural Features And Other Resources  
Section 4.176: Landscaping, Screening, and Buffering  
Section 4.177: Street Improvement Standards  
Section 4.180: Exceptions and Modifications – Projections into Required Yards  
Subsections 4.197(02-.05): Zone Changes and Amendments To This Code – Procedures  
Section 4.198: Comprehensive Plan Changes – Adoption by the City Council  
Subsections 4.200-4.290: Land Divisions  
Subsections 4.300-4.320: Underground Utilities  
Sections 4.400 – 4.450: Site and Design Review  
Sections 4.600 – 4.630.20: Tree preservation and protection.

**Other Planning Documents**

Ordinance No. 514: Public Facilities Water Strategy.  
Ordinance No. 463: Public Facilities Transportation Strategy.  
Ordinance No. 516: Natural Resources Plan  
Storm Water Master Plan

**Attachments to Staff Report**

1. Appellant's Narrative
2. Resolution No. 1775

**SUPPLEMENTAL FINDINGS  
IN RESPONSE TO ISSUES RAISED BY THE APPELLANT**

See Attachment 1 for full appeal text.

**Appeal Issue:** Inadequate Notice

**Response Finding:**

Staff provided a public hearing notice for the proposed project in accordance with the requirements of the City's Development Code (Subsection 4.012) and State Law (Oregon Revised Statutes (ORS) 197.763). Subsection 4.012(.02)(A) requires that the Planning Director use the property ownership lists of the County Assessor in determining the recipients for public hearing notices. Similarly, ORS 197.763 requires that notice of a hearing be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located.

According to the tax roll information from the Clackamas County Assessors Office, the Schaefer's purchase of their property at 28529 SW Cascade Loop was recorded with the County on October 29, 2001. The applicant for the proposed project submitted a property owner's list for all properties within 250 feet of the subject properties with his application on December 12, 2001. This property list showed James and Rossayn Johnston as the owners of 28529 SW Cascade Loop. Prior to the public hearing notice for this project, City Staff checked the property owners list supplied by the applicant against the property owner information in the Regional Land Information System (RLIS) supplied by the Metro Date Resource Center. The City subscribes to this information service that provides a quarterly update of property information in the region. For the November, 2001 release of this information, Metro received an update of the property information from the County Assessors' offices in the region through the end of the third week of October 2001. The winter 2002 update of this information was not mailed to subscribers of RLIS until February 29, 2002. Staff mailed the public hearing notice for the proposed project on February 25, 2002 using the November, 2001 RLIS data to verify the correctness of the applicant's property list. As the notice for the Schaefer's property was addressed to the seller of the property, it is likely that the notice was forwarded to the seller.

**Public Hearing Notice Timeline for the Proposed Boeckman Park Subdivision**

Metro requests quarterly update of tax roll information from County Assessor's Office	2 <sup>nd</sup> week of October 2001
County Assessor's Office produces data and provides to Metro	3 <sup>rd</sup> week of October 2001
Date of sale of Schaefer's house	10/29/01
Clackamas County processes deed transfer	11/5/01
Quarterly RLIS data produced and distributed by Metro	Mid November 2001
Quarterly RLIS data produced and distributed by Metro	February 29, 2002
Public Hearing Notice for the first DRB hearing on Boeckman Park for the March 11 <sup>th</sup> hearing	February 25, 2002

Notice of the hearing date was also published in the Wilsonville Spokesman on February 27, 2002. Notice was posted at City Hall, the Library, the City Annex, and the Chamber of Commerce. The failure of this public hearing notice to reach the Schaefer's is an unfortunate yet

realistic circumstance of property owner notification processes used by local governments. The City does not have real-time access to the County Assessor's database of property owner information and must rely on the most recent property tax assessment roll, which in the case of the City is approximately every quarter via RLIS.

The Planning Division has reviewed the appellant's suggestions for improved notification procedures and will investigate cost, feasibility, and compliance factors associated with their suggestions.

### **Appeal Issue**

*1. Along the southern border of Boeckman Park, there should be only one lot adjoining each existing lot in Wilsonville Meadows #5 and #2, similar to the layout along the east boarder of Boeckman Park and Wilsonville Meadows #7.*

### **Response Findings:**

Wilsonville Meadows is zoned Planned Development Residential – 4 (PDR-4) which allows a corresponding density range of 5-7 dwelling units per acre. The net density of Wilsonville Meadows is approximately 5.67 Du/ac. The applicant for the Boeckman Park subdivision is requesting a density of 6.58 dwelling units per acre and a corresponding zoning designation of PDR – 4. The density of Wilsonville Meadows is not uniform throughout the entirety of the project. Wilsonville Meadows was completed in several phases under an overall master plan that allowed the densities of the single-family portion of the project to be lower than the project overall total because of higher density housing in the apartment communities (Hathaway Village and Berkshire Court) at the southern end of the project. The density of the proposed Boeckman Park is comparable to the range of density allowed by the zoning of surrounding neighborhoods. The land area of the proposed subdivision is 21.95 acres. The applicant is proposing to change the Comprehensive Plan designation from 0-1 dwelling units per acre to 5-7 dwelling units per acre. Proposed are 103 lots, making the gross density of the proposed subdivision 4.69 dwelling units per acre. Net density (gross minus streets and SROZ) is 6.58 dwelling units per acre.

The subject properties are currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the WC. The proposed Zone Map amendment from RA-H to PDR-4 is intended to serve as a procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197.02 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G.

The current Comprehensive Plan designation for the subject properties is Residential with a density range of 0-1 dwelling units per acre. The Zoning Map identifies the subject properties as Residential Agricultural – Holding. The Planned Development Regulations of the Development Code require that the subdivision of properties such as the subject properties (over two (2) acres)

result in a Planned Development community. The applicant proposes a net density of 6.58 dwelling units per acre. The Comprehensive Plan allows a density range from 0-1 dwelling units per acre to over 20 dwelling units per acre. The properties to the west of the subject property have a Comprehensive Plan designation of 'Residential' with a density of 0-1 dwelling units per acre, while the properties to the south and east have a 6-7 dwelling unit per acre designation. Given this context, it would be inappropriate to designate these properties as anything other than residential. In addition, the proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Wilsonville Meadows and Landover subdivisions, making the proposed density of 5-7 du/ac appropriate. Comparisons to the single-family density of Wilsonville Meadows must consider the overall density of the project that includes Berkshire Court and Hathaway Village, all of which are part of the overall approved master plan.

The proposed project would develop a housing type similar to that of surrounding subdivisions.

The footprints of the proposed house models range from approximately 2,492 SF to 2,906 SF. Proposed lot sizes range from 4,544 SF to 9,396 SF. It is the applicant's intent to site house model types proportionate to the size of the site. Lot coverage for the largest proposed house plan on the smallest proposed lot is approximately 64% (2,906/4,544). As with all new single-family houses developed in the City, Planning staff will approve all building plans relative to setbacks, SROZ encroachment, and lot coverage.

A minimum five (5) foot setback for all single level decks (less than 30 inches in height) and a 15-foot setback for all decks greater than 30 inches or more than one story also are required.

#### **Appeal Issues:**

2. *There is a lack of a buffer between existing homes in Wilsonville Meadows #5 and #2 and the Boeckman Park development on the south border. In contrast, a water quality and detention "Tract F" acts as a buffer between Wilsonville Meadows #7 and the eastern border of the Boeckman Park development. This buffer would act as a transition between the lower density houses in Wilsonville #5 and #2 and the higher density houses proposed within the Boeckman Park development.*
3. *The existing natural vegetation and trees along the southern border of the Boeckman Park Development in the "Bridal Trail" should be left as a buffer between Boeckman Park and Wilsonville Meadows #5 and #2. The two 2 inch caliper trees per lot proposed in the 'Amended & Adopted Revised Staff Report Item 126 for the Southern border of the Boeckman Park development is not a sufficient replacement for the current vegetation.*

#### **Response Findings:**

The applicant proposes to remove the row of Scotts Pines from Lots 19 through 22, the Cottonwoods in the southern portion of proposed lots 16-18 and the Cedars from Lot 15. The applicant proposes to remove these trees as they are either in the building portion of the proposed lots or are located in an area that would preclude usable rear yards. The row of Cedars in the southwest corner of the site would be retained. The applicant also proposes a six-foot solid fence



along the southern perimeter lots as well as CC&R provisions for the project to require two trees of at least two (2) inch caliper in each rear yard of these lots.

