

**COUNCIL BILL NO. 3083**

**ORDINANCE NO. 2566**

**AN ORDINANCE DESIGNATING ZONING FOR APPROXIMATELY 150 ACRES OF ANNEXED TERRITORY KNOWN AS HAZEL M. SMITH PROPERTY, LOCATED ADJACENT TO 690 BEN BROWN LANE AND INCLUDING 105 BEN BROWN LANE AND 15198 & 15218 STUBB ROAD, MARION COUNTY, OREGON AS RESIDENTIAL SINGLE FAMILY (RS), NODAL SINGLE FAMILY RESIDENTIAL (RSN), AND NODAL MULTI-FAMILY RESIDENTIAL (RMN)**

**WHEREAS**, the subject property is owned by Hazel M. Smith Properties LLC, Don Ivan Mametieff, and Anna Kamis with Stafford Land Company LLC as contract purchaser, and is legally described in Exhibit "A" and mapped in Exhibit "B", which are affixed hereto and by this reference incorporated herein; and

**WHEREAS**, the owner of real property initiated by petition a proposal for annexation (ANX 2017-05); and

**WHEREAS**, because the subject property is already within the Woodburn Urban Growth Boundary (UGB), it has three existing Comprehensive Plan map land use designations of Low Density Residential, Low Density Residential with Nodal Development Overlay, and Medium Density Residential with Nodal Development Overlay; and

**WHEREAS**, the applicant for the purpose of the Smith Creek Development requests that, consistent with Woodburn Development Ordinance (WDO) 5.04.01E., the City designate the annexed territory as Residential Single Family (RS), Nodal Single Family Residential (RSN), and Nodal Multi-Family Residential (RMN) zoning districts; and

**WHEREAS**, RS is one of two zoning districts that are consistent with the Comprehensive Plan per Policy Table 1, the other option being the Retirement Community Single Family Residential (R1S) presently designated only to the Woodburn Estates & Golf developed subdivisions, which are restricted to persons 55 years of age and older; and

**WHEREAS**, RSN and RMN are each the one zoning district that is consistent with the Comprehensive Plan per Policy Table 1; and

**WHEREAS**, RSN and RMN are each the one zoning district that is consistent with the Comprehensive Plan per Policy Table 1; and

**WHEREAS**, these zoning designations are contingent upon annexation of the subject property to the City of Woodburn, for which the applicant has petitioned and filed the petition with the City Recorder; and


**WHEREAS**, on October 11, 2018 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

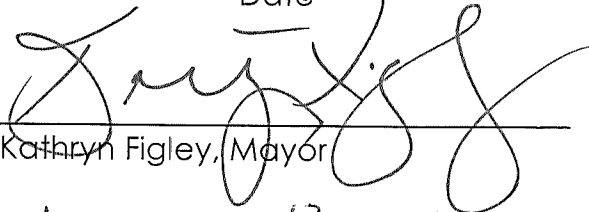
**WHEREAS**, on the specially scheduled date of October 29, 2018, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and, upon deliberation, concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C.; and

**WHEREAS**, the analyses and findings that were Attachment 102 of the October 29 City Council land use staff report mentioned that zoning designation follows annexation, compatibility of the three districts, and applicant acceptance of designations; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** Upon the effective date of the annexation enacted by Ordinance 2565 being considered contemporaneously with this request, the Woodburn Zoning Map is amended designating the zoning on the subject property described in Exhibit "A" and mapped in Exhibits "B" and "C" as Residential Single Family (RS), Nodal Single Family Residential (RSN), and Nodal Multi-Family Residential (RMN).

