



June 17, 2019

Morgan Will, Development Manager
Stafford Land Co.
8840 SW Holly Lane
Wilsonville, OR 97070-9800

RE: Approval of Grading Permit GRAD 2019-03 "Smith Creek: City Stormwater Tract" at 515 S. Settlemier Avenue (Tax Lot 051W18BC04100); [Accela](#) record no. 971-19-000039-PLNG.

Dear Mr. Will:

Following original submittal of the grading permit application on February 25, 2019 and additional and revised materials through June 17, staff approves the permit with the following conditions:

Planning Conditions of Approval:

1. Conformance with Approved Plans: All site work shall be in substantial conformance with the attached grading plan submitted June 17, 2019.
2. DEQ: All development activity shall be in accordance with the approved 1200-C file 126263 and permit 33079 dated April 22, 2019. The applicant shall provide to the City any modifications to the Department of Environmental Quality (DEQ) permit.
3. The applicant, not the City, is responsible for obtaining permits from the US Army Corps of Engineers (USACE), Oregon Department of State Lands (DSL), Oregon Department of Transportation (ODOT), and other agencies which might require approval or permit.
4. All work within public rights-of-way or easements within City jurisdiction shall require plan approval and permit issuance from the Public Works Department.

Public Works Conditions of Approval:

The applicant shall:

5. Comply with submitted Grading Plan (Sheet 4 of 10); including measures to keep the right of way clean and to protect existing catch basins around the work area. All catch basins around the work area shall be clean of debris and soils at all times.
6. Continuously maintain adequate protection of all the work from damage and shall protect the public and private property of others from injury or loss arising in connection with the work.
7. Comply with City of Woodburn Planning Department requirements through Woodburn Development Ordinance (WDO) [5.01.04 Grading Permit](#).
8. Prior to starting work, contact Public Works for inspection of the erosion control in the public right-of-way. Contact Dago Garcia, P.E., City Engineer at (503) 982-5248 or dago.garcia@ci.woodburn.or.us.

Background

The disturbed but mostly undeveloped subject property along a west tributary of Mill Creek is termed the “City stormwater tract” in the Smith Creek Development Final Order of November 14, 2018 per Condition G3. Stafford Land Company (“developer”) is to improve the tract for both regional stormwater management and the Mill Creek Greenway Trail pursuant to Smith Creek general and Phase 1A Conditions of Approval.

An existing wellhouse for City Well #13 exists in the southeastern area of the tract along S. Settlemier Avenue and south of the creek tributary. The grading permit original submittal illustrates paved trail along the north sides of the creek tributary and what would become large east and small west stormwater detention ponds.

Context

This grading permit in no way abrogates or supersedes any conditions of approval in the Smith Creek Development Final Order of November 14, 2018. Particularly with respect to Condition G5, the civil engineering plans submitted separately to the Public Works Department, not this grading permit, act akin to a Final Plan review process for the City stormwater tract. The purpose of the Final Plan review is to resolve outstanding design issues and have staff verify that the developer is meeting Smith Creek conditions of approval, especially those related to Mill Creek Greenway improvements.

With this in mind, staff met internally March 5 to discuss the permit application, and the developer had scheduled with staff a March 18 meeting to discuss Phase 1A work.

At that meeting, the applicant verbally requested deferral of items that the incompleteness letter of March 15, 2019 listed related to a later time.

The applicant submitted for GRAD 2019-03 a June 17, 2019 letter serving as this request to defer as part of other materials addressing the incompleteness letter.

Because the Smith Creek final order includes no subdivision of the City stormwater tract, the only review process to which to defer final order items is civil engineering plans. Public Works staff cannot approve civil engineering plans for the tract until Planning Division staff signs off that the plans meet final order conditions of approval. When Public Works receives application for civil engineering plans review for the tract, the Planning Division would expect Stafford to address the outstanding items from the GRAD 2019-03 incompleteness letter.

Summary of Review:

This site is subject to the development standards of the Woodburn Development Ordinance. The applicant is requesting to grade the site in preparation for improvements to the tract for both regional stormwater management and the Mill Creek Greenway Trail.

Pursuant to WDO 4.01.02, The Director shall render all Type I land use decisions. The Director's decision is the final decision of the City on a Type I application and cannot be appealed by any party through the City land use appeals process. If you have any questions regarding this matter, contact Chris Kerr, Community Development Director chris.kerr@ci.woodburn.or.us or (503) 980-2445.