The lot layout for the site is constrained by the relatively narrow width (north/south) of the overall site. The placement of a buffer along the southern perimeter of the project would likely cause a redesign resulting in a loss of lots that would increase the price of the remaining lots. The applicant's revised narrative proposes a six-foot solid fence to be installed along the southern perimeter of the property adjacent to Wilsonville Meadows No. 2 and No. 5.

The applicant is proposing to remove the row of Scotts Pines (in excellent condition) from Lots 19 through 22, the Cottonwoods (in good condition) in the southern portion of proposed lots 16-18 and the Cedars from proposed Lot 15. The arborist report proposes to save the row of cedars in the southeast corner of the site. To further buffer the proposed development from existing Wilsonville Meadows No. 5 and No. 2, staff suggests a requirement that the CC&Rs for the project require a minimum of two, two-inch caliper trees be planted in each rear yard.

The applicant is willing to plant additional two trees per lot (206 trees) as part of its tree mitigation plan. The placement of these trees is proposed primarily for back yards although one tree is proposed for both the front and back yards along 'B', 'C' and 'D' Streets. Lots 15 through 33 would continue with two rear-yard trees. The addition of these trees would bring the caliper inch deficit to 991 inches that could be replaced with 3 to 4 years. The applicant proposes to transplant 16 trees (188 caliper inches) of the existing trees on site (see Exhibit TT) to elsewhere on the site (most likely the central-park area).

The arborist report identifies 249 trees on site. The applicant proposes to remove 138 trees, transplant 16, and save 95. Tree mitigation is proposed in the form of 213 street trees throughout the project and 146 trees in Tract 'F' of smaller initial caliper. The applicant also proposes to plant two trees per lot as part of the proposed tree mitigation plan. One additional tree per lot (with the exception of lots 15-33) should sufficiently replace the lost tree growth within four years.

**Appeal Issue:**

4. *Boeckman Park, which included rear yards as open space, has less open space per lot than other subdivisions in the city that did not count rear yards as open space (per the conclusion in the "Amended & Adopted Revised Staff Report").*

**Response Finding:**

Residential development standards require that 25% of the site be set aside for outdoor living area. Specifically, Subsection 4.113(.02)(A) of the Development Code requires "at least twenty-five percent (25%) of the area (residential development) shall be open space, excluding streets." Under the changes adopted with the November 15, 2000 update of the Development Code, this section also allows "required rear yard areas and other landscaped areas that are not within required front or side yards and may be counted as part of the required open space." For the proposed project, This requirement is met for the proposed project through common open space

and active outdoor areas (18%) and through back yards (16.7%) for a combined total of 34.7% of the proposed project in open space, which exceeds Code requirements.

Open space for the proposed project would be provided via Tracts 'C' and 'F' which are SROZ areas, a small tree grove in Tract 'H', an active and passive recreation area via the park in Tract 'D', and pedestrian connections via Tracts A, B, E, and G. Approximately 48 percent of the open space proposed in the project is obtained through rear yards (proposed rear yard setbacks X lot width at rear yard line). Staff estimates that approximately 34.7 percent of the proposed project would be in open space based on the following estimate:

	Square Feet	Percent of Net Area
Gross Acreage of Subdivision Proposal	955,972	
Streets/Right-of-Way	191,058	
Subdivision Area minus Streets (net area)	764,914	
<b>Open Space</b>	265,567	34.7%
<i>Open Space in Tracts 'A'-'H'</i>	138,045	18%
<i>Open Space in Rear Yards<sup>2</sup></i>	127,522	16.7%

An Outdoor recreation area is proposed through a central-park of .51 acres located in Tract 'D', and through pedestrian easements (Tracts 'A', 'E', and 'G'). The proposed open space provides passive and active recreation opportunities, including play structures, and meets the intent of this section of the Code.

The applicant meets requirements for open space areas via Tracts 'C' and 'F' which are SROZ areas, a small tree grove in Tract 'H', an active and passive recreation area via the park in Tract 'D', and pedestrian connections via Tracts A, B, E, and G.

### CONCLUSIONS

Public Notice of the March 11, 2002 Development Review Board and the April 8, 2002 public hearings for File No. 02DB03 were mailed and posted on February 25, 2002. At the March 11, 2002 public hearing for the proposed project, the Development Review Board moved to continue the hearing to date certain of April 8, 2002. The applicant asked for a continuance of the public hearing to May 13, 2002. The public notice stated that the request included a request for a zone change from RA-H to PDR-5. The applicant request was for PDR-4 zoning.

In the course of its deliberations, the DRB heard testimony and considered evidence relating to the issues raised in this appeal. The DRB adopted findings of fact, and Conditions of Approval which follow this section of the Staff Report.

The Development Review Board voted 3-1 to approve the proposed development after conducting public hearings on March 11 and May 13, 2002. The findings and conclusions in Exhibit 'A' (*original staff report with proposed findings and conditions of approval*) support the Development Review Board decision for approval of the proposal.

**Conditions of Approval  
02DB03**

**Boeckman Park  
Comprehensive Plan Map Amendment  
Zone Map Amendment  
Stage I Preliminary Plan  
Tentative Subdivision Plat  
Lot Line Adjustment  
Stage II Final Plan  
Site and Design Plans  
Type 'C' Tree Permit**

**May 13, 2002 (Amended)**

The application and supporting documents are hereby adopted for approval with the following conditions:

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**Comprehensive Plan Map Amendment**

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1. This action recommends to the City Council adoption of the Comprehensive Plan amendment as entered into the record on May 13, 2002.

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**Zone Map Amendment and Stage I Preliminary Plan**

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2. This action recommends to the City Council adoption of the Zone Map amendment and Stage I Preliminary Plan as entered into the record on April 8, 2002.

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**Tentative Subdivision Plat, Lot Line Adjustment, Stage II Final Plan, Site and Design Plans**

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3. This action approves the Tentative Subdivision Plat for 103 lots, Stage II Final Plans, and Site and Design Plans entered into the record on April 8, 2001 for the proposed project. These approvals are contingent upon City Council approval of the Comprehensive Plan Amendment and Zone Map amendment.
4. This action approves the tentative lot adjustment for Tax Lots 1500 and 1600 of Map 13A, T3S, R1W, Clackamas County Oregon.
5. Final subdivision plat shall be reviewed by the City's Planning Division in accordance with Section 4.220 of City's Development Code and with the procedure described in Finding No. 118.s

6. The final subdivision plat shall demarcate the Significant Resource Overlay Zone and its associated Impact Area.
7. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
8. Construction and site development shall be carried out in substantial accord with the tentative subdivision plat dated April 16, 2002, approved by the Development Review Board unless altered with Board approval, or as amended by conditions or with minor revisions by the Planning Director.
9. The lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
10. The applicant/owner shall supply the City with a performance bond or other security acceptable to the Community Development Director for all capital improvements required by the project.
11. In the event the project proceeds in more than one phase of construction, the applicant/owner shall supply the Planning Director with an anticipated schedule of construction and shall communicate to the Planning Director in writing any significant changes in the anticipated schedule.
12. The natural areas with the Significant Resource Overlay Zone (SROZ) shall not be disturbed except for pathways, and the approved storm water detention and water quality facility in Tract 'B' subject to final approval of the construction drawings by the City Engineer and the Natural Resources Manager. During construction (i.e. streets, installing utilities, excavation) in creating the lots for sale, the developer shall install temporary six (6) foot high chain link fencing along the 50 foot SROZ buffer so that it is not disturbed. In addition to the Building Division Review, final grading plans for the water quality/detention facility in Tract 'B' shall be reviewed and approved by the City's Environmental Services Division and Natural Resources Manager to ensure a soil erosion control treatment plan that will minimize impact to the resources in the SROZ.
13. The Significant Resource Overlay Zone (SROZ) shown on City mapping for Tract 'C' and Tract 'F' shall be identified in a conservation easement. The applicant shall record the conservation easement with the final plat with the Clackamas County Clerk's office, and identify the easement on the land sale deed for the affected lot. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division. Furthermore, the conservation easement shall be shown on all sales information for public/buyer's inspection. The conservation easement shall be reviewed by the City Attorney prior to recording the final plat.
14. The applicant shall waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.