Approved as to form:  11/6/2018  
City Attorney Date

Approved:   
Kathryn Figley, Mayor

Passed by the Council November 13, 2018  
Submitted to the Mayor November 14, 2018

Approved by the Mayor

November 14, 2018

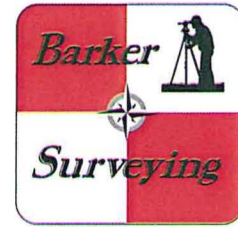
Filed in the Office of the Recorder

November 14, 2018

ATTEST:

Heather Pierson

Heather Pierson, City Recorder  
City of Woodburn, Oregon



Legal Description For:  
City of Woodburn  
Property to be annexed

A tract of land situated in the southeast one-quarter of Section 12 and all quarters of Section 13, Township 5 South, Range 2 West and the southwest one-quarter of Section 7 and the northwest one-quarter of Section 18, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, more particularly described as follows:

Beginning at the northeast corner of Parcel 1, Partition Plat 94-110, as platted and recorded in the Marion County Book of Partition Plats, said point being North 2°25'40" East 22.00 feet from the northwest corner of Lot 12 in SMITH'S ADDITION NO. 4, as platted and recorded in Volume 40, Page 15, Book of Town Plats for Marion County, Oregon; and running thence along the existing City of Woodburn City Limits boundary on the following 16 courses:

thence South 2°25'40" West 343.17 feet along the west line of said SMITH'S ADDITION NO. 4 to the northwest corner of SMITH'S ADDITION NO. 3, as platted and recorded in Volume 32, Page 49, Book of Town Plats for Marion County, Oregon;

thence South 28°15'01" East 262.62 feet along the west line of said SMITH'S ADDITION NO. 3 to an angle point thereof;

thence South 16°42'31" West 1288.67 feet along said west line and the west line of SMITH'S ADDITION NO. 2, as platted and recorded in Volume 29, Page 43, Book of Town Plats for Marion County, Oregon to a point on the north line of that property conveyed to the City of Woodburn in that instrument recorded in Reel 2473, Page 338, Marion County Deed Records;

thence North 67°28'44" West 262.41 feet along said north line to an angle point thereof;

thence North 72°33'09" West 211.00 feet along said north line of the City of Woodburn property to the northwest corner thereof;

thence South 17°23'29" West 207.41 feet to the most Westerly southwest corner of said City of Woodburn property;

thence South 89°37'02" East 211.54 feet along the south line of said City of Woodburn property to an angle point thereof;

thence South 67°31'30" East 581.52 feet along said south line and its Southeasterly extension thereof;

thence South 17°02'17" West 405.87 feet to a point on the north right of way line of Ben Brown Lane;

thence North 67°32'20" West 319.48 feet along said north right of way line;

thence South 19°01'35" West 155.15 feet to a point on the northeasterly line of Parcel 2 in the aforementioned Partition Plat 94-110;

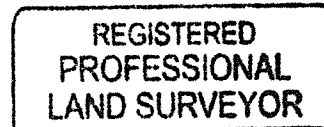
thence North 67°37'02" West 230.97 feet along said northeasterly line to an angle point thereof;

thence North 89°28'02" West 831.61 feet along the north line of said Parcel 2 and the north line of Parcel 3 in said Partition Plat 94-110 to the northwest corner of said Parcel 3;