Final decision approved by designee:



Colin Cortes, AICP, CNU-A, Senior Planner

June 17, 2019

Enclosures (4):

1. DEQ 1200-C Permit 33079 (abridged)
2. Application Form
3. Applicant's Incompleteness Response Letter June 17, 2019
4. Approved Grading Plan (Sheet 4)
5. Wetland Delineation Report (abridged)
6. Smith Creek Development Exhibits C-4 & Y-1

cc: Chris Kerr, AICP, Community Development Director
Dan Handel, AICP, Associate Planner
Dago Garcia, P.E., City Engineer

file(s): GRAD 2019-03
Accela record no. 971-19-000039-PLNG



State of Oregon
Department of
Environmental
Quality

**GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER DISCHARGE PERMIT**

Oregon Department of Environmental Quality
811 SW Sixth Avenue, Portland OR 97204
Telephone: (503) 229-5279 or 1-800-452-4011 (toll free in Oregon)

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

REGISTERED TO: File No: 126263

Permit No: 33079
City of Woodburn
270 Montgomery St
Woodburn, OR 97071-4730

Date: April 22, 2019

Marion County
EPA: ORR10F665
LLID: 1228535451394
River Mile: 0.65000000000000002

Location: TL 4100 Drainage Improvements, 515 S. Settlemier Ave, Woodburn

SOURCES COVERED BY THIS PERMIT:

The *legally authorized representative* (see Definitions) for construction activities (as defined below) that may discharge to surface waters or conveyance systems leading to surface waters of the state must register for coverage under this permit with DEQ before any land disturbance occurs, unless the construction activities are automatically covered as described in the 1200-CN permit.

- Construction activities including clearing, grading, excavation, materials or equipment staging and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.
- Construction activities including clearing, grading, excavation, materials or equipment staging and stockpiling that will disturb less than one acre that are part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more and may discharge to surface waters or conveyance systems leading to surface waters of the state.
- This permit also authorizes discharges from any other construction activity (including construction activity that disturbs less than one acre and is not part of a common plan of development or sale) designated by DEQ, where DEQ makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the state.

This permit does not authorize the following:

- In-water or riparian work, which is regulated by other programs and agencies including the Federal Clean Water Act Section 404 permit program, the Oregon Department of State Lands, the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the U.S. Army Corp of Engineers, the National Marine Fisheries Service, and the Department of Environmental Quality Section 401 certification program.
- Post-construction stormwater discharges that originate from the site after completion of construction activities and final stabilization.
- Discharges to underground injection control (UIC) systems.


Lydia Emer, Operations Administrator

Effective: December 15, 2015
Expiration Date: December 14, 2020

PERMITTED ACTIVITIES

Until this permit expires, is modified or revoked, the permit registrant is authorized to construct, install, modify, or operate erosion and sediment control measures and stormwater treatment and control facilities, and to discharge stormwater and certain specified non-stormwater discharges to surface waters of the state or conveyance systems leading to surface waters of the state only in conformance with all the requirements, limitations, and conditions set forth in the permit including attached schedules as follows:

Unless specifically authorized by this permit, by regulation issued by EPA, by another NPDES permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control system.

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abridged



CITY OF WOODBURN

File No: GRAD 2019-04

Department of Economic & Development Services
270 Montgomery Street • Woodburn, Oregon 97071
Phone: 503-982-5246 • Website: www.woodburn-or.us

RECEIVED

FEB 25 2019

GRADING PERMIT

(PERMISO PARA ALTERAR LA SUPERFICIE DE TERRENO)

COMMUNITY DEVELOPMENT
DEPARTMENT

General Information (Información General)

Project location (Ubicación del Proyecto):	<u>515 S Settlemier Ave, Woodburn, OR</u>		
Property owner (Propietario):	<u>City of Woodburn</u>	Applicant (Solicitante):	<u>SAITE STAFFORD TELECOMMUNICATIONS COMPANY, LLC</u>
Mailing Address (Dirección Postal):	<u>270 Montgomery St, Woodburn, OR</u>	Mailing Address (Dirección Postal):	<u>8840 SW Holly Lane Wilsonville, OR 97070</u>
Telephone (Teléfono):	<u>503-982-5248</u>	Telephone (Teléfono):	<u>503-939-3902</u>
E-mail (Dirección Cibernética):	<u>Dago.garcia@ci.woodburn-or.us</u>	E-mail (Dirección Cibernética):	<u>marian@staffordllc.com</u>

Required attachments (Accesorios requeridos)

Four copies of the Grading Plan, preferably 11"x17". One electronic copy, preferably in .pdf format, is requested but not required. (Cuatro copias del Plan de Alterar la Superficie de Terreno, preferiblemente de 11"x17". Una copia electrónica, preferiblemente en formato .pdf, se solicita pero no es obligatorio.)

Certification (Certificación)

I hereby declare that as the applicant or property owner, I have read the foregoing application and know the contents to be true. (Por la presente declaro que como el solicitante o el propietario, he leído la solicitud anterior y sé que lo contenido es verídico.)

Owner [Signature]
(Firma del Propietario)

Applicant [Signature]
(Firma del Solicitante)

Print Name Jim Row
(Escriba en letra de molde)

Print Name GORDON C. ROOT
(Escriba en letra de molde)

Date (Fecha) 2/22/19

Date (Fecha) 03/18/2019

Fee (Cuota)

Free (Gratis)

Prior to acting on an application, the Director may request additional information.
(Antes de actuar sobre una solicitud, el Director podrá solicitar información adicional.)