15. The Development Review Board adopts the following lot development standards and waivers:
  - A. Rear yard setback for all lots is 20 feet. Allow decks below 30 inches in height next to the rear property line minimum at ten (10) foot set back.
  - B. Lot coverage: 75% maximum.
  - C. Five (5) foot wide concrete sidewalks on all streets.
  - D. Lot width, depth and proposed height of structures meet code.
  - E. Street cross sections per "Typical Street Section" of the "Preliminary Site Plan" dated February 15, 2002, as corrected.
  - F. Minimum street frontage at less than 35 feet for lots 7, 51, 52 and 60.
16. A Homeowners' Association shall be formed as specified in the CC&Rs for the development. The Association shall have responsibility for maintenance of all shared private drives, parks and open spaces, and fences within the development. The CC&Rs shall be reviewed by the City Attorney prior to recording the final plat.
17. The applicant shall obtain a Type 'C' Tree Removal Permit on the Planning Department Site Development Application and Permit form prior to site grading. The applicant shall provide an arborist report and a final grading impact analysis (grade changes) on trees being retained. Prior to site grading, the applicant shall install a 6-foot high chain link fence with metal posts securely installed into the ground along the drip line of the trees shown for preservation, which is facing the construction areas. The fence shall remain in place during the entire construction period.
18. The applicant shall work with staff and the consulting arborist for the project in the development of the final plat and grading plan to preserve to the greatest extent possible the trees identified by staff in Exhibit GG. Furthermore, the applicant shall meet with staff, the consulting arborist, and the excavator on the project site prior to site grading to identify which of the 22 (6" or greater caliper) trees identified by staff in Exhibit GG can feasibly be retained. For each 6" caliper tree being removed the applicant shall mitigate and replant with 2" caliper tree (2" caliper for deciduous tree or replant 8' high conifer tree). Prior to and during construction, Planning staff will consider removal of diseased, hazardous trees, or trees in wrong location relative to site development.
19. Tree No. 629 (42" Douglas Fir) shall be retained.
20. The applicant shall submit to the City Engineer a transportation management plan to minimize PM peak-hour impacts at the Wilsonville interchanges.

21. As a Category 2 water user under Ordinance 514, the applicant is hereby required to defer installation of landscaping, except for erosion control purposes until after the City's new water treatment plant is producing sufficient water for irrigation, as determined by the Community Development Director. The applicant shall provide security equal to 110% of the cost of the landscaping as determined by the Community Development Director to be filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period once the water treatment plant is producing sufficient water for irrigation or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.
22. To ensure the longevity of all landscaped common areas, the applicant shall install water-wise or drip-type irrigation. Such irrigation plan shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval and landscape plan. Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary. Landscaping, except for erosion control, shall not be planted until the City's new water treatment plant is producing sufficient water for irrigation purposes. Water source from outside the City may be used to irrigate new landscaping.
23. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans when available. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within a 3 year time period.
24. The recommended conditions of the City Engineer, Building Official, the Natural Resources Manager and the Environmental Services Division are hereby incorporated as conditions of approval (Exhibits T, S and U respectively).
25. The Stage I Preliminary Plan, Stage II Final Plans, and the Site and Design plans will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the DRB for just cause.
26. Light standards shall be positioned to illuminate the entrances next to pedestrian paths. Exterior lights shall be positioned in such a way to prevent glare on adjacent streets. Repositioning of light standards and/or installation of hoods or baffles may be required.
27. All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.
28. The developer shall coordinate with the U.S. Postal Service about the locations of mailbox stations. The U.S. Post Master has specific standards for locating mail stations so as to

provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants or public and private utilities.

29. The tentative subdivision plat will expire two (2) years after final approval, however, upon good cause shown, the Development Review Board shall extend such plat approval for one additional year.
30. The applicant shall submit for the review and approval of the City Engineer, the Natural Resources Manager and the Environmental Services Division drawings and construction plans for the water quality/detention facility in Tract 'B' and its out fall to the drainage channel to Boeckman Creek. These plans shall show the SROZ boundary over the development proposal.
31. A Significant Resource Impact Report (SRIR) shall be prepared for the proposed development encroachments within Tracts 'B' and 'C' and the SRIR shall be reviewed and approved by staff prior to approval of the final plat. This report will need to provide construction details for the following: the proposed retaining wall along the rear of proposed lots 44, 45, 46, 47, 48, 49; the proposed water quality and detention facility in Tract 'B'; the western end of Street 'D'; and grading of lot 33. For development that encroaches into the SROZ and its Impact Area, the applicant shall either identify how the proposed development is exempt under Subsection 4.139.04 or demonstrate compliance with the SRIR Review Criteria of Subsection 4.139.05 (.03).
32. Subject to approval by the Wilsonville City Council and the applicant, the applicant will offer a 15-foot wide bicycle/pedestrian path easement to extend the entire length of the western, southern and eastern boundary of the SROZ area on the subject properties to connect with future 'Minor Off-Street Bike/Pathway' identified on the City's Bicycle and Pedestrian Master Plan.
33. The applicant shall improve the recreation areas prior to occupancy of any house within the subdivision in accordance with plans submitted for the May 13, 2002 public hearing.
34. The applicant/owner is required to provide the proportionate share of all system development charges that apply to this project.
35. The paved portion of the entry drive shall be widened to 44 feet and include either:
  - a) Two (2) 20-foot travel lanes, one (1) 4-foot center median landscape island, and one (1) five foot sidewalk on the east side of the drive, and one five foot sidewalk through Tract 'H'.
36. A pedestrian connection of at least 15 feet in width shall be provided to the pedestrian connection from Wilsonville Meadows No. 7 at the southeast corner of the site.

37. The applicant shall plant one (1) deciduous tree, 2-inch caliper, at the rear yards, and two (2) 2-inch caliper deciduous trees in Lots 15-33. The trees on the southerly lots shall be solar friendly as determined by the project landscape architect and Planning staff. The CC&Rs for the project shall be modified to include a requirement to maintain these trees in the rear yard of each lot. These trees shall not be removed unless a Type 'B' tree permit is approved.
38. Access to the SROZ areas identified on the site, with the exception of pedestrian easements, shall be cordoned off from public access with a barrier that allows wildlife migration.
39. Prior to final plat approval, the applicant shall provide the City with an instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.
40. The City Engineer shall grant final approval of the driveway alignments for Lots 7 and 56.
41. The applicant shall supply to Planning Division staff for review and approval plant specifications for shrubs in the project's planter strips.
42. Planning Division staff shall have approval authority to all retaining walls reviewed by the City's Building Division relative to materials and encroachment to the SROZ and its associated Impact Area.

**EXHIBIT 'S'**

TO: Paul Cathcart, Associate Planner

FROM: Don Walters, Plans Examiner

DATE: 12/21/01 (Re-reviewed 3/5/02) 3<sup>rd</sup> Review 4/29/02

SUBJECT: DEVELOPMENT REVIEW # 02DB03R. (Relabeled as 02DB03R revised)

**PROPOSED BOECKMAN PARK SUBDIVISION**

(File under: Annex/CD Public/Building Development Review)

The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents.

Review of the complete working drawings may reveal that those assumptions were incorrect and /or may expose additional code concerns.

1. *Lots shall have positive drainage for storm water from rain drains or under-floor low-point drains to streets or a storm drain as approved by the building official. Any storm drain piping not located within the street right-of-way shall be in a public easement. If surface storm drains (swales) are allowed by the City Engineering Department, they shall be in a public easement with permanent access as acceptable to the City.*
2. *The site shall be graded in such a manner that no surface storm water shall drain onto surrounding properties except as specifically approved by the building official. Exception: properties adjacent to the water quality and detention facilities may drain into those facilities*



if such drainage is acceptable to the City of Wilsonville Engineering and Environmental Services Department.

3. A 1200C permit from the Department of Environmental Quality will be required for this project. A copy of the 1200C permit shall be submitted to the City as part of the grading permit submittal.
4. Any retaining walls over 4' in height (measured from the bottom of the footing to the top of the wall) will require calculations and a separate permit. The lots adjacent to the bottom of the retaining walls shall be graded in such a way so as to not promote "ponding" of storm water adjacent to the walls.

The remaining comments reflect the review of the revised plans by the fire marshal on 3/5/02.

