



# Final Decision

## Type II Staff Report: Preliminary Partition

**File number(s):** PAR 2020-04

**Related files:** PLA 2019-02; ANX 2017-05, PP 2017-01, PUD 2017-01, & SUB 2017-01 (collectively known as "Smith Creek Development")

**Project name:** Smith Creek Development Phase 1B Partition

**Date of decision:** July 20, 2020

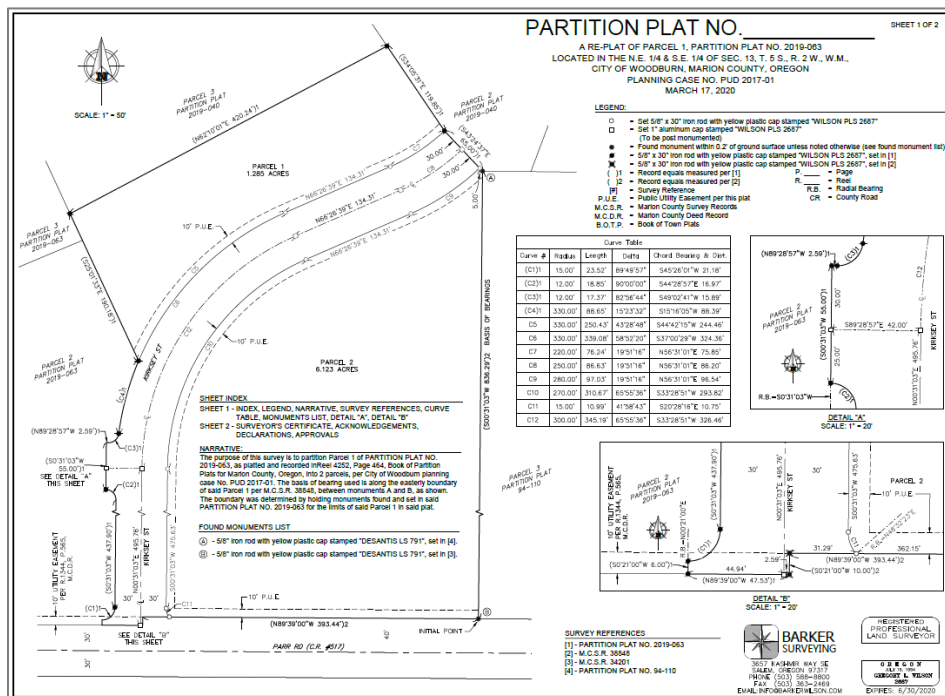
**Date of mailing:** July 21, 2020

**Applicant:** Yvonne Thomas, Manager, Hazel M. Smith Properties, LLC

**Landowner:** Hazel M. Smith Properties LLC

**Site location:** Parcel 1 of Partition Plat 2019-063 [no assigned address]; north of Parr Road and west of Parr Acres manufactured home park

**Tax Lot(s):** 052W13 00111

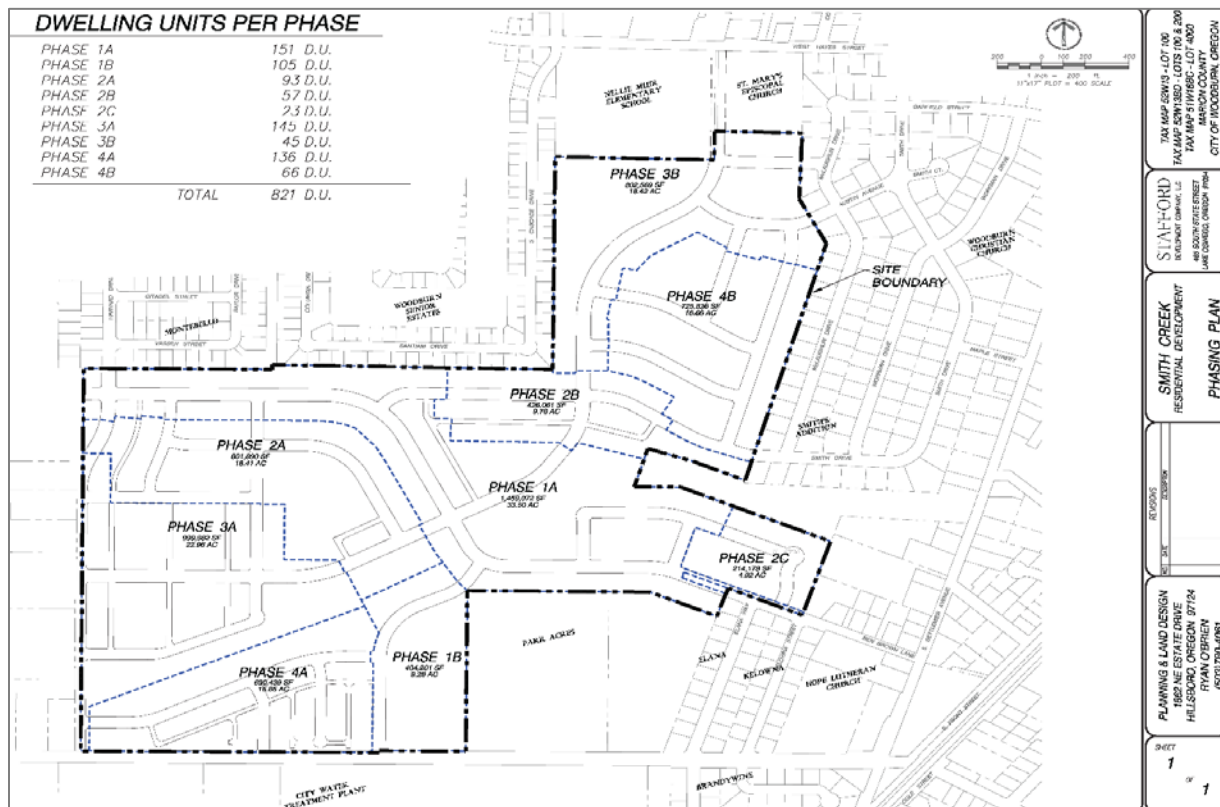


## Summary:

The subject property is approximately 8.88 acres, west of the Parr Acres manufactured home park along Parr Road. There is no assigned address to the lot. The applicant applied for Preliminary Partition PAR 2020-04 in order to partition the lot into two parcels.

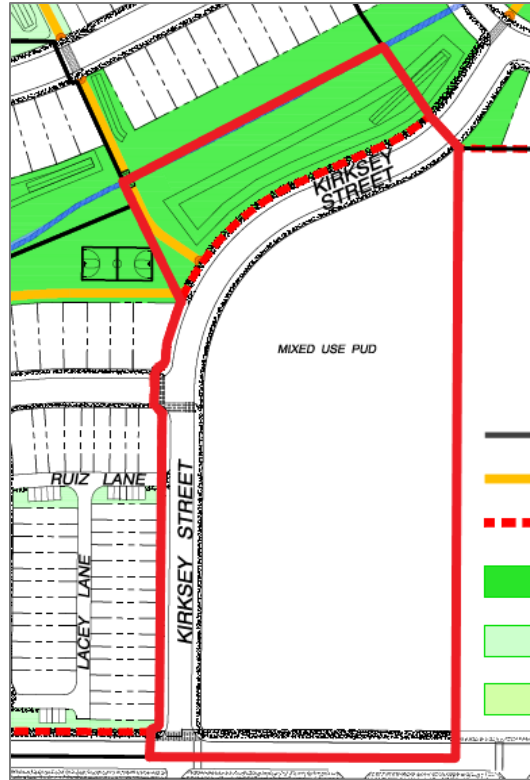
### Background

The property owner through Stafford Land Company and Ordinance No. 2565 (2018) annexed territory including the subject property and obtained approval of a planned unit development (PUD), preliminary subdivision, and ancillary applications for the Smith Creek Development via the Final Order of November 14, 2018. The approval included a phasing plan (Attachment 104) covering nine phases, as illustrated below in blue dashed lines:



Smith Creek Development Phasing Plan

Via previous City application PLA 2019-02, the property owner received approval to adjust property lines of three existing lots to align with the boundaries of Phases 1B, 3A, and 4A. The subject property of this application matches Phase 1B, as seen on both the above Phasing Plan and through the excerpt of Final Order Exhibit Y-1 Proposed Public Lands Plan (Attachment 103) on the following page.



Excerpt of Smith Creek Development Exhibit Y-1 Proposed Public Land, Phase 1B outlined in solid red

The applicant is applying through this PAR 2020-04 for City approval to partition the property into two lots. The Parcel 1 boundaries match the green public area north of Kirksey Street in Phase 1B, while Parcel 2 is the remainder of the property south and east of Kirksey Street (the white area labeled “MIXED USE PUD” in the image above). No development or establishment of any new land uses is proposed as part of this partition. *Condition PAR-3* memorializes this understanding and that this PAR in no way abrogates or supersedes the Smith Creek Final Order conditions of approval.

The application submittal date is May 8, 2020, the completeness date is May 19, 2020, and the 120<sup>th</sup> day deadline for final action per Oregon Revised Statutes (ORS) 92.105 and 227.178 would have been September 16, 2020.

Section references are to the [Woodburn Development Ordinance \(WDO\)](#).

Staff finds that the application meets WDO provisions or can meet them with conditions and approves it with conditions. The next step is a final partition application per [5.01.06](#); see Note to the Applicant 1.