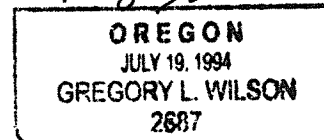
Ordinance No. 2566  
Exhibit A

thence South 0°31'03" West 876.29 feet along the west line of said Parcel 3 and its Southerly extension thereof to a point in the centerline of Parr Road (County Road 517);  
thence North 89°39'00" West 1195.31 feet along said centerline;  
thence leaving said centerline, South 0°21'00" West 30.00 feet to a point on the south right of way line of said Parr Road;  
thence North 89°39'00" West 571.61 feet along said south right of way line to an angle point thereof;  
thence North 89°41'09" West 64.99 feet;  
thence leaving said south right of way line, North 0°18'51" East 60.00 feet to a point on the north right of way line of said Parr Road;  
thence South 89°41'09" East 50.00 feet along said north right of way line to a point on the west right of way line of Stubb Road (County Road 517), said road recorded as being 30 feet wide;  
thence North 0°20'21" East 1523.14 feet along said west right of way line to the north terminus of said county road;  
thence South 89°39'39" East 27.84 feet to the southeast corner of Parcel 2, Partition Plat 2010-33, as platted and recorded in the Marion County Book of Partition Plats;  
thence North 0°24'12" East 471.14 feet along the east line of said Parcel 2 to the northeast corner thereof, said point being on the south line of MONTEBELLO 2, as platted and recorded in Volume 44, Page 108, Book of Town Plats for Marion County, Oregon;  