From: Morgan Will, Stafford Development Company, LLC

To: City of Woodburn, C/O Colin Cortes

Cc: Chris Kerr, Dan Handel, Eric Liljequist, Dago Garcia, Ted Cuno, Roy Hankins

Date: 6/17/19

Subject: Grad 2019-03

This narrative is intended to support the Grading Permit Application – GRAD 2019-03 for the City owned Tax Lot 4100.

A letter of incompleteness from the City of Woodburn was received on March 15, 2019 with items A-Q. Below is a response to each item in that letter:

Item:

A. ADA Compliance: This is an element which the Grading Permit approval Criteria state shall be reviewed pursuant to Public Works Construction Standards and Specifications. Compliance will be reviewed by the City Engineer to his satisfaction under a separate permit for the site's civil construction plans. Upon approval of those plans by the City Engineer this grading issue will be automatically met under this permit. Path cross-section and profile is ADA compliant, see plans sheets 2, 8, & 9. *Condition G-10 (#20)* is addressed in the Attachment 1 – Phase 1A Conditions of Approval Status Memo included with the Final Plan narrative emailed by Morgan Will to the Planning Director on 5/24/2019, and those comments apply here, too.

B. Bollards: This item is not Applicable to the Grading Permit.

C. Construction Access: Sheet 4 notes that material haul route will not be on Settlemier Ave. Settlemier may still be used as a secondary access for delivery of supplies permitted, as this street is the only public access to the property This item is addressed by the plans.

D. Construction Schedule: Not Applicable to Grading Permit. Work is planned for the summer and during regular work hours as allowed by code.

E. Path Pavement: This is an element which the Grading Permit approval Criteria state shall be reviewed pursuant to Public Works Construction Standards and Specifications. Compliance will be reviewed by the City Engineer to his satisfaction under a separate permit for the site's civil construction plans. Upon approval of those plans by the City Engineer this grading issue will be automatically met under this permit.

Conditions SUB-4a (#139) is addressed in the Attachment 1 – Phase 1A Conditions of Approval Status Memo included with the Final Plan narrative emailed by Morgan Will to the Planning Director on 5/24/2019. Comments in that file address how three trail segments will be built in the process to complete the Cornwell Mattson N-S path, as shown on the preliminary plans. These plans for City Tax Lot 4100 show the second segment north of Phase 1A's first segment paved to the intersection with the E-W path meeting the requirements of the approval. The final segment, north of the E-W path will be paved concurrent with Phase 4B, consistent with approved preliminary Exhibit C-8 sheets 3 and 7

meeting COA G1 (#1). COA G2a (#3) is met by these plans as it also meets COA G1 (#1), as explained above. The gravel portion of the path shown on the plans north of the E-W path is provided at this time to enhance the existing farm road over the culvert allowing more convenient maintenance access by the City to its property on the north side of the drainage. It is not intended to be the third leg of the N-S path, which will be paved and improved in Phase 4B. A paved path north from Tax Lot 4100 to nowhere was never planned and is not proposed here. The paved path segments west and south will connect with Phase 1A which will be built concurrently with this project and thus are shown.

F. Cut and Fill: Cut and fill are not balanced, Sheet 4 grading has a note added to the Earthwork Summary table indicating excess material will be haul to the adjacent Smith Creek property. This item is addressed by the plans.

G. DEQ: Approval of 1200-C Permit No. 126263 was granted on 4/22/19 and the permit is attached with this Narrative. No other agency (i.e. USACE nor DSL) permits are required for the proposed work.

H. Drainage Offsite: Only one existing storm drain, at 670 Smith Drive, outfalls south from the adjacent Smith's Addition development to the existing ditch. The grading proposed will result in drainage capacity improvements along this corridor. In the event of a storm event, the proposed newly graded terrain will act as an "overflow zone" the entire length of the ditch, including west of the N-S Access Way. This will decrease storm water volume in the ditch at the storm drainage outfall point from Smith's Addition. There is no erosion issue on the south side of the ditch at this outfall point at this time. There is existing vegetated area preserved near the outfall south of the ditch including the trees and wetland which will protect the improvements from damage. Exposed soil will be re-seeded, and the trail will be hard surfaced, thus damage or erosion is not anticipated. See Sheet 4 for grading. The second existing storm drain south from Smith's Addition is hard piped to the existing culvert west of 520 Smith Drive and outfalls east of that lot. During a storm event this drainage would not interface or have a risk of damage to improvements.

I. Driveway: The existing driveway at Settlemier Ave appears to be in adequate condition (see photo in Figure 1 below). There is no need to replace the driveway at this time. Plus, replacement is not required for Grading Permit approval nor to meet any condition of approval. The request is for approval of grading on-site, not in the street right-of-way. This item is not applicable to the Grading Permit.
Figure 1: Photo of driveway on Settlemier at site's east access point.