Because it is a Type II administrative approval requiring no public hearing, this staff report serves as both a preliminary partition approval and public notice of final decision to owners of property within 250 feet of the subject property.

## Conditions of Approval

G1. References: The descriptions below define certain words, phrases, and assumptions in the context of the conditions of approval:

- “ADA” refers to the federal Americans with Disabilities Act of 1990.
- “County” refers to Marion County.
- “ft” refers to feet.
- “Final Order” refers to the Smith Creek Development Final Order document dated November 14, 2018.
- “ORS” refers to Oregon Revised Statutes.
- Parcels “1” & “2” are the northerly and southerly ones respectively, and each may be referred to as “lot”.
- “PUE” refers to public utility easement.
- “ROW” refers to right-of-way.
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C.
- “WDO” refers to the Woodburn Development Ordinance.

G2. Prior to the City approving a Partition Final Plat Approval application submitted by the applicant to the City, the applicant shall obtain from the Public Works Department and provide a copy of the approved civil engineering plans for public improvements required by this Preliminary Partition final decision.

G3. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval is through a civil engineering plans review process led by the Public Works Department Engineering Division. The applicant shall not only follow the direction of the Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:

- a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., G2). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
- b. Contact information: State the applicant’s name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
- c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase “civil engineering plans” or “public improvements civil plans”. Additionally, submit Adobe PDF copies of plan sets.



- d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant shall pay through the Planning Division into City general revenue a fee of \$100.

G-PW. Public Works: Follow the attached "Public Works Conditions July 6, 2020" (Attachment 102A).

PAR-1. Next Step: The applicant shall submit to the City an application for Partition Final Plat Approval per WDO 5.01.06 with materials prepared consistent with ORS 92 and County Surveyor standards.

PAR-2. Recording: Upon City issuance of a Partition Final Plat Approval pursuant to WDO 5.01.06, the applicant shall record the City-approved final plat with the County and do so prior to either applying to the City for building permit or the expiration of this Preliminary Partition final decision per WDO 4.02.04, whichever is earlier.

PAR-3. Relationship to Smith Creek Development: Approval of Preliminary Partition 2020-04 does not abrogate or supersede any conditions of approval in the Final Order that included Preliminary Subdivision SUB 2017-01.

PAR-4. Frontage/public/street improvements: Per WDO 3.01 and 3.02.01, the applicant shall obtain civil engineering plans approval for and construct and obtain City inspection and acceptance of the following dedications and improvements:

a. Kirksey Street:

- (1) Dedication of 60 ft of ROW following the alignment of Kirksey Street in the Final Order;
- (2) Dedication of 5-ft PUEs along Kirksey Street ROW on Parcels 1 and 2;
- (3) Construction of a local residential street per WDO Figure 3.01G;
- (4) Construction of a 7-ft landscape strip (including curb) per WDO Figure 3.01G, planted with small street trees per WDO 3.06.03A, Table 3.06B, and Table 3.06C, except as modified by Condition PUD-9.c., subsections 1.i. & iii. on page 58 of the Final Order;
- (5) Construction of a 6-ft property line sidewalk per WDO Figure 3.01G, including ADA-compliant curb ramps that transition the sidewalk to the Sawtelle Drive crossing;
- (6) Construction of stamped crosswalks per Condition PUD-10.a. of the Final Order; and
- (7) To be consistent with the objective of Final Order Exhibit Y-1, dedicate Parcel 1 to the City of Woodburn.

b. Parr Road:

- (1) Dedication of a 5-ft PUE along Parr Road ROW of Parcel 2, including language for public sidewalk access per Condition PUD-4 on pages 54-56 of the Final Order;

- (2) Construction of a 6-ft landscape strip (including curb) per WDO Figure 3.01D, planted with medium street trees per WDO 3.06.03A, Table 3.06B, and Table 3.06C, except as modified by Condition PUD-9.c. of the Final Order;
  - (3) Construction of a 12-ft property line sidewalk per Exhibit C-11A of the Final Order, including ADA-compliant curb ramps that transition the sidewalk to the Kirksey Street crossing;
  - (4) Construction of a stamped crosswalk per Condition PUD-10.a. of the Final Order; and
  - (5) Construction of a mid-block crossing of Parr Road per Condition T-BP4 on page 67 of the Final Order.
- c. The legal dedications outlined in a. and b. above shall be accomplished via recordation of the partition plat.
  - d. The physical improvements outlined in a. and b. above are due prior to Partition Final Plat Approval by the City.

## Notes to the Applicant

The following are not conditions of approval, but are important notes for the applicant to be aware of and follow for the site development as part of the permitting stage:

1. Time Limit: WDO 5.01.06A. requires for Partition and Subdivision Final Plat Approval that, “The final plat shall be submitted within two years of date of the initial approval and be in substantial conforms [sic] to all conditions of the preliminary approval.”
2. Issuing Authority: Per 5.01.06C., the Community Development Director is the signing authority for Mylar plat sheets.
3. Plat Tracker: The County maintains a plat tracking tool at <http://apps.co.marion.or.us/plattracker/>.
4. Records: Staff suggests that the applicant and landowner retain a copy of this staff report / final decision.

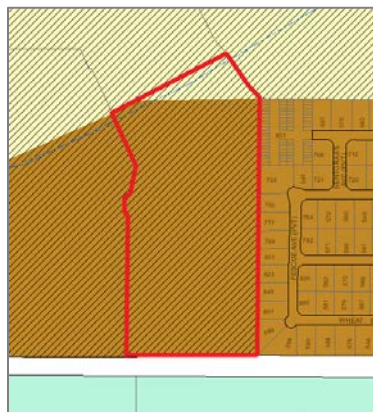
## Analyses & Findings:

This final decision analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> <li>Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met</li> <li>Plan sheets and/or narrative inconsistent</li> <li>Other special circumstance benefitting from attention</li> </ul>	Revision needed for clear and consistent records

## Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Low Density Residential, Medium Density Residential
<i>Zoning District</i>	Nodal Residential Single-Family, Nodal Medium Density Residential
<i>Overlay District(s)</i>	Nodal Overlay District
<i>Existing Use(s)</i>	Unimproved/undeveloped



*An excerpt from the City zoning map with the subject property outlined in red.*

The lot is a legal lot of record – Parcel 1 of Partition Plat 2019-063. The applicable provisions appear in bold on the following pages.

## Preliminary Partition Provisions

### 2.02 Residential Zones

The subject property is currently undeveloped. Parcel 1 of this partition will be split between the Nodal Residential Single-Family (RSN) and Nodal Medium Density Residential (RMN), while Parcel 2 will be zoned entirely RMN. No new development is proposed therefore setbacks, lot coverage, density, and building height standards do not apply.

Nodal Residential Single-Family (RSN) - Site Development Standards Table 2.02C				
Lot Area, Minimum (square feet)	Standard lot	Interior or cul-de-sac lot		6,000 <sup>1</sup>
		Corner lot	Single-family dwelling, child care facility or group home <sup>2</sup>	8,000
			Any other use	10,000
Lot Width, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		50
		Corner lot		80
Lot Depth, Average (feet)	Standard lot			90
Street Frontage, Minimum (feet)	Standard lot	Interior or cul-de-sac lot		40
		Corner lot	Single-family dwelling, child care facility or group home <sup>2</sup>	40
			Any other use	50
<p>1. Flag lots are not allowed in the RSN zone.                  2. Child care facility for 12 or fewer children, group home for five or fewer persons</p>				

**Nodal Medium Density Residential (RMN) - Site Development Standards**  
**Table 2.02F**

<b>Lot Area, Minimum (square feet)</b>	<b>Single-family dwelling, child care facility or group home</b>	<b>Interior or cul-de-sac lot</b>	<b>4,000<sup>1,2</sup></b>
		<b>Corner lot</b>	<b>5,000<sup>2</sup></b>
	<b>Row house</b>	<b>Interior lot</b>	<b>3,000<sup>1</sup></b>
		<b>Corner or cul-de-sac lot</b>	<b>3,600</b>
	<b>Duplex</b>		<b>8,000<sup>1</sup></b>
	<b>Multiple-family dwelling, child care facility, group home or nursing home</b>		<b>87,120<sup>1,3</sup></b>
<b>Any other use</b>		<b>Not specified<sup>7</sup></b>	
<b>Lot Width, Minimum (feet)</b>	<b>Single-family dwelling, child care facility or group home</b>	<b>Interior or cul-de-sac Lot</b>	<b>45<sup>2</sup></b>
		<b>Corner lot</b>	<b>60<sup>2</sup></b>
	<b>Row house</b>	<b>Interior lot</b>	<b>20</b>
		<b>Corner or cul-de-sac lot</b>	<b>35</b>
	<b>Duplex</b>		<b>80</b>
	<b>Multiple-family dwelling, child care facility, group home or nursing home</b>		<b>200<sup>3</sup></b>
<b>Any other use</b>		<b>Not specified<sup>7</sup></b>	
<b>Lot Depth, Average (feet)</b>	<b>Single-family dwelling, child care facility or group home or row house</b>		<b>80<sup>2</sup></b>
	<b>Duplex</b>		<b>90</b>
	<b>Multiple-family dwelling, child care facility, group home or nursing home</b>		<b>200<sup>3</sup></b>
	<b>Any other use</b>		<b>Not specified<sup>7</sup></b>
<b>Street Frontage, Minimum (feet)</b>	<b>Single-family dwelling, child care facility, group home, or multiple-family dwelling<sup>2</sup></b>	<b>Interior lot</b>	<b>20</b>
		<b>Corner lot</b>	<b>35</b>
		<b>Cul-de-sac lot</b>	<b>30</b>
	<b>Row house</b>	<b>Interior lot</b>	<b>20</b>
		<b>Corner or cul-de-sac lot</b>	<b>35</b>
	<b>Duplex</b>		<b>80</b>
<b>Any other use</b>		<b>200</b>	

1. Flag lots are not allowed in the RMN zone.
2. Child care facility for 12 or fewer children, group home for five or fewer persons
3. Child care facility for 13 or more children, group home for six or more persons
7. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements.