thence along the existing City of Woodburn City Limits boundary on the following 7 courses:  
thence South 89°35'22" East 859.57 feet along the south line of said MONTEBELLO 2 and its Easterly extension thereof to an angle point in the north line of the aforementioned Parcel 1, Partition Plat 94-110;  
thence North 00°34'49" East 23.62 feet to an angle point in said north line, said point being on the Westerly extension of the south line of WOODBURN SENIOR ESTATES NO. 7, as platted and recorded in Volume 22, Page 42, Book of Town Plats for Marion County, Oregon;  
thence South 88°57'41" East 1278.98 feet along said Westerly extension and south line to the southeast corner of said WOODBURN SENIOR ESTATES NO. 7;  
thence North 0°34'30" East 1107.53 feet along the east line of said WOODBURN SENIOR ESTATES NO. 7 to an angle point in the aforementioned north line of Parcel 1, Partition Plat 94-110;  
thence South 88°37'48" East 726.07 feet along said north line to an angle point thereof;  
thence North 00°34'33" East 150.18 feet to an angle point thereof;  
thence South 88°34'32" East 399.96 feet along said north line to the Point of Beginning, containing 148.57 acres of land, more or less.

Bearings are based on Marion County Survey Record 24089, along the centerline of Parr Road.



*Gregory L. Wilson*

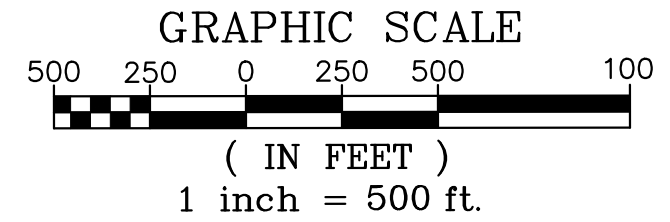
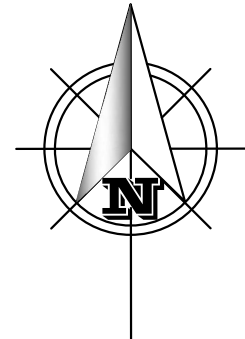
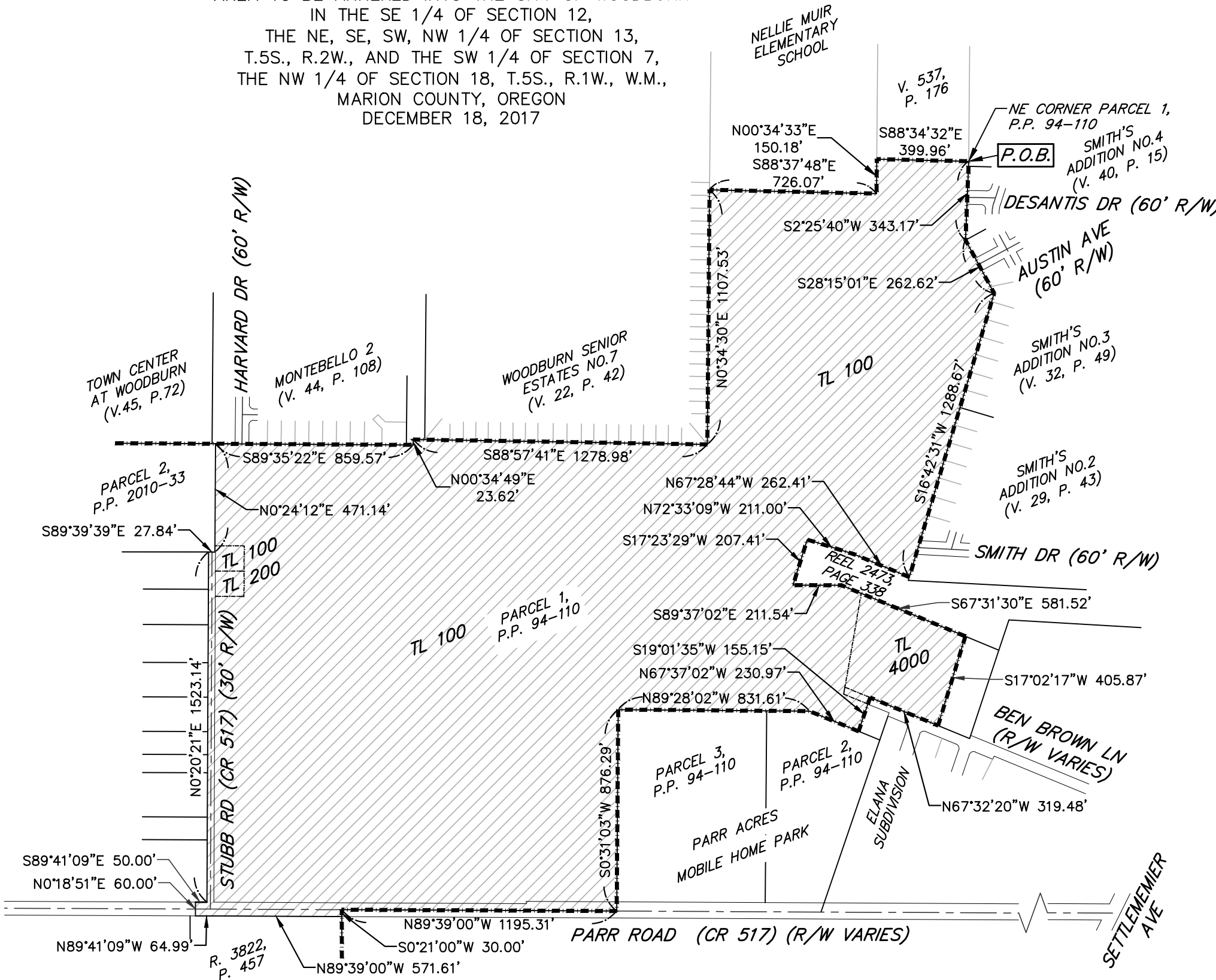