5. Fire hydrants shall be placed as shown, adjacent to Track "H", lots 34, 54, 75, 83, 94, 103.
6. The Proposed Improvements showing Retained or Not Retained houses on page 5 (of 6) of the plans shows a 20' wide private street. The fire code does not allow parking along either side of a 20 foot street. The submitted plat shall have no parking areas clearly marked, with a note referring to the Uniform Fire Code (UFC) for required signage.
7. Tracks "A" and "G" will be additional access for the fire department as per the applicant. A minimum of 2 accesses are required by the UFC. The design and construction of each access shall be approved by the fire marshal. There shall be a gate equipped with a Knox lock, or Knox box containing a gate key, installed to fire marshal specifications, blocking vehicle passage installed across each access. The gate shall be at least 40 feet off of the roadway. Each access shall be at least 20 feet in width with a driving surface acceptable to the fire marshal. The driving surface shall extend out to the roadway.
8. The corner of the 15 foot driveway for Lot 2 shown on the Proposed Improvements Retaining Existing Houses does not meet the fire code requirement for a minimum width of 20 feet (for the corner section of roadway. The 15 foot width is ok for the straight sections.) and a minimum radius of 25 feet.
9. A properly positioned fire department turn-a-round is required for Lot 2 of the Proposed Improvements Retaining Existing Houses, or the house shall have a fire sprinkler system.
10. The turn-around adjacent to Tract "C" is a required fire department turn-around. (UFC Section 902.2.2.4) It shall have NO PARKING signage and curbs marked as per the UFC. The depth of the turn-around shall be at least 65 feet, if no parking is allowed directly opposite the turn-around, or 73 feet, if parking is allowed.

EXHIBIT 'T'

ENGINEERING DEPARTMENT  
MEMO

DATE: June 7, 2002

TO: Paul Cathcart, Associate Planner

FROM: Michael A. Stone PE, City Engineer

RE: *Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Boeckman Park Subdivision (02 DB 03)*

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Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions.

At the request of Staff DKS Associates has completed a Traffic Impact Analysis dated November 16, 2001.

- PF 1. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
- PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. At the completion of the installation of any required public improvements, and before the final punch list inspection will be performed the Engineer:
- a) Shall perform a record survey of the completed improvements and prepare a set of 'record drawings'. Said 'record drawings' shall be furnished on 24" X 36" Mylar sheets (minimum thickness 3 mil.), along with an electronic AutoCAD drawing (version 2000 or older) on a 3 ½" floppy diskette or compact diskette.
  - b) Shall submit a complete set of the recorded subdivision/partition plat and shall be furnished on 24" X 36" Mylar sheets (minimum thickness 3 mil.), along with an electronic AutoCAD copy (version 2000 or older) on a 3 ½" floppy diskette or compact diskette.
- PF 4. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be

adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a Professional Land Surveyor registered in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.

PF 5. Plans submitted for public utility improvements plans submitted for review shall be based upon a 24"x36" format, the City of Wilsonville Public Work's Standards and the following general format:

- A. Composite Utility Plan
- B. Detailed Utility Plan and Grading Plan.
- C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
- D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
- E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- G. All new public utility/improvements and/or utilities shall be installed underground.
- H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
- I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a Registered Professional Engineer of the State of Oregon.
- J. Erosion Control Plan that conforms to the current edition of the Unified Sewerage Agency of Washington County "Prevention and Sediment Control Plans Technical Guidance Handbook."
- K. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.

PF 6. To assure that the quality of stormwater leaving the site after development will be equal to or better than the quality of stormwater leaving the site before development, adequate erosion control and retention/detention measures shall be installed, operated and maintained in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 and the Storm Water Master Plan. Maintenance plans for on-site facilities shall be required and approved prior to occupancy.

PF 7. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.

- PF 8. No excess soil material from the excavation of streets or foundations shall be allowed to remain or be stockpiled on any lots or tracts during or after construction that may cause pooling or flooding of water on adjoining properties.
- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF 10. The applicant shall provide a looped public water system off of the existing Boeckman line and all interior lines shall be looped within the proposed development.
- PF 11. The applicant shall remove all abandoned water service lines in the public right-of-way and plug at service connection to main. Line abandonment and road repair shall conform to Water Department requirements and City of Wilsonville Public Works Standards.
- PF 12. The Transportation Master Plan calls for the construction of a (48)-foot wide improvement within a (62)-foot wide right-of-way along the project frontage. Holding the existing centerline of the right-of-way as the centerline of the proposed street improvement, the applicant shall dedicate rights-of-way to provide for (31)-feet from the centerline to the south right-of-way line adjacent to the project frontage. A (6)-foot public utility easement outside of the aforementioned right-of-way shall also be dedicated.
- PF13 The applicant shall construct a (48)-foot wide street improvement (all-concrete roadway, curb and gutter, sidewalk, storm water and streetlights) along the project frontage using the vertical alignment previously given to the Engineer by Staff. The costs associated with the south (24)-feet of the improvement will be the applicant's responsibility, the costs associated with the north (24)-feet (construction and necessary right-of-way acquisition to (31)-feet from centerline) will be given as credits by the City towards the applicant's Street System Development Charges. Staff understands that a certain portion of the improvements along the project frontage can not be reasonably constructed at this time due to the need to raise the grade substantially as the road crosses Boeckman Creek. These improvements will not be constructed at this time, however the estimated costs of these improvements shall be deposited with the City.
- PF 14. The applicant shall submit to the City Engineer an engineer's estimate for all improvements on Boeckman Road with each section of the improvements as referenced above.
- PF 15. All required pavement markings, in conformance with the Transportation Master Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.

- PF 16. There shall be no vehicular parking or access along Boeckman Road. A one- (1) foot non-vehicular access easement shall be dedicated on the subdivision adjoining the Boeckman Road right-of-way.
- PF 17. The applicant shall install a temporary sidewalk along that portion of Boeckman Road where the improvements are delayed due to the vertical grade issues.
- PF 18. The project properties bordering Boeckman Road shall be at grades to accommodate the proposed future improvements along Boeckman Road.
- PF 19. The proposed Tract "A" and Tract "G" shall be for the use of pedestrians and emergency vehicles only. The applicant shall satisfy all City of Wilsonville and Tualatin Valley Fire and Rescue requirements for proposed Tract. The applicant shall be responsible for the installation of gate(s) with Knox Lock boxes subject to Tualatin Valley Fire Marshall's approval. The Tract shall be Portland Cement Concrete paved and designed to accommodate emergency vehicles. Commercial driveways shall be located at each end of the Tract. The applicant shall provide all necessary public easements to the City of Wilsonville.
- PF 20. The applicant shall provide concrete paved pedestrian linkages and public pedestrian easements in the following locations:
- East edge of Tract "B" from Streets "C" and "D".
  - In Tract "F" from the intersection of Streets "D" and "E" to the southeast corner of project and matching into existing pedestrian easement to Wilsonville Meadows #7.
  - In Tract "D" between Streets "C" and "D"
- PF 21. The applicant shall provide wheelchair ramps at the following locations to provide access to pedestrian paths and recreation areas:
- Northeast bulb cul-de-sac.
  - Southeast bulb cul-de-sac.
  - Southwest corner of proposed Lot 34.
- PF 22. The applicant shall provide handrails at all pedestrian pathways adjacent to retaining walls.
- PF 23. The applicant shall create a no parking zone at the hammerhead in front of proposed Lot 34 and along the north and west side of the hammerhead. The curb shall be marked as specified by Fire Marshall.
- PF 24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.

- PF 25. The applicant shall remove brickwork from plan within proposed public streets.
- PF 26. Cul-de-sacs shall meet the following minimum requirements of the City of Wilsonville Public Works Standards:
  - Cul-de-sac shall not be more than 600 feet in length unless extenuating conditions exist.
  - Cul-de-sac curb radius shall be 45 feet.
  - Transitions into cul-de-sac shall be 25-foot radius at the curb.
  - Cul-de-sac shall serve a maximum of 20 homes.
- PF 27. The applicant shall contact SMART regarding making the site as transit friendly as possible. This project has potential for transit ridership and measures shall be taken to enhance transit access to the site and pedestrian connections to transit.
- PF 28. The applicant shall install riprap at the upstream and downstream locations of the exposed sanitary sewer crossing to protect existing armor wall from erosion damage.
- PF 29. The applicant shall coordinate the location of street trees in the landscaping design so as not to interfere with the utility service crossing in the utility design.
- PF 30. All retaining walls on project site shall be design by a Registered Professional Engineer licensed in the State of Oregon and the engineer shall submit a design of each wall to the Engineering Department. The engineer shall also submit a letter certifying each retaining wall constructed according to the design.
- PF 31. The applicant shall provide (2) twenty foot travel lanes separated by a four foot planter strip on Street "A". Distances shall be from face of curb to face of curb. All landscaping shall provide for adequate sight distance.