Parcel 1, an interior lot, will be public land primarily used for a stormwater detention facility with a segment of public trail on the westerly portion of the parcel (per the Smith Creek

Development Proposed Public Lands Plan; Attachment 103). Based on this use, all lot size, lot dimension, and street frontage standards are met for both Table 2.02C and Table 2.02F.

While no development is proposed alongside this partition, Parcel 2 is being prepared for future development. It meets all lot size, lot dimension, and street frontage standards for all uses identified in Table 2.02F.

✓ The provisions are met.

#### **2.05.04 Nodal Overlay Districts**

The subject property is within the Nodal Residential Single-Family and Nodal Medium Density Residential zoning districts however the Smith Creek Development Final Order including its conditions of approval address the provisions of 2.05.04. Additionally, no new development is proposed alongside this partition.

⊖ The provisions are not applicable.

#### **3.01.01 Applicability**

**A. Right-of-way standards apply to all public streets.**

**B. Improvement standards apply to all public and private streets, sidewalks and bikeways.**

**C. Functional standards are identified in the Woodburn TSP.**

**D. This applies to all development, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park. Construction of a single-family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development, however, in no case can this type of development occur without minimal access as determined by the Director.**

The Smith Creek Development Final Order including its conditions of approval address the right-of-way improvement provisions of 3.01 for Phase 1B. The more directly relevant conditions are G1, G2, G5, SUB-FD, PP-1, PUD-9, PUD-10, and T-BP4.

The City's first objective for this PAR is to condition it so that the developer or subsequent developers and homebuilders cannot construe it as abrogating or superseding the Smith Creek Development conditions. To that end, staff applies *Condition of Approval PAR-3*.

Because Phase 1B is outside the Smith Creek Development PUD boundary and the Final Order of November 14, 2018 included no subdivision or other development approval for the lot, the second objective is to secure construction of the Phase 1B right-of-way improvements, which in turn require partition to create right-of-way and two parcels of which the northern Parcel 1 consistent with Final Order Exhibit Y-1 is to be dedicated to the City as public land (Mill Creek Greenway Trail corridor). To that end, staff applies *Condition of Approval PAR-4*.

▲ The provisions are met with *Conditions PAR-3 & 4*.



### 3.02.01 Public Utility Easements

**B. A five-foot wide public utility easement shall be dedicated along each lot line abutting a public street.**

**C. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, or Planned Unit Developments (PUDs), the Director may require dedication of public utility easements.**

The proposed partition illustrates and notes a 10-foot public utility easement (PUE) along all frontages of Kirksey Street ROW within the boundaries of this partition.

✓ The provisions are met.

### 3.02.03 Street Lighting

#### A. Public Streets

**Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility.**

Because Phase 1B is outside the Smith Creek Development PUD boundary and the Final Order of November 14, 2018 included no subdivision or other development approval for the lot, staff applies *Conditions of Approval G-PW & PAR-4* to secure construction of the Phase 1B right-of-way improvements including street lighting.

▲ The provisions are met with *Conditions G-PW & PAR-4*.

### 3.02.04 Underground Utilities

**All permanent utility service to and within a development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist.**

Because Phase 1B is outside the Smith Creek Development PUD boundary and the Final Order of November 14, 2018 included no subdivision or other development approval for the lot, staff applies *Conditions of Approval G-PW & PAR-4* to secure construction of the Phase 1B right-of-way improvements including the undergrounding of all utilities.

▲ The provisions are met with *Conditions G-PW & PAR-4*.

## 3.04 Vehicular Access

### 3.04.01 Applicability and Permit

#### A. Street Access

Every lot shall have:

1. Direct access to an abutting public street, or
2. Access to a public street by means of an access easement and maintenance agreement to the satisfaction of the Director, and revocable only with the concurrence of the Director.

Both Parcels 1 and 2 will have direct access to Kirksey Street, a public street.

✓ The provisions are met.

### 3.08.01 Requirements

All partitions and subdivisions shall comply with the standards of [ORS Chapter 92](#) and the Woodburn Development Ordinance.

This final decision does not address the requirements of ORS 92 separately, because they are addressed through the review of WDO sections or addressed by the applicant either as part of the final partition or upon development applications. This decision establishes compliance or non-compliance with applicable WDO provisions. However, for clarity for future staff, staff cites two statutory provisions relating to preliminary land divisions about (1) what regulations apply as time passes and (2) when a decision expires:

“92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws. ...

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]”

Item (2) is not applicable because the proposal is for partition, not subdivision. Regarding (3), WDO 4.02.04B cited below establishes such a time period, which does not exceed 10 years.

✓ The provisions are met.

### 5.02.05 Partition, Preliminary Approval

**A. Purpose: The purpose of this Type II review is to ensure that partitions - the dividing of a single lot into 3 or less lots within one calendar year - comply with this Ordinance, with the Land Use and Development Standards and Guidelines (Sections 2 and 3), and applicable Oregon State Statutes.**

**B. Criteria: Preliminary approval of a partition requires compliance with the following:**

**1. The preliminary partition complies with all applicable provisions of this ordinance.**

The proposal complies with B.1. as examined elsewhere throughout this staff report / final decision.

**2. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of any adjoining land.**

Regarding B.2., Parcel 1 will become public land per the Smith Creek Development Final Order and used for a stormwater detention facility and public trail. Parcel 2 remains for future development.

**3. The proposed partition is served with City streets, water, sewer and storm drainage facilities with adequate capacity.**

Regarding B.3., the Smith Creek Development Final Order outlines a schedule of utility improvements required with each phase. The subject property matches the boundaries of Phase 1B and the required utility improvements are captured in *Condition of Approval PAR-4*.

**4. That the partition takes into account topography, vegetation and other natural features of the site.**

Regarding B.4., the subject property is predominately flat undeveloped land. Parcel 1 contains an area designated as “Other Wetlands” on the City Zoning Map, which was accounted for by the Smith Creek Development approval and is not impacted by this partition.

**5. That adequate measures have been planned to alleviate identified hazards and limitations to development:**

**a. For regulatory wetlands, these shall be the measures required by the Division of State Lands.**

**b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.**

Regarding B.5., staff identifies no hazards or limitations to the development. An area in Parcel 1 contains “Other Wetlands” as designated by the City Zoning Map however the Smith Creek Development approval includes measures to preserve them. 5.b. is not applicable because the ground is virtually flat with gentle slope towards the tributary of Mill Creek and there is no evidence of unstable soil.

✓ The provisions are met.

### *Conclusion*

Staff finds that the application meets WDO provisions or can meet them with conditions and approves it with conditions to clarify the final partition and platting stages, and accommodate the requests of the Public Works Department.

Submitted by:



Dan Handel, AICP, Associate Planner

Affirmed,



Colin Cortes, AICP, CNU-A, Senior Planner

### **Attachments:**

- 101. Tax Map marked
- 102. Preliminary Partition drawing
- 102A. Public Works Conditions
- 103. Smith Creek Development Final Order Exhibit Y-1
- 104. Smith Creek Development Phasing Plan
- 105. Smith Creek Development Exhibit C-11A
- 106. Smith Creek Development Phase 1B Site Plan

**Expiration:** Per WDO 4.02.04B., a final decision expires within three years of the date of the final decision unless:

- 1. A building permit to exercise the right granted by the decision has been issued;
- 2. The activity approved in the decision has commenced; or
- 3. A time extension, Section 4.02.05, has been approved.

**Appeals:** Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO [4.02.01](#). The appeal due date is twelve (12)

days from the mailing date of this notice per 4.02.01B.1. A valid appeal must meet the requirements of 4.02.01.

Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision may appeal the decision. The decision will not become final until the period for filing an appeal to the City Council has expired, and it cannot be appealed directly to the Oregon Land Use Board of Appeals (LUBA). This document is a copy of the decision. A copy of the decision is also available for inspection at no cost, and the City would provide a copy at reasonable cost at the Community Development Department, City Hall, 270 Montgomery Street, Woodburn, OR 97071 during normal business hours. For questions or additional information, contact the Community Development Department at (503) 982-5246 or [planning@ci.woodburn.or.us](mailto:planning@ci.woodburn.or.us).