J. The Applicant is of the understanding the form issue was addressed following the meeting. This item has been addressed.

K. Greenway Signage: Not Applicable to Grading Permit. The Applicant takes the Assistant City Administrator's request under advisement.

L. Greenway trail: AC is asphalt, no change needed. This item is addressed by the plans.

M. Landscaping:

1. Pond Planting Plan revised for clarity. This item is addressed by the plans.

2. Revisions were made to preserve trees along the south side of the trail south of 590 Smith drive. No tree mitigation is planned nor required for tree removal for these public infrastructure improvements, nor is it required for Grading Permit approval nor by a condition of approval.

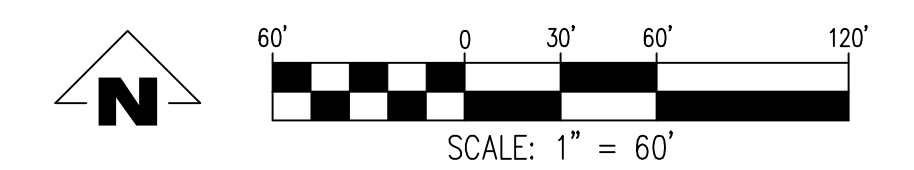
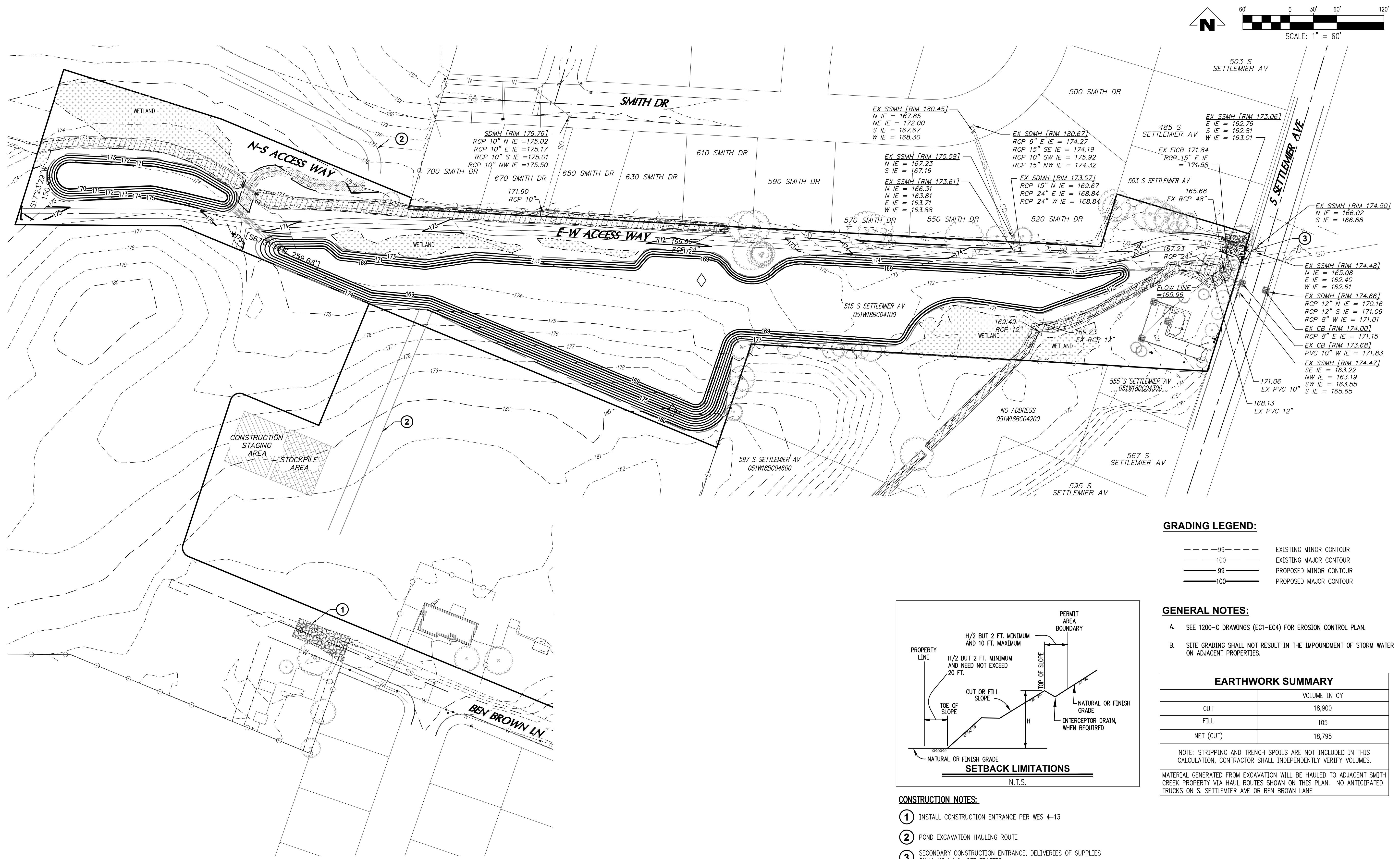
N. Minor Revisions: These were made when required by code or standards. This item is addressed by the plans.