EXHIBIT 'U'

COMMUNITY DEVELOPMENT MEMORANDUM

To: Paul Cathcart, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: January 28, 2002

RE: Proposed 113 lot, single family subdivision (02DB03 – Boeckman Park)

COMMENTS/REQUIREMENTS:

The following comments are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require comments to be modified by staff.

1. The proposed preliminary site plan for the Boeckman Park Subdivision shall include all areas designated Significant Resource Overlay Zone (SROZ) for the subject property.

Pursuant to Ordinance No. 516 and the City of Wilsonville's Natural Resources Plan, the tributary of Boeckman Creek within Tax Lots 1600 and 1700 was determined to be a Goal 5 "significant" resource. All proposed development within the SROZ is subject to the limitations and requirements of Ordinance No. 516 and the Planning and Land Development Code. It appears the proposed cul-de-sac for "D" Street, the proposed Tract "B" water quality and detention pond, and proposed utilities are within the SROZ and impact area. The following information shall be included on the preliminary site plan:

- a. The SROZ and impact area boundaries shall be depicted for the tributary of Boeckman Creek and the riparian area associated with Boeckman Creek within Tax Lots 1600 and 1700.
  - b. The SROZ and impact area boundaries shall be depicted for the west fork of Meridian Creek within Tax Lot 800.
2. Submit a drainage report. The report shall demonstrate the proposed water quality and detention ponds satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards.
3. Profiles of the proposed detention and water quality ponds shall be submitted. These profiles shall include proposed plant species and plant placement, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan, including but not limited to:
  - a. Policy 9.3.4 (Shading of Waterbodies); and
  - b. Policy 9.4.1 (Landscaping in conjunction with stormwater facilities).
4. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant has not submitted an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
  - a. Gravel construction entrance;
  - b. Stockpiles and plastic sheeting;
  - c. Sediment fence;
  - d. Inlet protection;
  - e. Dust control;
  - f. Temporary/permanent seeding or wet weather measures (e.g. mulch); and
  - g. Other appropriate erosion and sedimentation control methods.
5. Pursuant to Section 4.176(.03) of the Planning and Land Development Ordinance, native plant materials shall be used wherever practicable. If feasible, the applicant shall incorporate native plantings within the landscape areas.
6. The applicant shall comply with all applicable requirements of the Army Corps of Engineers and Oregon Division of State Lands for construction activities that may impact wetlands or waterways.

7. The applicant shall submit a Significant Resource Impact Report (SRIR) for proposed non-exempt development within the Significant Resource Overlay Zone and its associated Impact Area. The SRIR shall comply with the requirements of Section 4.139.05. The Natural Resources Manager and Planning staff will review and approve the SRIR and any mitigation requirements in accordance with Section 4.139.05 & .06.
8. The applicant shall submit information necessary to justify an exemption from the Significant Resource Overlay Zone (SROZ) regulations. The submitted information will be reviewed and approved by the Natural Resources Manager and Planning staff. Unless exempted, the proposed development shall comply with the SROZ regulations, which may include the preparation of a Significant Resource Impact Report.



# CITY OF WILSONVILLE

8445 S.W. Elligsen Road  
Mail: 30000 S.W. Town Center Loop East  
Wilsonville, OR 97070-0220  
Ph: 503/682-4960  
Fax: 503/682-7025  
Web: www.ci.wilsonville.or.us

## PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND PERM

Attachment #1 to  
Resolution No. 1775  
Exhibit A, Planning  
Division Staff Report  
6/13/02

File No. \_\_\_\_\_ 1/4 Sec. \_\_\_\_\_

Final action on application or zone change is required within 120 days in accordance with provisions of ORS 227.175

Pre-App: \_\_\_\_\_  
Mo. Day Yr.

A preapplication conference normally is required prior to submittal of an application. Please contact the Planning Department at (503) 682-4960 for an appointment.

### APPLICANT - COMPLETE

Owner's Name Karen and David Schaefer Authorized Representative \_\_\_\_\_

Address 28529 SW Cascade Ln Address \_\_\_\_\_  
Wilsonville OR 97070

Phone (503) 570-9077 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Owner's Signature: Karen G. Schaefer

Property Description: T \_\_\_\_\_ R \_\_\_\_\_ Map \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Request De Novo review of Boeckman Park case # 02DB03 preliminary subdivision plat, stage II final plan site and design review

Please attach a plot plan (scale 1" = 40') and any other documents to this application. Please review the Planning Department submittal requirements to ensure that your application is complete.

Received: \_\_\_\_\_

### OFFICE USE ONLY

Complete Application Accepted: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Class I

Class II

Class III

PLAN AMENDMENT

MAJOR PARTITION

DESIGN REVIEW

ZONE CHANGE

MINOR PARTITION

TEXT AMENDMENT

PRELIMINARY PLAT

CONDITIONAL USE

SIGN REVIEW

FINAL PLAT

VARIANCE

TEMPORARY USE

PLANNED DEVELOPMENT

OTHER Appeal

### SITE FINDINGS

1. Zoning: \_\_\_\_\_ 5. Building Area: \_\_\_\_\_

2. Area of Lot: \_\_\_\_\_ 6. Access to Property: \_\_\_\_\_

3. Building or Sign Height: \_\_\_\_\_

(Max) \_\_\_\_\_ 7. Other: \_\_\_\_\_

4. Zone Code Minimum Setbacks: \_\_\_\_\_

Front \_\_\_\_\_

Side \_\_\_\_\_

Rear \_\_\_\_\_

Approved  Denied  Approved with Conditions (see attached)

Conditions of Development

Approval of this development permit, as submitted, is based on information submitted by the applicant as outlined above. Any change of plans or incorrect information submitted may result in revocation of permit. This decision may be appealed in accordance with the provisions of the Wilsonville Code and ORS 227-180.

Fee Amount Paid \$ 500.00 Check No. 1197  Cash

5/30/02 ACK

Permit Approval/ Planner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

City Council or Development Review Board Approva:  Yes  No

Order/Resolution \_\_\_\_\_

*S*

KAREN A. SCHAEFER  
DAVID B. SCHAEFER  
28529 SW Cascade Loop  
Wilsonville, OR 97070  
503-570-8077

Date May 30, 2002 1197  
90-7549/3222

Pay to the Order of City of Wilsonville \$ 500<sup>00</sup>  
Five hundred and 00/100 Dollars

SECURITY FEATURES INCLUDE DETAIL ON BACK

  
XEROX FEDERAL CREDIT UNION <sup>FF</sup>  
26600 SW Parkway - Wilsonville, OR 97070 (800) XFCU-222

Memo appeal

*Karen A. Schaefer* MP

⑆ 3 2 2 2 7 5 4 9 0 ⑆ 0 0 0 0 0 ⑆ 2 8 4 2 6 3 9 ⑆ 1 1 9 7

FIBREITY

Date: May 29, 2002

**Requested by:** David and Karen Schaefer  
28529 SW Cascade Loop  
Wilsonville, OR 97070

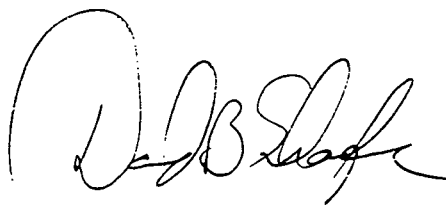
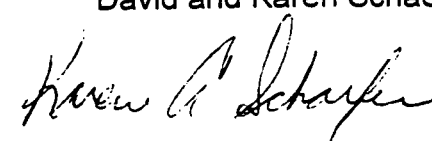
**Subject:** Request for a review consisting of additional evidence or De Novo Review per Planning and Land Development Ordinance section 4.022.07

We are requesting an appeal of the Development Review Board's recommendation to approve Subdivision Plat, Stage II Final Plan and Site and Design Review for the proposed Boeckman Park Subdivision case file number 02DB03.

We believe a De Novo review is appropriate because we were not notified, either written or verbally, by the City of Wilsonville or the Developer so that we could participate in previously held City planning meetings about the proposed development, held on February 18, 2002 and May 13, 2002. As such we were not given the opportunity to express our concerns as we assume was done for all other residents living within a 200 feet radius of the proposed development.

We are requesting the appeal based on the following issues. These issues are more completely covered in our letter to Wilsonville's City Council and Mayor of May 28, 2002.