MARION COUNTY, OREGON  
SEC 13 T5S R2W W.M.  
SCALE 1" = 400'

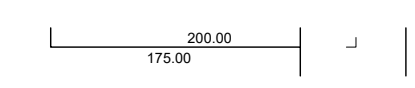
LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Historical Boundary
  - Easement
  - Railroad Centerline
  - Taxcode Line
  - Map Boundary
  - Waterline - Non Bndry

- CORNER TYPES**
- + 1/16TH Section Cor.
  - ⊙ DLC Corner
  - ⊕ 1/4 Section Cor.
  - ⊕ 16, 15 Section Corner
  - ⊕ 21, 22

- NUMBERS**
- Tax Code Number  
**000 00 00 0**
  - Acreege  
**0.25 AC**
  - All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

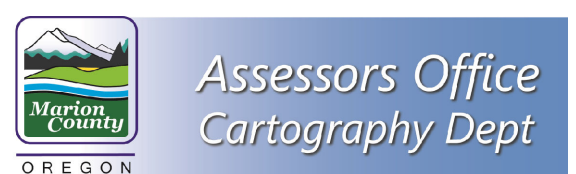
**NOTES**  
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



**ATTACHMENT 101**

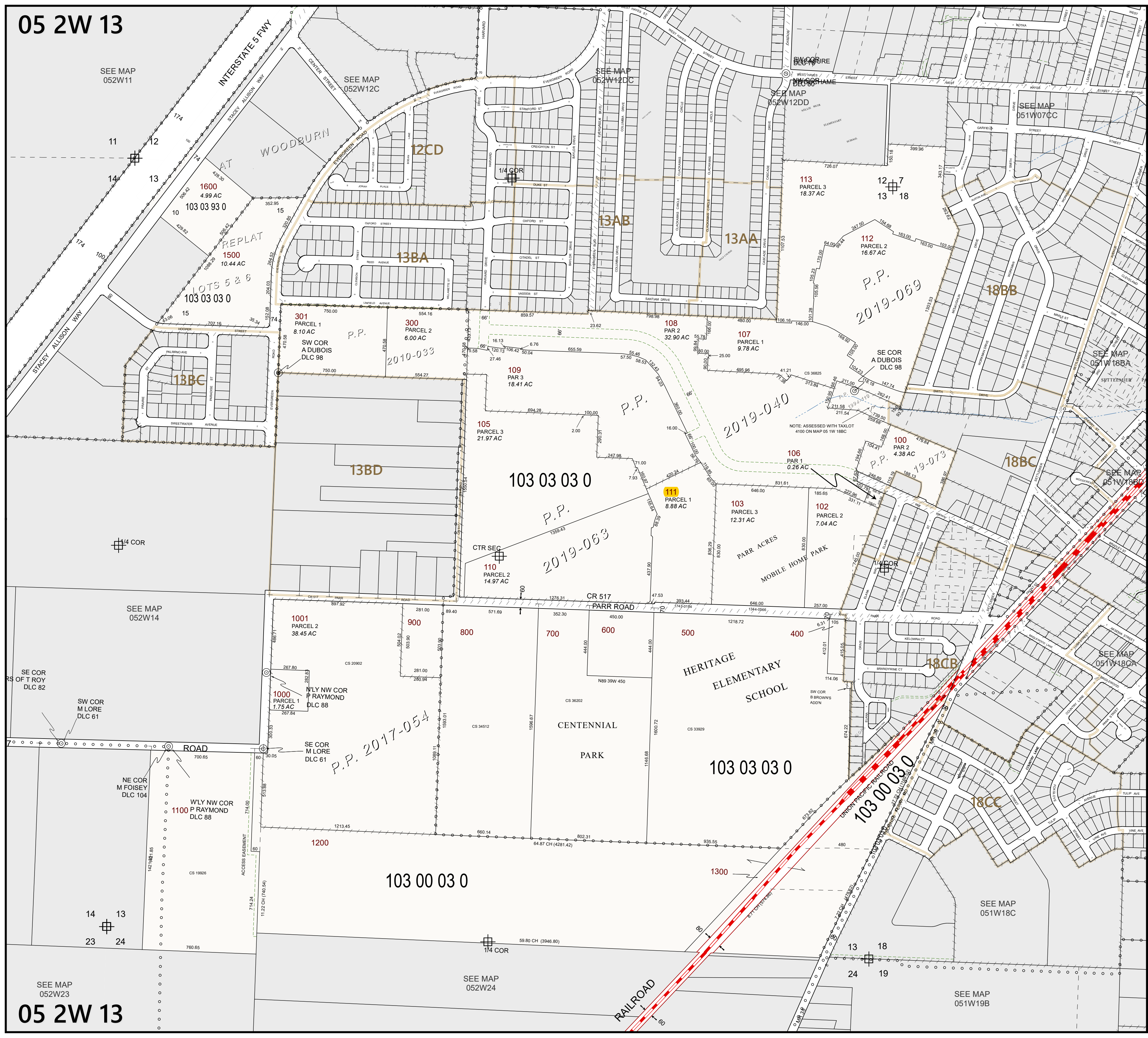
CANCELLED NUMBERS	
101	
102A2	
104	
200	
201	
1400	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

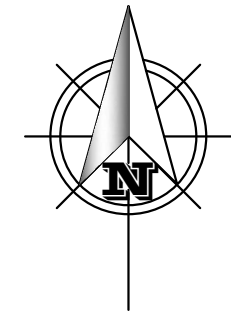
PLOT DATE: 4/29/2020



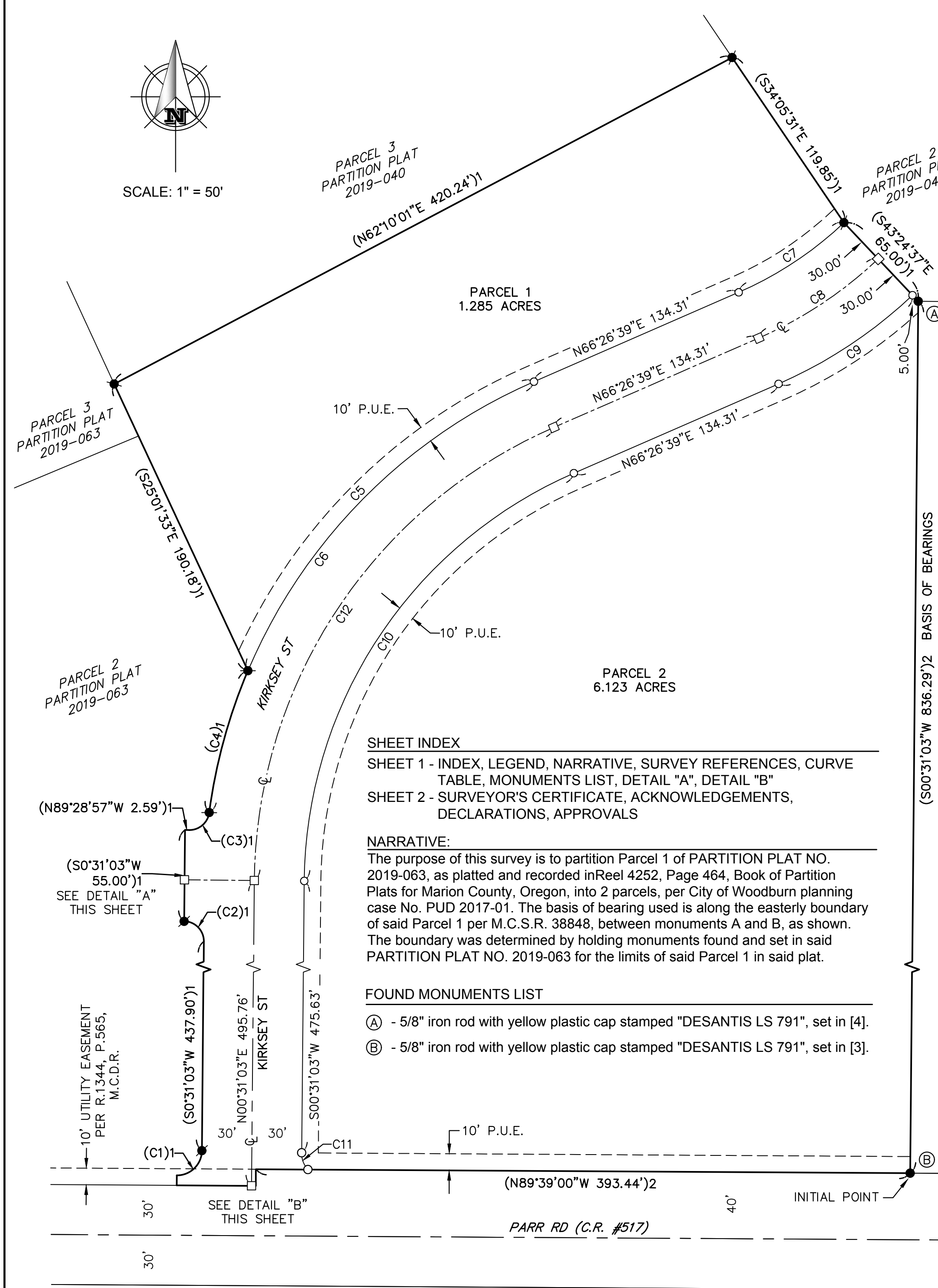


# PARTITION PLAT NO. \_\_\_\_\_

A RE-PLAT OF PARCEL 1, PARTITION PLAT NO. 2019-063  
 LOCATED IN THE N.E. 1/4 & S.E. 1/4 OF SEC. 13, T. 5 S., R. 2 W., W.M.,  
 CITY OF WOODBURN, MARION COUNTY, OREGON  
 PLANNING CASE NO. PUD 2017-01  
 MARCH 17, 2020