O. Railings: Sections of access way on Sheet 2 of the plans show a 2-foot wide shoulder on both sides as required. Slopes are not steep enough plus there is horizontal separation from the path to the slopes such that railings or other fencing are not needed adjacent to areas of cut. If upon final inspection of site work any safety concerns are identified, then measures could be considered at that time that are appropriate for the location to address any actual hazards which may be discovered.

P. Tree removal: Grading plan revisions show retention of the cluster of trees. This item is addressed by the plans.

Q. Wetlands: A Wetland Delineation Report is attached with this Narrative. The proposed Grading Permit avoids wetlands as shown on plans.

R. Greenway Support Facilities: This item is not Applicable to the Grading Permit.



GRADING LEGEND:

---	99	---	EXISTING MINOR CONTOUR
---	100	---	EXISTING MAJOR CONTOUR
---	99	---	PROPOSED MINOR CONTOUR
---	100	---	PROPOSED MAJOR CONTOUR

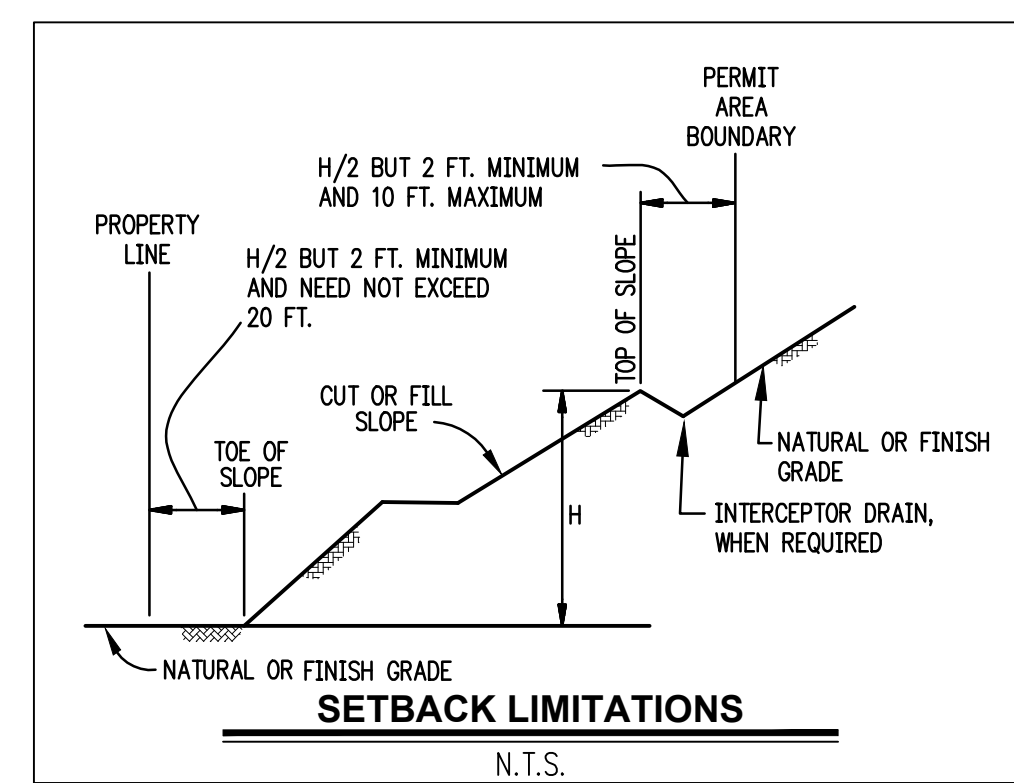
GENERAL NOTES:

- A. SEE 1200-C DRAWINGS (EC1-EC4) FOR EROSION CONTROL PLAN.
- B. SITE GRADING SHALL NOT RESULT IN THE IMPOUNDMENT OF STORM WATER ON ADJACENT PROPERTIES.

EARTHWORK SUMMARY	
	VOLUME IN CY
CUT	18,900
FILL	105
NET (CUT)	18,795

NOTE: STRIPPING AND TRENCH SPOILS ARE NOT INCLUDED IN THIS CALCULATION. CONTRACTOR SHALL INDEPENDENTLY VERIFY VOLUMES.

MATERIAL GENERATED FROM EXCAVATION WILL BE HAULED TO ADJACENT SMITH CREEK PROPERTY VIA HAUL ROUTES SHOWN ON THIS PLAN. NO ANTICIPATED TRUCKS ON S. SETTLEMIER AVE OR BEN BROWN LANE.