1. Along the southern border of Boeckman Park, there should be only one lot adjoining each existing lot in Wilsonville Meadows #5 and #2, similar to the layout along the east boarder of Boeckman Park and Wilsonville Meadows #7.
2. There is a lack of a buffer between existing homes in Wilsonville Meadows #5 and #2 and the Boeckman Park development on the south border. In contrast, a water quality and detention "Tract F" acts as a buffer between Wilsonville Meadows #7 and the eastern border of the Boeckman Park development. This buffer would act as a transition between the lower density houses in Wilsonville #5 and #2 and the higher density houses proposed within the Boeckman Park development.
3. The existing natural vegetation and trees along the southern border of the Boeckman Park Development in the "Bridal Trail" should be left as a buffer between Boeckman Park and Wilsonville Meadows #5 and #2. The two 2 inch caliper trees per lot proposed in the "Amended & Adopted Revised Staff Report" item 126 for the Southern border of the Boeckman Park development is not a sufficient replacement for the current vegetation.
4. Boeckman Park, which included rear yards as open space, has less open space per lot than other subdivisions in the city that did not count rear yards as open space (per the conclusion in the "Amended & Adopted Revised Staff Report").

David and Karen Schaefer  
 

Date: May 28, 2002

From: David and Karen Schaefer  
28529 SW Cascade Loop  
Wilsonville, OR 97070

*Rec'd  
5/29/02  
skk*

To: Mayor Lehan and Wilsonville City Council Members  
City of Wilsonville  
30000 SW Town Center Loop East  
Wilsonville, OR 97070

Dear Mayor Lehan and City Council Members,

We are writing this letter to express our concerns over the notification process for the Boeckman Park subdivision and to recommend an appeal of the Development Review Board's decision approving the proposed subdivision plat. We also would like to express our concerns over the proposed subdivision plan and recommend some alternative solutions.

Background: Our property is located in Wilsonville Meadows #5 lot #183. The property borders and is located at the southwest corner of the proposed development. Our family moved into our current residence in Wilsonville Meadows in the beginning of November 2001. We have lived and worked in Wilsonville since moving to Oregon in 1996. We purchased this house because it offered more space, a quiet location, a beautiful private back yard and the overall planning employed along SW Cascade Loop. If we knew of the location and density of the proposed Boeckman Park subdivision as it exists today, there is no doubt in our minds that we would not have even considered buying this house.

Our main concern is that neither the City of Wilsonville or the developer gave us notification of the proposed subdivision as we believe was done for the other property owners bordering the subdivision, who received written notification. As a result, we were not able to participate in previously held public planning meetings to express our viewpoints.

As a result of a casual conversation in early May with our friends who also boarder the proposed site, we were informed that a letter (dated February 11, 2002) from the developer was sent to all property owners within 250 feet of the site. This letter notified the property owners of a meeting on Feb. 18, 2002 to discuss their concerns. Karen contacted the developer's project planner, John Darling, on May 15, 2002 and was informed that changes have been made to the initial proposal and that the City's Development Review Board recommended it for approval on May 13, 2002. He also looked into why we were not informed. It appears that we took ownership of the property after Chicago Title compiled the list of property owners. On May 22, we received a copy of the Wilsonville Spokesman, which contained an article on page 7 about the Boeckman Park subdivision and how the city DRB approved the plan on May 13. On May 23, 2002, Karen contacted the City's Associate Planner Paul Cathcart and received a copy of the approved subdivision layout. He also looked into why we were not informed. Mr. Cathcart told me that the city receives the list of affected property owners from the developer and the City verifies the list. Again, because of the timing of when we moved into our new home, our name was missed. Any notifications were being forwarded to the previous owners, who moved to Arizona. In addition, four other homes in Wilsonville Meadows #5 area have been up for sale or are considering selling their homes. It is possible that other new homeowners could have also missed the notice, while existing homeowners who are selling their property could have reduced interest in the proposed Boeckman Park development.

It is our assumption that the lack of notification was an honest oversight by the City due to the timing of the purchase of our home, however, we feel the City could have done more to ensure that all

affected property owners were notified. As a suggestion, 'or Current Resident' could have been added to the end of our mailing address or a public sign could have been posted to ensure all residents were given equal and ample notification. This could potentially have alleviated the timing issue with new homeowners or alerted potential buyers of several houses that are currently up for sale in the area. Also a quick check of the names of the people who receive water bills from the City would uncover a mismatch that could have been further investigated.

We are obviously very concerned that we were not informed in time to provide input into the development planning meetings held on 02/18 and 03/13. With that said, we would like to focus the rest of this letter on our concerns about the proposed subdivision as well as some proposals on how these concerns could be addressed.

**1. Boeckman Park potential phase 2 housing density along the south border vs. Wilsonville Meadows #5 & #2**

We understand that if the City Council approves the change in zoning, the Boeckman Park property would be zoned for 5-7 houses per acre. The current proposal for Boeckman Park is at 6.89 units/acre and Wilsonville Meadows is currently at 5.02 units/acre per the Spokesman article of May 22. Although both values are near the extremes, they are within the target zoning range and at first glance would appear acceptable. However, at closer inspection, there is a gross inequity between the density of housing at the south end of the Boeckman Park phase #2 property where it adjoins Wilsonville Meadows #5 and #2. We utilized the preliminary plat that the developer provided the City on 04/23, which we were given a copy of by Paul Cathcart on 05/23 and a copy of the plat for Wilsonville Meadows #5 received from First American Title when we purchased our house. With this limited info on the exact size of Wilsonville Meadows lots, I roughly calculated the housing density along the 1,216-foot south border of Boeckman Park to the adjoining Wilsonville Meadows homes. We calculated the Boeckman Park housing density to be approx 7.73 units/acre (19 Boeckman Park lots #15-33 each approx 88' deep) and Wilsonville Meadows to be approx 4.16 units/acre (13 lots total with 6 Wilsonville Meadows #2 lots 54-60 and 7 Wilsonville Meadows #5 lots 177-183 each approx 112' deep by the same 1,216' border). This means the density increase from Boeckman Park to Wilsonville Meadows is approx 185% higher. Our lot has 2 full plus one partial Boeckman Park lot on our border. On the other hand, the housing density on the east border of Boeckman Park where it borders Wilsonville Meadows #7 is slightly more equitable where houses match up almost one for one along the border length. Indeed we paid a premium to live in Wilsonville Meadows #5 with its lesser housing density. Another interesting comparison might be to look at open yard space per unit.

We are aware of the precedence of high density planned developments like Canyon Creek. However, it should be noted that the Canyon Creek development did not adjoin an existing housing development of vastly lower density.

We understand that the density of the Boeckman Park was calculated by using the entire area of the subdivision divided by the proposed number of houses, not just using portions of it as we have done above. However, we believe that special consideration should be given to the density along the properties of current homeowners. We realize that when we bought our property that there were no guarantees that the land would not be developed behind us. However, as members of the City council who are elected as stewards of our community, we hope you would consider the impact of a new subdivision on current homeowners. We understand that Wilsonville is a growing community. However, the main goal of this growth should not be 'how many people can we crowd into a certain area'. Consideration should be given to current homeowners and how the increased density would affect the life they have become accustomed to in our community.

Yes, if the new zoning is approved the proposed layout would be within the legal capacity of the site. However, 'the right thing' to do would be to match the density (houses per acre) of the Boeckman Park lots that border the currently established Wilsonville Meadows #5 and #2 lots. This would mean that 8 of the above mentioned 19 homes would need to be removed from the plan to equate the housing density along the south border. At a minimum, the number of Boeckman Park houses along

the length of the south border should match the number of houses in Wilsonville #5 and #2. This strategy would be similar to what was done along the length of east border of Boeckman Park and Wilsonville #7. The homeowners in Wilsonville #5 and #2 should be given the same consideration as those in Wilsonville Meadows #7. This would result in 6 less lots in Boeckman Park along the south border with Wilsonville Meadows. We would ultimately prefer to see the total overall Boeckman Park density reduced, but this is at least a workable compromise. We're sure the developer could fill these proposed larger lots with larger more expensive homes and easily sell them given the buffer established by "D" street.

If the Boeckman Park border density was made compatible or within a more reasonable ratio, then of course the Boeckman Park density south of "D" street would be higher than that north of "D" street. Although in this case, at least the future Boeckman Park property owners would be keenly aware of that difference before they purchased the property. In contrast, the homeowners in Wilsonville #5 and #2 did not have the knowledge of the proposed adjacent higher density housing when they originally purchased their homes. This knowledge would have affected our decision to purchase our property.