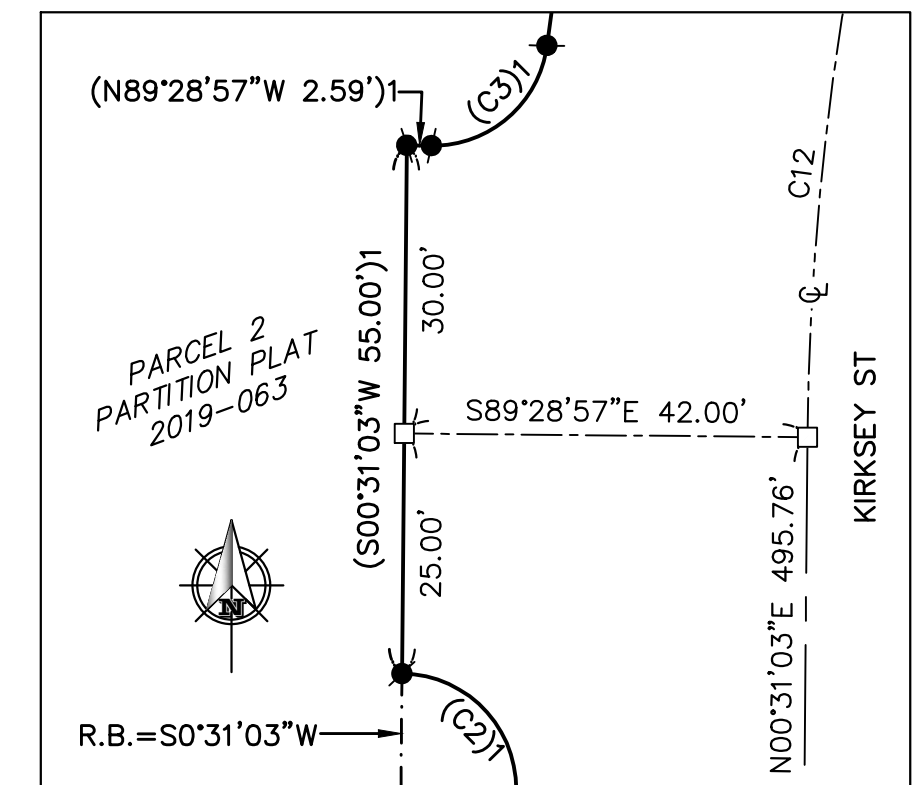
SCALE: 1" = 50'



**LEGEND:**

- = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687"
- = Set 1" aluminum cap stamped "WILSON PLS 2687" (To be post monumented)
- = Found monument within 0.2' of ground surface unless noted otherwise (see found monument list)
- ⊙ = 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687", set in [1]
- ⊙ = 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687", set in [2]
- ( ) 1 = Record equals measured per [1]
- ( ) 2 = Record equals measured per [2]
- [#] = Survey Reference
- P.U.E. = Public Utility Easement per this plat
- M.C.S.R. = Marion County Survey Records
- M.C.D.R. = Marion County Deed Record
- B.O.T.P. = Book of Town Plats
- P. \_\_\_\_\_ = Page
- R. \_\_\_\_\_ = Reel
- R.B. = Radial Bearing
- CR = County Road

Curve Table				
Curve #	Radius	Length	Delta	Chord Bearing & Dist.
(C1)1	15.00'	23.52'	89°49'57"	S45°26'01"W 21.18'
(C2)1	12.00'	18.85'	90°00'00"	S44°28'57"E 16.97'
(C3)1	12.00'	17.37'	82°56'44"	S49°02'41"W 15.89'
(C4)1	330.00'	88.65'	15°23'32"	S15°16'05"W 88.39'
C5	330.00'	250.43'	43°28'48"	S44°42'15"W 244.46'
C6	330.00'	339.08'	58°52'20"	S37°00'29"W 324.36'
C7	220.00'	76.24'	19°51'16"	N56°31'01"E 75.85'
C8	250.00'	86.63'	19°51'16"	N56°31'01"E 86.20'
C9	280.00'	97.03'	19°51'16"	N56°31'01"E 96.54'
C10	270.00'	310.67'	65°55'36"	S33°28'51"W 293.82'
C11	15.00'	10.99'	41°58'43"	S20°28'16"E 10.75'
C12	300.00'	345.19'	65°55'36"	S33°28'51"W 326.46'



DETAIL "A"  
SCALE: 1" = 20'

**SHEET INDEX**

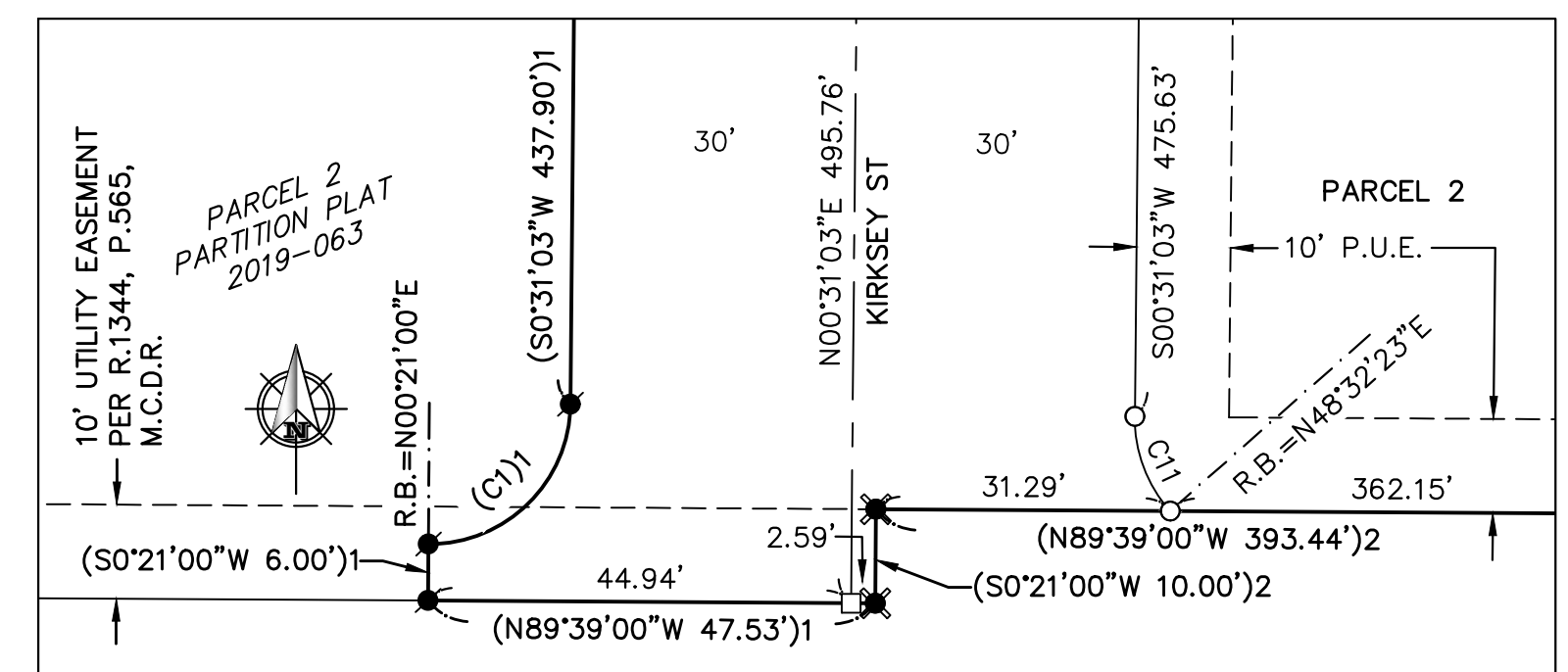
SHEET 1 - INDEX, LEGEND, NARRATIVE, SURVEY REFERENCES, CURVE TABLE, MONUMENTS LIST, DETAIL "A", DETAIL "B"  
 SHEET 2 - SURVEYOR'S CERTIFICATE, ACKNOWLEDGEMENTS, DECLARATIONS, APPROVALS

**NARRATIVE:**

The purpose of this survey is to partition Parcel 1 of PARTITION PLAT NO. 2019-063, as platted and recorded in Reel 4252, Page 464, Book of Partition Plats for Marion County, Oregon, into 2 parcels, per City of Woodburn planning case No. PUD 2017-01. The basis of bearing used is along the easterly boundary of said Parcel 1 per M.C.S.R. 38848, between monuments A and B, as shown. The boundary was determined by holding monuments found and set in said PARTITION PLAT NO. 2019-063 for the limits of said Parcel 1 in said plat.

**FOUND MONUMENTS LIST**

- Ⓐ - 5/8" iron rod with yellow plastic cap stamped "DESANTIS LS 791", set in [4].
- Ⓑ - 5/8" iron rod with yellow plastic cap stamped "DESANTIS LS 791", set in [3].