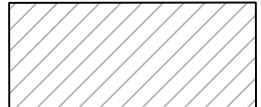

EXPIRES: 6-30-18

E-mail: [info@barkerwilson.com](mailto:info@barkerwilson.com)

# EXHIBIT C-1

AREA TO BE ANNEXED INTO THE CITY OF WOODBURN  
 IN THE SE 1/4 OF SECTION 12,  
 THE NE, SE, SW, NW 1/4 OF SECTION 13,  
 T.5S., R.2W., AND THE SW 1/4 OF SECTION 7,  
 THE NW 1/4 OF SECTION 18, T.5S., R.1W., W.M.,  
 MARION COUNTY, OREGON  
 DECEMBER 18, 2017



 PROPOSED ANNEXATION AREA  
 CITY OF WOODBURN CITY LIMITS BOUNDARY



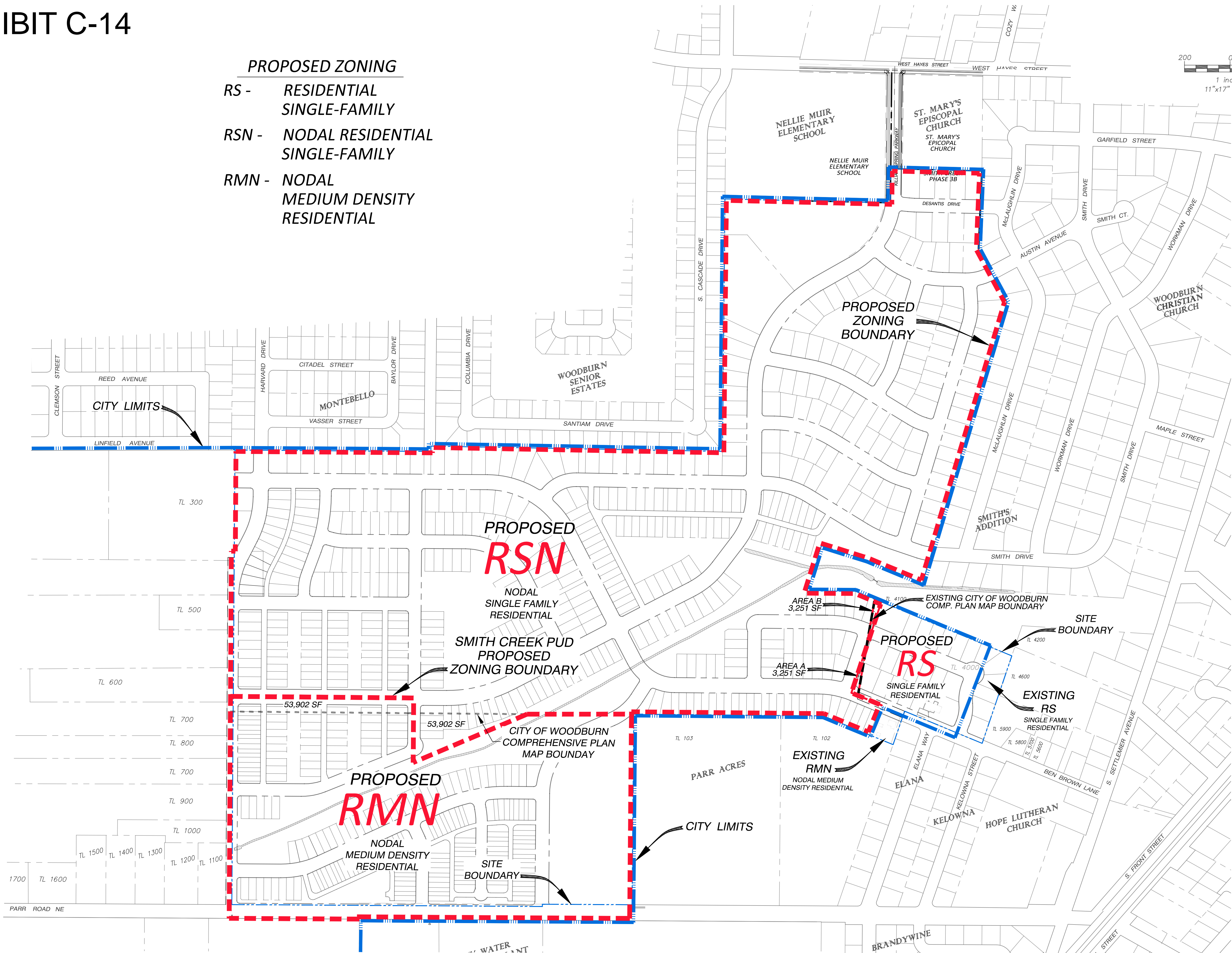
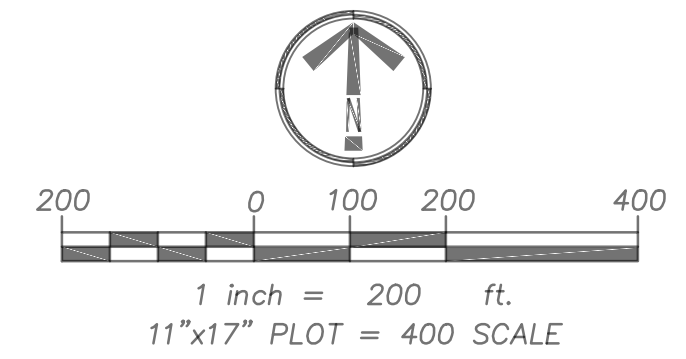
3657 KASHMIR WAY SE  
 SALEM, OREGON 97317  
 PHONE (503) 588-8800 FAX  
 (503) 363-2469  
 EMAIL: INFO@BARKERWILSON.COM

**Ordinance**  
**No. 2566**  
**Exhibit B**

# EXHIBIT C-14

## PROPOSED ZONING

- RS - RESIDENTIAL SINGLE-FAMILY
- RSN - NODAL RESIDENTIAL SINGLE-FAMILY
- RMN - NODAL MEDIUM DENSITY RESIDENTIAL



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  
 PROPOSED  
 ZONING MAP

NO.	DATE	DESCRIPTION

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

SHEET  
 1  
 OF  
 1

Ordinance No. 2566  
 Exhibit C