CONSTRUCTION NOTES:

- ① INSTALL CONSTRUCTION ENTRANCE PER WES 4-13
- ② POND EXCAVATION HAULING ROUTE
- ③ SECONDARY CONSTRUCTION ENTRANCE, DELIVERIES OF SUPPLIES ONLY, NO HAUL-OFF TRAFFIC

GRADING PLAN

NO.	DATE	DESCRIPTION
0	2/2019	1ST SUBMITTAL
1	5/2019	APPROVED SUBMITTAL

EMERIO Design
 2677 WILLAKENZIE ROAD, SUITE 1A
 BEND, OREGON 97001
 TEL: (503) 746-8812
 FAX: (503) 639-9592
 www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
 84283
 OREGON
 JULY 13, 2010
 ROY W. HANKINS
 EXPIRES: 9/30/2019

Wetland Delineation for Property Located on South Settlemier Avenue in Woodburn, Oregon

Township 5 South, Ranges 1 & 2 West, Sections 13 & 18BC
Tax Lot 4100, Marion County

Prepared for
Stafford Land Company, Inc.
Attn: Morgan Will
485 South State Street
Lake Oswego, OR 97034

Prepared by
Caroline Rim
Joe Thompson
John van Staveren
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
(503) 570-0800
(503) 570-0855 FAX
PHS Project Number: 6177

June 12, 2019



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- Figure 2A/B: Tax Lot Maps
- Figure 3A/B: Local Wetland Inventory
- Figure 4: Soil Survey
- Figure 5: Aerial Photo
- Figure 6: Potentially Jurisdictional Wetland (Wetland Delineation Map)

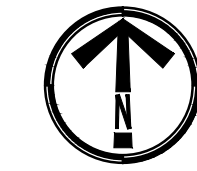
APPENDIX B: Wetland Delineation Data Sheets

APPENDIX C: Site photos (ground level)

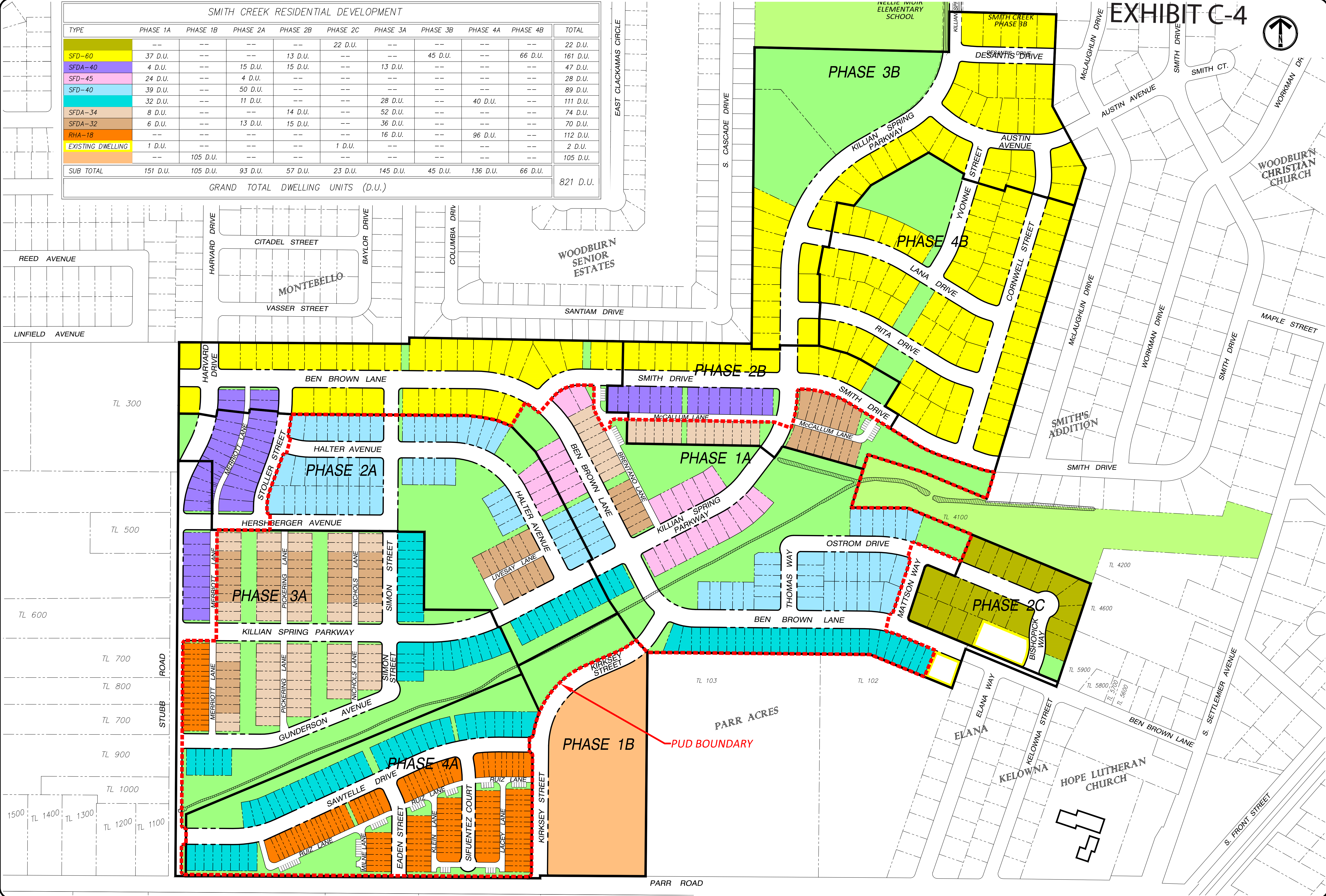
APPENDIX D: Wetland Definitions and Methodology (Client only)