DETAIL "B"  
SCALE: 1" = 20'

**SURVEY REFERENCES**

- [1] - PARTITION PLAT NO. 2019-063
- [2] - M.C.S.R. 38848
- [3] - M.C.S.R. 34201
- [4] - PARTITION PLAT NO. 94-110



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

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 19, 1994  
 GREGORY L. WILSON  
 2687  
 EXPIRES: 6/30/2020



# PARTITION PLAT NO. \_\_\_\_\_

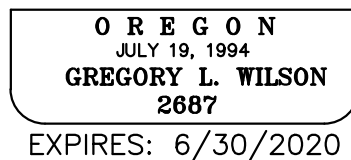
A RE-PLAT OF PARCEL 1, PARTITION PLAT NO. 2019-063  
LOCATED IN THE N.E. 1/4 & S.E. 1/4 OF SEC. 13, T. 5 S., R. 2 W., W.M.,  
CITY OF WOODBURN, MARION COUNTY, OREGON  
PLANNING CASE NO. PUD 2017-01  
MARCH 17, 2020

**SURVEYOR'S CERTIFICATE:**

I, Gregory L. Wilson, a Registered Professional Land Surveyor in Oregon, do hereby depose and say that I did accurately survey and mark with proper monuments the lands represented on the attached map, being situated in the southeast one-quarter and the northeast one-quarter of Section 13, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County, Oregon, being described as follows:

Parcel 1 of Partition Plat 2019-063 recorded in the Marion County Book of Partition Plats, containing 8.884 acres of land, more or less. The Initial Point of this subdivision plat is marked with a yellow plastic cap stamped "DESANTIS LS 791" found at the southeasterly corner of said Parcel 1.

\_\_\_\_\_  
Gregory L. Wilson  
Registered Professional Land Surveyor No. 2687  
License expires June 30, 2020



**THE WITHIN PLAT IS HEREBY APPROVED AND DEDICATION ACCEPTED:**

\_\_\_\_\_  
Community Development Director, City of Woodburn Date  
Case No. PUD 2017-01

\_\_\_\_\_  
Marion County Surveyor Date

\_\_\_\_\_  
Marion County Assessor Date

Taxes and assessments on the above described property as provided by ORS 92.095, have been paid through \_\_\_\_\_.

\_\_\_\_\_  
Marion County Tax Collector Date

STATE OF OREGON  
S.S.  
COUNTY OF MARION

I do hereby certify that the attached Partition Plat No. \_\_\_\_\_ was received for recording on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ m. o'clock and recorded in Record of Partition Plats. Also referenced in Marion County Deed Records in Reel \_\_\_\_\_, at Page \_\_\_\_\_.

\_\_\_\_\_  
Bill Burgess, Marion County Clerk

By: \_\_\_\_\_  
Deputy County Clerk

**DECLARATION:**

Know all people by these presents that HAZEL M. SMITH PROPERTIES, LLC, an Oregon limited liability company, being the owner of the land described in the Surveyor's Certificate hereon made and desiring to dispose of the same in parcels, has caused the same to be partitioned and surveyed in accordance with the provisions of O.R.S Chapter 92. We hereby dedicate the streets as shown to the public forever. We hereby grant the public utility easements as shown hereon.

HAZEL M. SMITH PROPERTIES, LLC

By: \_\_\_\_\_  
Yvonne Thomas - Manager

STATE OF OREGON  
S.S.  
COUNTY OF \_\_\_\_\_

On this \_\_\_ day of \_\_\_\_\_, 2020, personally appeared before me, a Notary Public for said County and State, the above named Yvonne Thomas, as Manager of HAZEL M. SMITH PROPERTIES, LLC, an Oregon limited liability company, who acknowledged to me that she executed the above instrument on behalf of said company freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF OREGON

(PRINT NAME)

COMMISSION NO. \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_



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



**PUBLIC WORKS**  
**Smith Creek Development Phase 1B Partition**  
**Partition Plat 2020-04 Conditions of Approval**

**July 6, 2020**

**A. GENERAL CONDITIONS:**

1. Prior to final plat approval all public improvements for Smith Creek Development Phase 1B shall be completed as per attached "Improvement Agreement, Smith Creek Development Phase 1B".
2. Prior to final plat approval all site improvements as per the Smith Creek Development Final Order (November 14, 2018) and its conditions of approval for Smith Creek Phase 1B shall be completed and accepted by the City, including construction of a "midblock crosswalk as per condition T-BP4 ( Final Order Exhibit A page 67) .
3. All franchise utility conduits shall be installed in Smith Creek Phase 1B prior to final plat approval.

Received on

JAN 16 2020

Public Works Dept.



**IMPROVEMENT AGREEMENT  
SMITH CREEK DEVELOPMENT PHASE 1B  
(PARCEL 1, PARTITION PLAT 2019-63 MARION COUNTY, OREGON)**

**SMITH CREEK, LLC.**, being the Developer of the land to be improved as the “**SMITH CREEK DEVELOPMENT: PHASE 1B**” to the City of Woodburn, Marion County, Oregon, hereby declare our binding intent to comply with the conditions of approval as established by Woodburn City Council Final Order (November 14, 2018) for **Smith Creek Development**, Public Unit Development (PUD) 2017-01, Subdivision (SUB) 2017-01, Exception to Street Right-of-Way and Improvement Requirements (EXCP) 2017-03, Variance (VAR) 2017-14, and Phasing Plan (PP) 2017-01, and as shown in Exhibit A.

We further agree to the Following:

1. Provide performance bond for City right-of-way improvements, in the amount of 120% of the construction cost prior to permits being issued. Base of the construction cost provided, in the amount of \$20,653.00 the bond amount would then need to be \$24,783.60
2. We shall pay all right-of-way fees for all improvements which are to be maintained by the city as per ordinance #1795.
3. All construction work shall be performed in accordance with the plans stamped “Approved by the City”.
4. This agreement provides a right-of-entry to the job site to City Employees/Staff.
5. Provide to the city, one set of reproducible and digital as-built drawings upon completion.
6. Provide street lighting in accordance with a street lighting plan approved by the city and conforming to Portland General Electric installation plan.
7. Provide the required infrastructure for city water and sewer service, franchised utility service, to each lot. Submit the proper plans and easements to the city for review and approval.
8. All utility easements shall be recorded simultaneously with final acceptance of proposed public improvements and plat recording or other instruments as approved by the City.
9. Upon completion, provide city a one-year maintenance bond in the amount of 10% of the

01/16/20

construction cost for all city maintained facilities constructed.

- 10. Upon completion, the engineer of record shall certify that all the improvements have been constructed in accordance with the approved plans, city standard and specifications, and other Agencies requiring approvals and permits. All required inspections and testing reports shall be verified and certified by the Engineer of record. At the end of the project provide to the City a copy of the daily constructions inspections reports.
- 11. Final approval of proposed public improvements will be evaluated after construction is completed and accepted simultaneously with plat recording or other instruments as approved by the City.

**SMITH CREEK, LLC**

BY: *Gordon Root*

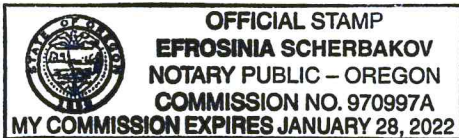
Gordon Root, Manager  
Smith Creek , LLC

Date: 1/16/20

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Clackamas ss.

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of January 2020 by Gordan Root, Manager of Smith Creek, LLC a limited liability company and the foregoing instrument was signed and sealed on behalf of said Company; and acknowledged said instrument to be its voluntary act and deed.



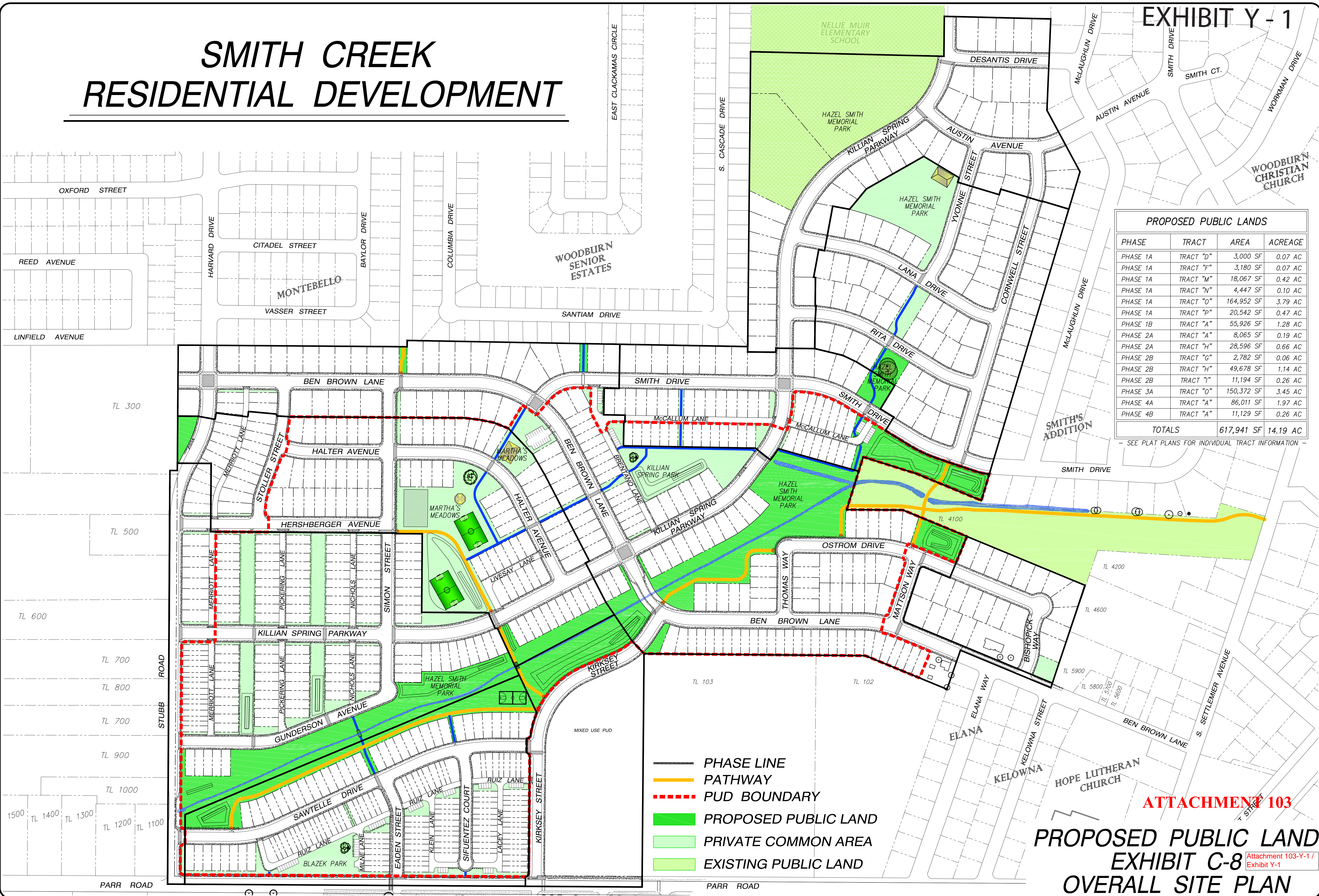
*Efrosinia Scherbakov*  
NOTARY PUBLIC FOR OREGON

