

**RESOLUTION NO. 1912**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING SETTLEMENT OF CEDAR POINTE APPEAL OF TREE MITIGATION REQUIREMENT.**

WHEREAS, a Condition of Approval of the Cedar Pointe subdivision Development required two large conifer trees to be saved alongside the roadway entrance to the subdivision; and

WHEREAS, developer and developer's contractor followed the arborist's instructions to preserve the trees; and

WHEREAS, in spite of developer's good faith efforts, the root systems were in conflict with the construction of the roadway, causing the trees to be lost; and

WHEREAS, the removal of the trees invokes provisions of the City's tree ordinance calling for mitigation on a per caliper inch basis, and there is some question as to whether the condition to save the trees may have been waived or modified if the knowledge of the breadth of the root system had been known; and

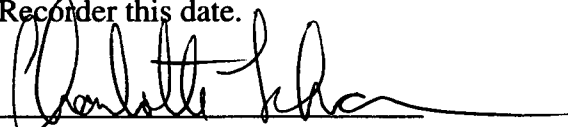
WHEREAS, the Development Review Board did not have authority to settle this matter, and the developer has appealed the mitigation condition to the City Council; and

WHEREAS, City staff has worked with the developer to settle this matter by substituting a per caliper inch replacement with a grove of seedling plantings in a portion of the property that will benefit the property to an equal, if not greater, benefit over the long run for the development and for the City and be less costly to the developer since the developer had made a good faith effort to comply with the original condition to save the trees;


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

1. Based on the circumstances recited above, the City Council, in balancing the equities involved, authorizes the City staff to enter into a settlement with the Cedar Pointe subdivision developer, Doug Seely, substantially in accordance with Exhibit A, the Seely letter of November 15, 2004;
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a special meeting thereof this 29<sup>th</sup> day of November, 2004, and filed with the Wilsonville City Recorder this date.

  
CHARLOTTE LEHAN, MAYOR

ATTEST:

  
Starla J. Schur, CMC, Deputy City Recorder

SUMMARY OF VOTES:

Mayor Charlotte Lehan	Yes
Council President Alan Kirk	Yes
Councilor Benny Holt	Yes
Councilor Sandra Scott-Tabb	Yes
Councilor Tim Knapp	Yes

DOUG SEELY

EXHIBIT A  
CITY OF WILSONVILLE

NOV 15 2004

RECEIVED

November 15, 2004

Paul Cathcart, Associate Planner  
City of Wilsonville  
30000 SW Town Center Loop E.  
Wilsonville, Oregon 97070

Re: Cedar Pointe-Appeal of Tree Mitigation Requirement

Dear Paul:

City staff suggested the other day that if I agreed to plant tree seedlings (perhaps 40-50), in lieu of the current mitigation requirement for larger replacement trees, my appeal to City Council may not be necessary. I think that is a good solution, and as a result I had eighty (80) seedling trees planted on the property last week. The seedlings are Douglas Fir (*Pseudotsuga menziesii*) measuring 16-24 inches. They were locally grown, and planted the same day they were harvested. The spacing is generally 6 to 10 feet in a random grid. Kerry Rappold suggested that the best planting area might be below the wetland area. However, the nurseryman indicated that the area was too wet for Doug Firs, and recommended an area just west of the wetland.

If staff feels that this planting satisfies the mitigation requirement than you may consider my appeal to City Council to be withdrawn. If so, please either return my check covering the appeal fee, or issue a new check in the amount of \$500.00 payable to Cedar Point Estates, LLC.

Thank you for you suggested resolution to this matter.



Doug Seely

CC: Blaise Edmunds  
Kerry Rappold  
Sandy King  
✓ Mike Kohloff