abridged

EXHIBIT C-4



SMITH CREEK RESIDENTIAL DEVELOPMENT										
TYPE	PHASE 1A	PHASE 1B	PHASE 2A	PHASE 2B	PHASE 2C	PHASE 3A	PHASE 3B	PHASE 4A	PHASE 4B	TOTAL
SFD-60	---	---	---	13 D.U.	22 D.U.	---	---	---	---	22 D.U.
SFDA-40	4 D.U.	---	15 D.U.	15 D.U.	---	13 D.U.	---	---	---	47 D.U.
SFD-45	24 D.U.	---	4 D.U.	---	---	---	---	---	---	28 D.U.
SFD-40	39 D.U.	---	50 D.U.	---	---	---	---	---	---	89 D.U.
	32 D.U.	---	11 D.U.	---	---	28 D.U.	---	40 D.U.	---	111 D.U.
SFDA-34	8 D.U.	---	---	14 D.U.	---	52 D.U.	---	---	---	74 D.U.
SFDA-32	6 D.U.	---	13 D.U.	15 D.U.	---	36 D.U.	---	---	---	70 D.U.
RHA-18	---	---	---	---	16 D.U.	---	---	96 D.U.	---	112 D.U.
EXISTING DWELLING	1 D.U.	---	---	---	1 D.U.	---	---	---	---	2 D.U.
	---	105 D.U.	---	---	---	---	---	---	---	105 D.U.
SUB TOTAL	151 D.U.	105 D.U.	93 D.U.	57 D.U.	23 D.U.	145 D.U.	45 D.U.	136 D.U.	66 D.U.	821 D.U.
GRAND TOTAL DWELLING UNITS (D.U.)										821 D.U.



TAX MAP 52W13 - LOT 100
 TAX MAP 52W13BD - LOTS 100 & 200
 TAX MAP 51W18BC - LOT 4000
 MARION COUNTY
 CITY OF WOODBURN, OREGON