My Commission Expires: January 28, 2022



# 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
<b>TOTALS</b>		<b>617,941 SF</b>	<b>14.19 AC</b>

— SEE PLAT PLANS FOR INDIVIDUAL TRACT INFORMATION —

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

**ATTACHMENT 103**  
**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	DESCRIPTION

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

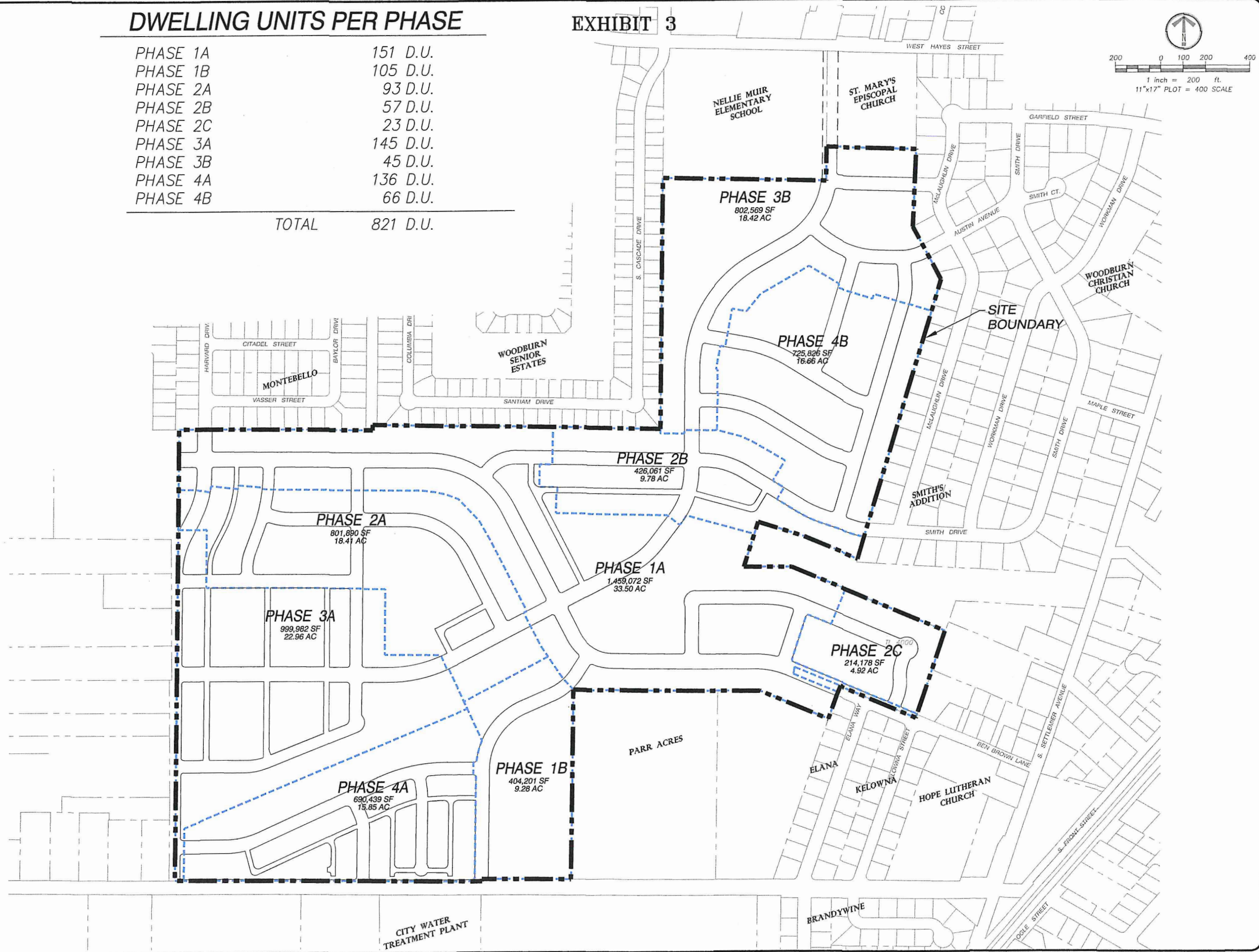
SHEET  
**1**  
OF  
**1**



# DWELLING UNITS PER PHASE

PHASE 1A	151 D.U.
PHASE 1B	105 D.U.
PHASE 2A	93 D.U.
PHASE 2B	57 D.U.
PHASE 2C	23 D.U.
PHASE 3A	145 D.U.
PHASE 3B	45 D.U.
PHASE 4A	136 D.U.
PHASE 4B	66 D.U.
<b>TOTAL</b>	<b>821 D.U.</b>