## **2. Lack of Buffer between Current Wilsonville Meadows Property Owners and Boeckman Park**

For the homeowners long Wilsonville Meadows # 7 there is an approx 28 feet water quality and detention zone acting as a property buffer zone. Looking at the proposed plan, this is no buffer zone between Boeckman Park lots #15-33 and Wilsonville Meadows #5/#2 which butt directly against each other. Even at the other end of Wilsonville Meadows that is adjacent to the high-density apartments, there is a buffer, albeit a road – at least there is something. There is nothing between the lots along the south border of Boeckman Park and the homes in Wilsonville #5 and #2.

There is currently is a Bridal trail that runs along some of the south border of Boeckman Park, that for many years was unused and has provided an undeveloped buffer to the Wilsonville Meadows #5 and #2 homes. Even though it is our understanding that the easement for this trail has expired (per developer letter of 04/23), we would like to propose that it be kept in place to provide a buffer between the current homeowners and the new subdivision.

The current Bridal trail easement is also heavily populated with trees and local vegetation. Just looking at the Bridal trail easement directly behind my house only, I roughly counted the following diameter trees, one 37", one 18.5", nine that were 4-6", nine that were 2-4" and several in the 1-2" diameter range. How does this compare with the developer's plans to plant four 1.75" diameter trees in the two full Boeckman Park lots along our property border? There is also two slight discrepancy in the developer plans that show only the two largest trees along our property, but in the developer's memorandum of 04/23 it says on page 4 that "probably all trees on the site will be removed during construction". The developer's plans (sheet 3) also show the largest two trees mentioned above, but graphically show the scale of the two proposed 1.75" diameter tree being placed near by as several times larger in size.

It is our proposal that this Bridal trail be left as is as a buffer between Boeckman Park and Wilsonville Meadows #5 & #2. Fence to fence, this undeveloped bridal trial which is currently rich with natural vegetation is approx 14 feet wide or approx 1/2 of the buffer provided to Wilsonville Meadows #7, which makes it a reasonable request. Having a buffer zone between the existing Wilsonville Meadows #5 & #2 property owners and the proposed subdivision could be a win-win situation. The developer could charge homeowners along the south border a premium for lower housing density and the added buffer zone.

Items of lesser concern that look at the overall Boeckman Park development planning as it relates to the existing community....

**3. Qty of exits** – Wilsonville Meadows has 3 exits to Wilsonville road and one to Boeckman Road compared to Boeckman Park's one exit to Boeckman road. I'll assume the City is adequately trained

in this area and has come to a mutually agreement with the developer. Although the latest Boeckman Park proposal to widen the exit and add the emergency exits seems to be a positive step in our opinion.

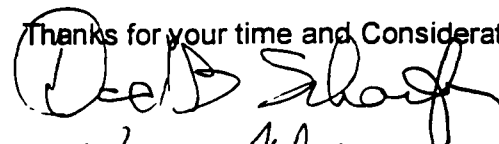
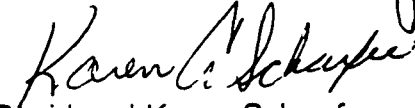
**4. Increased foot-traffic in the Boeckman "dip" –** We along with many others walk, run or bike through the Boeckman "dip" during lunch and after work for exercise. The combination of Boeckman Rd, Wilsonville Rd, Town Center loop, SW Parkway and Mentor's paved trails make an ideal distance that can be negotiated during a business lunch period. This section of Boeckman Road is the only section of the above noted loop that does not have a sidewalk and as such is extremely dangerous for foot traffic because lack of a motor vehicle buffer space combined with poor driver visibility. Adding a sidewalk in front of Boeckman Park only, seems short sighted in that you recognize the need for a sidewalk, but it only connects to the existing sidewalk on one end. The addition of 103 BP homes (hopefully less) will make the "dip" area much more hazardous. We are sure the city recognizes this dangerous area which could be alleviated with a relatively short sidewalk extension. Especially with the addition of Boeckman Park, most of Boeckman Road, except the "dip" would have a sidewalk. Please, we would like to see either the City or the developer ensure that a sidewalk is added in the "dip" in conjunction the Boeckman Park development before someone gets seriously hurt.

**5. Impact on our already crowded local schools –** With the building restriction lifted due to the availability of water in this community, how are the schools and their budgets expected to keep up with the population growth resulting from the number of apartments and housing already under development? The availability of good schools was the number #1 reason we moved to this Oregon community 6 years ago.

In closing, we hope that our concerns and proposals will be given serious consideration. Growth is inevitable and generally good for our community. However, this growth should not become an unnecessary burden to the current residents of our community. Indeed, we have heard many times from people who moved here, that they were attracted to Wilsonville in part because of the well-planned community. Growth can occur while still protecting the investments that current homeowners have made. We are not only referring to the monetary investment in our property (though this is important), but also the investment in our time and efforts to make Wilsonville a better place. We along with many of the other affected homeowners have volunteered numerous hours to help out at our schools, with Scouting at our churches and other community service.

We would like to extend an invitation to Mayor Lehan, everyone on the City Council and DRP to our home so that we could show you first hand how the proposed subdivision would affect the current property owners. You can contact us at (503) 570-8077 to set up a time.

We care about our community. We hope that the city council cares enough about the affected property owners to come up with a plan that would lessen the impact on us. We have confidence that you all will do 'right thing'.

Thanks for your time and Consideration,  
  
  
David and Karen Schaefer

.cc Blaise Edmonds  
Sandra C. King  
John B. Darling

## 6.

# EXHIBITS

The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. Findings and Conditions of Approval
- B. Chapter 4 of the Wilsonville Code
- ~~C. Applicant's Submittal Plans from 01DB027~~
- D. Applicant's submittal documents (Exhibits 1-14 and S-1 through S-6) (Large binder submitted separately)
- E. Applicant's submittal plans (1-5, S-2 & S-3) date stamped February 20, 2002 (Large Sized Drawings available in Case File 02DB03)
- F. Letter to Michael Stone from Howard Stein dated February 14, 2002
- G. 'Riparian Buffer Analysis' dated February 20, 2002
- H. Title Report - Chicago Title Insurance Company or Oregon dated December 19, 2001
- I. Property Line Adjustment Survey date stamped January 8, 2002
- J. Fax to Paul Cathcart / Chris Neamtzu from John Darling dated February 28, 2002
- K. DLCD Notice of Proposed Amendment dated December 18, 2001
- L. E-mail: From Raymond Valone to Paul Cathcart dated December 26, 2001
- M. Notice of Incomplete Application to Dan Grimberg dated January 2, 2002
- N. Applicant's notice of neighborhood meeting dated February 11, 2002
- O. Wilsonville Spokesman article dated February 13, 2002
- P. Letter to Paul Cathcart from Joyce M. Campbell dated February 22, 2002
- Q. Existing drainage swale (pictures taken by staff) dated January 9, 2002 (Available in Case File 02DB03)
- R. Transportation Impact Study - DKS Associates, November 16, 2001 (See Applicant's Submittal notebook - Exhibit D)
- S. City Building Official's Report
- T. City Engineer's Report
- U. Natural Resource Manager's Report

### **Exhibits entered into the record on March 11, 2002**

- V. e mail received from Sonya B. Kazen of ODOT dated February 25, 2002 regarding traffic impact analysis
- W. Written testimony submitted by Ben Altman dated 3/11/02
- X. Additional Proposed Findings submitted by Steven Hultberg, Perkins Coie LLP dated 3/11/02
- Y. 'Illustrative Plan' dated 02/12/02 (Large display board)
- Z. 'Existing Tree Mitigation Exhibit' dated 3/08/02 (Large display board)



- AA. Large display boards:
1. Boeckman Park' Aerial Photograph dated December 7, 2002
  2. 'Boeckman Park Subdivision' entry rendering
  3. Proposed house perspectives
  4. Proposed house perspectives

**Exhibits Submitted for the April 8, 2002 public hearing**

- BB. Preliminary Grading Plan with Possible Trees to Save' dated 3/13/2002  
CC. SROZ & 25-Foot Buffer dated 3/26/02  
DD. Open Space Inventory' dated 3/26/02  
EE. Revised Tentative Subdivision Plat dated 3/26/02  
FF. Letter to Paul Cathcart from Betsie Weil dated March 20, 2002  
GG. Potential trees to save identified by staff (large display board)  
HH. Letter to Development Review Board dated March 13, 2002 from Frank and Phyllis Vidin  
II. Planning Division Memorandum dated April 5, 2002  
JJ. Letter to Paul Cathcart from Joyce Campbell dated March 18, 2002  
KK. April 4, 2002 letter to Paul Cathcart from Steven Hultberg  
LL. April 5, 2002 letter to Paul Cathcart from Steven Hultberg  
MM. April 5, 2002 letter to Paul Cathcart from Steven Hultberg clarifying intent