STAFFORD
 DEVELOPMENT COMPANY, LLC
 485 SOUTH STATE STREET
 LAKE OSWEGO, OREGON 97034

SMITH CREEK
 RESIDENTIAL DEVELOPMENT
 COLOR LOT TYPE MAP
 WITH PUD OVERLAY
 SEPTEMBER, 2018

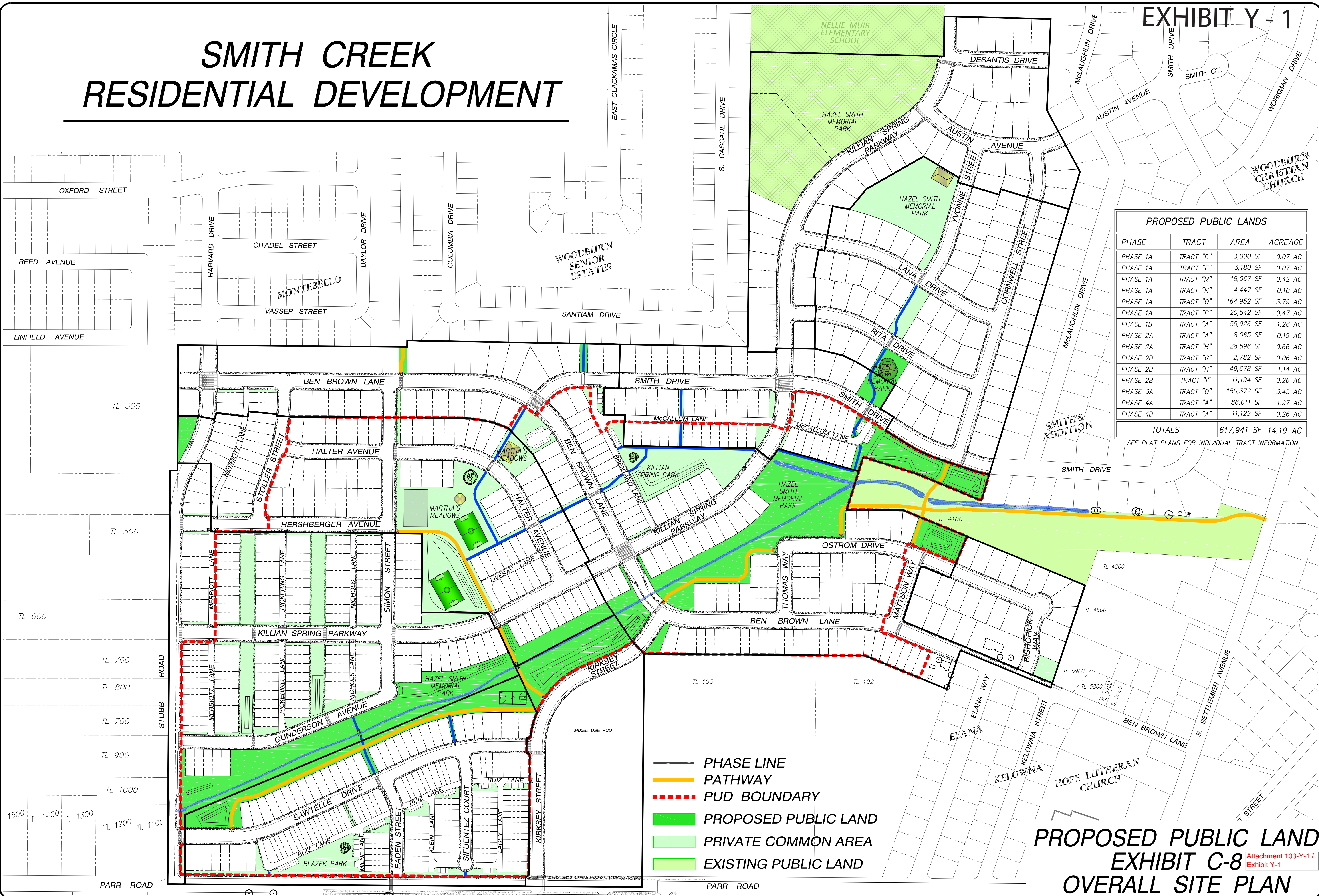
NO.	DATE	REVISIONS	DESCRIPTION

PLANNING & LAND DESIGN
 1862 NE ESTATE DRIVE
 HILLSBORO, OREGON 97124
 RYAN O'BRIEN
 (503) 780-4061

SHEET
 1
 OF
 1

SMITH CREEK RESIDENTIAL DEVELOPMENT

EXHIBIT Y - 1



PROPOSED PUBLIC LANDS

PHASE	TRACT	AREA	ACREAGE
PHASE 1A	TRACT "D"	3,000 SF	0.07 AC
PHASE 1A	TRACT "F"	3,180 SF	0.07 AC
PHASE 1A	TRACT "M"	18,067 SF	0.42 AC
PHASE 1A	TRACT "N"	4,447 SF	0.10 AC
PHASE 1A	TRACT "O"	164,952 SF	3.79 AC
PHASE 1A	TRACT "P"	20,542 SF	0.47 AC
PHASE 1B	TRACT "A"	55,926 SF	1.28 AC
PHASE 2A	TRACT "A"	8,065 SF	0.19 AC
PHASE 2A	TRACT "H"	28,596 SF	0.66 AC
PHASE 2B	TRACT "G"	2,782 SF	0.06 AC
PHASE 2B	TRACT "H"	49,678 SF	1.14 AC
PHASE 2B	TRACT "I"	11,194 SF	0.26 AC
PHASE 3A	TRACT "O"	150,372 SF	3.45 AC
PHASE 4A	TRACT "A"	86,011 SF	1.97 AC
PHASE 4B	TRACT "A"	11,129 SF	0.26 AC
TOTALS		617,941 SF	14.19 AC

SEE PLAT PLANS FOR INDIVIDUAL TRACT INFORMATION

- PHASE LINE
- PATHWAY
- - - PUD BOUNDARY
- PROPOSED PUBLIC LAND
- PRIVATE COMMON AREA
- EXISTING PUBLIC LAND

PROPOSED PUBLIC LAND EXHIBIT C-8 OVERALL SITE PLAN

TAX MAP 52W13 - LOT 100
TAX MAP 52W13BD - LOTS 100 & 200
TAX MAP 51W18BC - LOT 4000
MARION COUNTY
CITY OF WOODBURN, OREGON

STAFFORD
DEVELOPMENT COMPANY, LLC
485 SOUTH STATE STREET
LAKE OSWEGO, OREGON 97034

SMITH CREEK
RESIDENTIAL DEVELOPMENT
AUGUST, 2018

NO.	DATE	REVISIONS	DESCRIPTION

PLANNING & LAND DESIGN
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

SHEET
1
OF
1