**Exhibits submitted for the May 13, 2002 public hearing**

- NN. Memo from John Darling to Paul Cathcart dated April 23, 2002 with:  
OO. Sheet 1 - 'Preliminary Plat' dated 4/16/02  
PP. Sheet 2 - 'Entry Street and Central Park Exhibit' dated 04/18/02  
QQ. Sheet 3 - 'Preliminary Landscape Plan' dated 4/17/02  
RR. Sheet 4 - 'Open Space Inventory' dated 4/17/02  
SS. 'Cross Section A-A SROZ & 25-Foot SRIA' dated 3/29/02  
TT. 'Cross Section B-B SROZ & 25-Foot SRIA' dated 3/29/02  
UU. 'Existing Trees to be Potentially Relocated Exhibit' dated 02/02/02  
VV. Memo to Development Review Board from Kelly Lang dated April 29, 2002  
WW. 'Boeckman Park' - Potential Tree Relocation date stamped May 2, 2002  
XX. Memo from John Darling to Paul Cathcart dated April 29, 2002  
YY. 'Euro-Cascade House' elevation (Large display board)  
ZZ. 'Euro-Classic House' elevation (Large display board)

**New Exhibits entered into the record on May 13, 2002:**

- AAA. Significant Resource Overlay Review Process

(Following exhibits are large display boards)

- BBB. Applicant's drawing showing eight lots  
CCC. Applicant's drawing showing existing zoning on site  
DDD. Applicant's drawing showing Green Space and Pedestrian Access on site  
EEE. Applicant's Conceptual Landscape Plan  
FFF. Applicant's Rendering of entry looking west to east

- GGG. Aerial photograph showing site outlined in yellow without proposed platting
- HHH. Applicant's drawing of site plan showing two access option
- III. Applicant's proposed house perspectives (2 boards)



## NOTICE OF DECISION

### WILSONVILLE CITY COUNCIL

**Project Name:** Boeckman Park Subdivision Case File No. 02DB03(A)

**Proposed Action:** Approval of a Tentative Subdivision Plat for a 103-lot subdivision, Stage II Final Plan, Lot Line Adjustments, Site and Design Plans and Type C Tree Permit.

**Property Description:** The Subject Property Is Located On Boeckman Road On Tax Lots 800, 900, 1000, 1300, 1400, 1500 (Southerly Portion), 1600 (Southerly Portion), And 1700 Of Section 13A, Township 3 South, Range 1 West, Wilsonville, Clackamas County, Oregon

After conducting a public hearing on June 13, 2002, the City Council voted to adopt Resolution No. 1775, "A Resolution Denying An Appeal In 02DB03A, Adopting Findings And Conditions, Approving A Tentative Subdivision Plat, Stage II Final Plans, Site And Design Plans, Lot Line Adjustments, Type C Tree Plan For The Proposed Boeckman Park 103-Lot Subdivision. The Subject Property Is Located On Boeckman Road On Tax Lots 800, 900, 1000, 1300, 1400, 1500 (Southerly Portion), 1600 (Southerly Portion), And 1700 Of Section 13A, Township 3 South, Range 1 West, Wilsonville, Clackamas County, Oregon. Claremont Construction, Applicant."

This decision has been finalized in written form as Resolution No. 1775, and placed on file in the city records at the Wilsonville City Hall this 17<sup>th</sup> day of June 2002, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of the decision.

For further information, please contact the Wilsonville Planning Department, Community Development Building, 8445 SW Elligsen Road, or telephone (503) 682-4960.

AFFIDAVIT OF MAILING  
WILSONVILLE CITY COUNCIL  
NOTICE OF DECISION

**Resolution No. 1775**

A Resolution An Appeal In 02DB03A, Adopting Findings And Conditions, Approving A Tentative Subdivision Plat, Stage II Final Plans, Site And Design Plans, Lot Line Adjustments, Type C Tree Plan For The Proposed Boeckman Park 103-Lot Subdivision. The Subject Property Is Located On Boeckman Road On Tax Lots 800, 900, 1000, 1300, 1400, 1500 (Southerly Portion), 1600 (Southerly Portion), And 1700 Of Section 13A, Township 3 South, Range 1 West, Wilsonville, Clackamas County, Oregon.

STATE OF OREGON )  
CLACKAMAS COUNTY )  
CITY OF WILSONVILLE )

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached City Council Notice of Decision is a true copy of the original notice; that on June 17, 2002, I did cause to be mailed copies of such notice in the exact form hereto attached to the individuals and businesses listed in Exhibit "A":

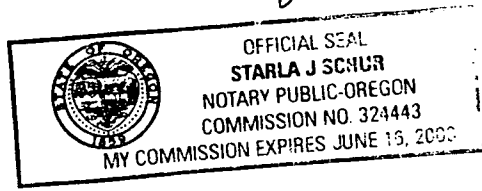
Witness my hand this 18 day of June 2002

Sandra C. King  
Sandra C. King, CMC, City Recorder

Subscribed and sworn to before me this 18th day of June 2002.

Starla J. Schur  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: June 16, 2003



John Darling  
LDC Design Group Inc  
CTS Engineers Inc  
3300 NW 211th Terrace  
Hillsboro OR 97124

Beak Consultants, Inc  
317 SW Alder St  
Suite 800  
Portland OR 97204

Steve Hultberg  
Perkins Coie  
1211 SW Fifth Av Suite 1500  
Portland, OR 97204-3715

Craig McManus  
28440 SW Highland Cir  
Wilsonville OR 97070

Doris Wehler  
6855 SW Boeckman Rd  
Wilsonville OR 97070

Ben Altman  
PO Box 4063  
Wilsonville OR 97070

Beth and Mike Timm  
7400 SW Boeckman Rd  
Wilsonville OR 97070

Dennis Hubel  
28184 SW Willow Creek Dr  
Wilsonville OR 97070

Betsie Weil  
28169 SW Willow Creek Dr  
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John and Anne Cheney  
28511 SW Cascade Lp  
Wilsonville, OR 97070

Dave and Claudie Riewald  
7310 SW Boeckman  
Wilsonville OR 97070

Phyllis Vadin  
7140 Boeckman Rd  
Wilsonville OR 97070

Joyce and Robert Campbell  
7550 SW Boeckman Rd  
Wilsonville, OR 97070

Kelly Lang  
28445 SW Highland Circle  
Wilsonville OR 97070

Ray Valone  
Metro  
600 NE Grand Avenue  
Portland OR 97232-2736

Sonya Kazen  
ODOT Region 1  
123 NW Flanders St  
Portland OR 97209-4037

Eamonn and Kathleen Hughes  
6940 SW Boeckman Rd  
Wilsonville OR 97070

Donna Jensen  
7020 SW Boeckman Road  
Wilsonville OR 97070

Frank and Phyllis Vidin  
7140 SW Boeckman Rd  
Wilsonville OR 97070

Larry and Lola Larson  
7200 SW Boeckman Rd  
Wilsonville OR 97070

Clair and Bethyl Cain  
7270 SW Boeckman Rd  
Wilsonville OR 97070

*David & Karen Schaefer  
28529 SW Cascade Lp  
Wilsonville OR 97070*

Resolution No. 1775  
Notice of Decision  
Exhibit A

Dan Grimberg  
P.O. Box 91010  
Portland OR 97291-0100

Terry Kinney  
15500 SW Jay Street  
Beaverton OR 97006

Warren & Barbara Reincke  
28519 SW Cascade Loop  
Wilsonville OR 97070

John & Angie Srofflegen  
28800 SW Meadows Loop  
Wilsonville OR 97070

Tim Knapp  
11615 SW Jamaica  
Wilsonville OR 97070

Ray & Meridee Super  
28420 SW Highland Cir  
Wilsonville OR 97070

Todd Tolboe  
28675 SW Sandlewood DR  
Wilsonville OR 97070

John Ludlow  
29173 SW Courtside DR  
Wilsonville OR 97070

Jon C Jensen Jr  
30803 SW Grahams Ferry Rd  
Wilsonville OR 97070

John Jensen  
7020 SW Boeckman RD  
Wilsonville OR 97070