## EXHIBIT 3



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  
 PHASING PLAN

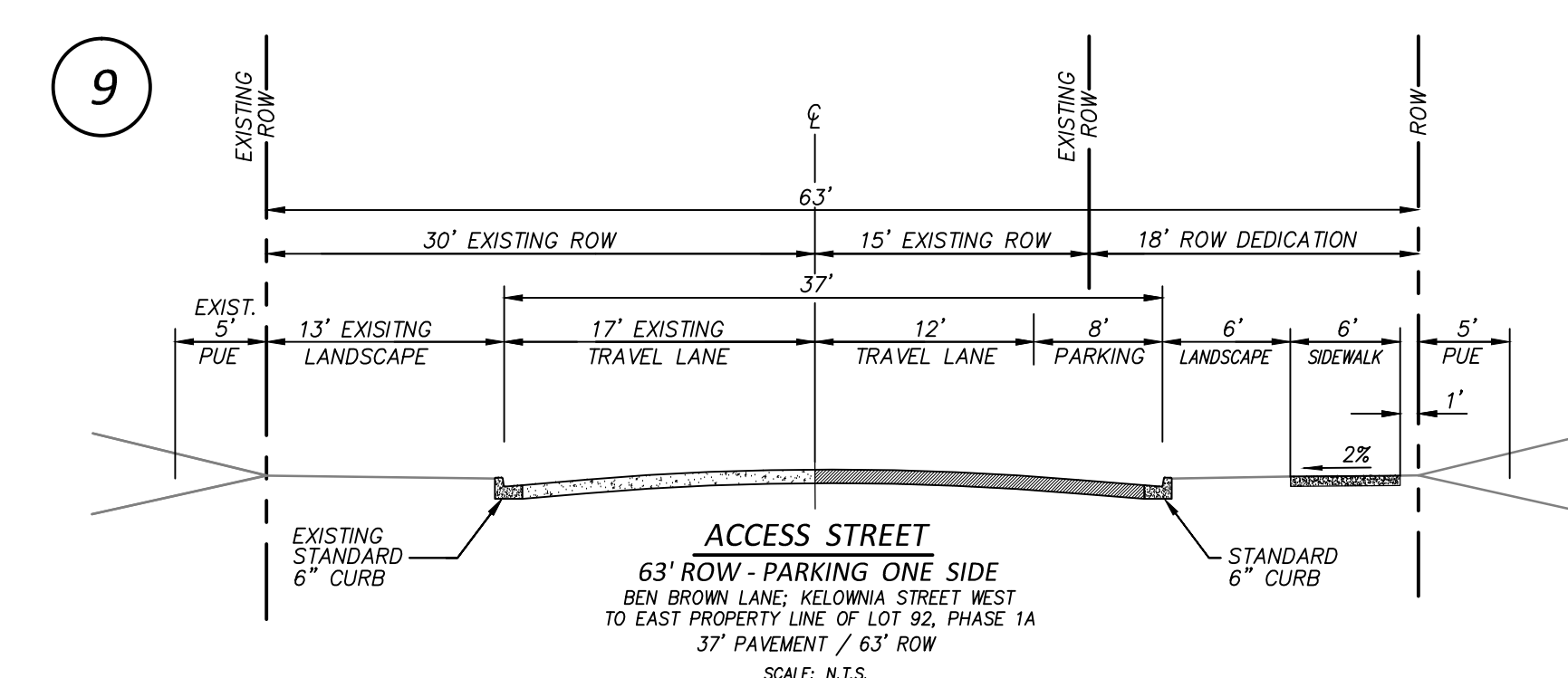
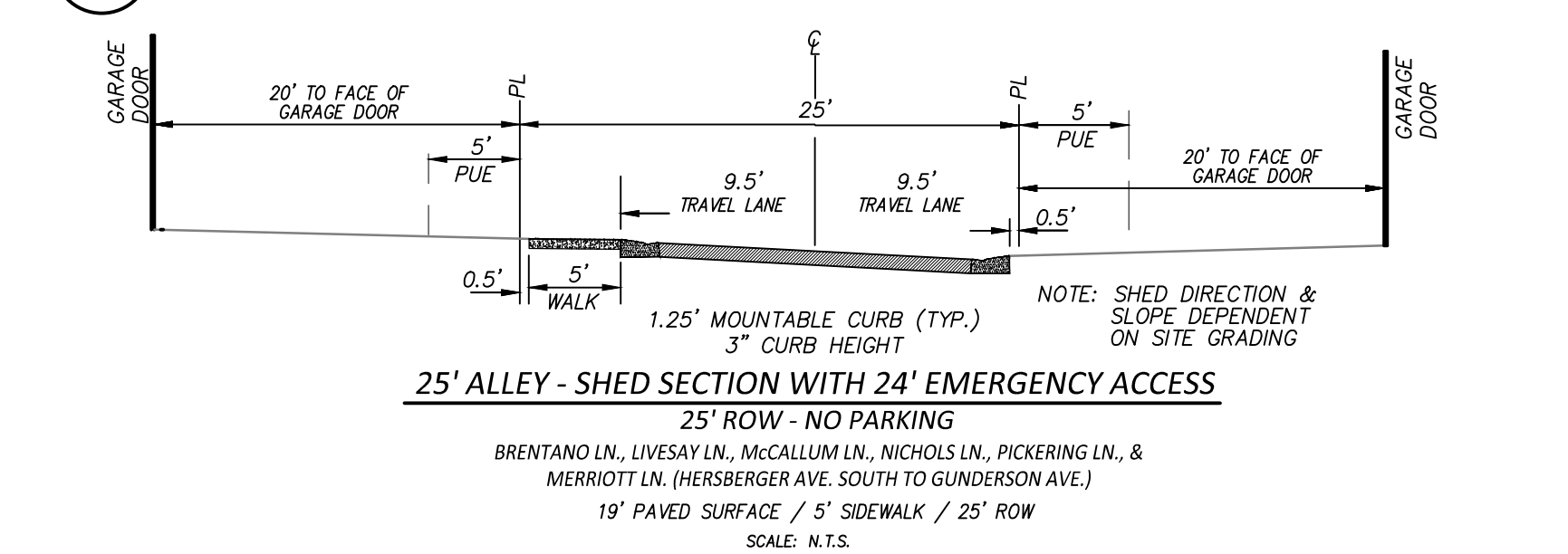
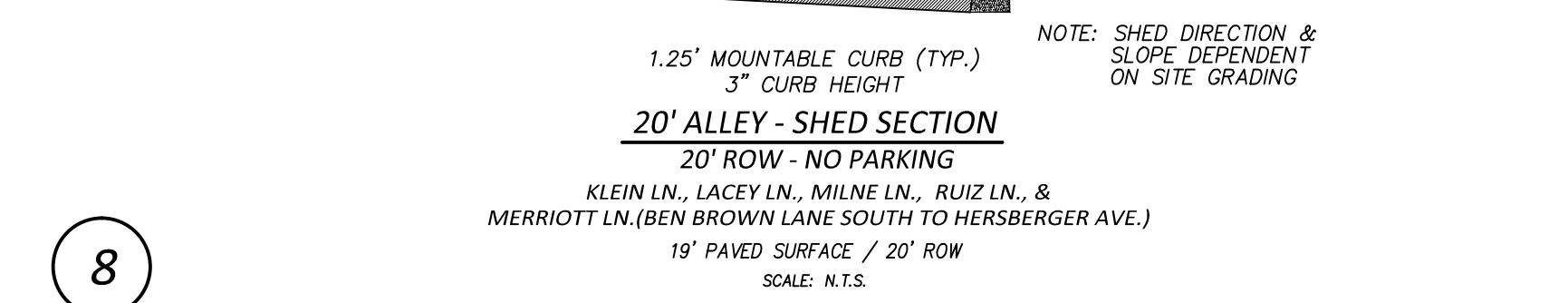
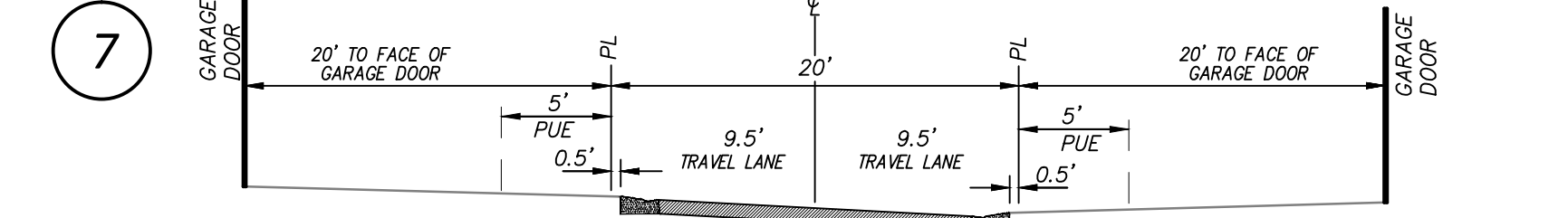
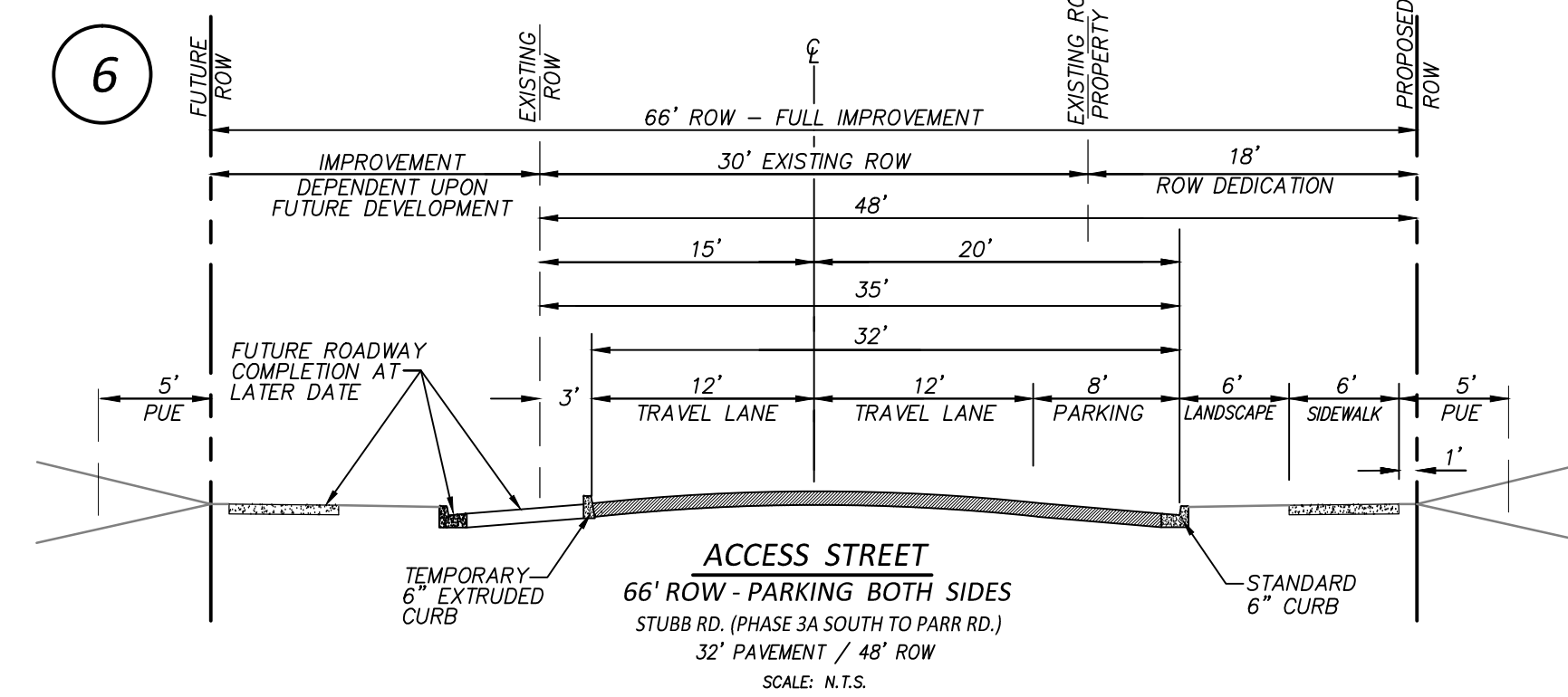
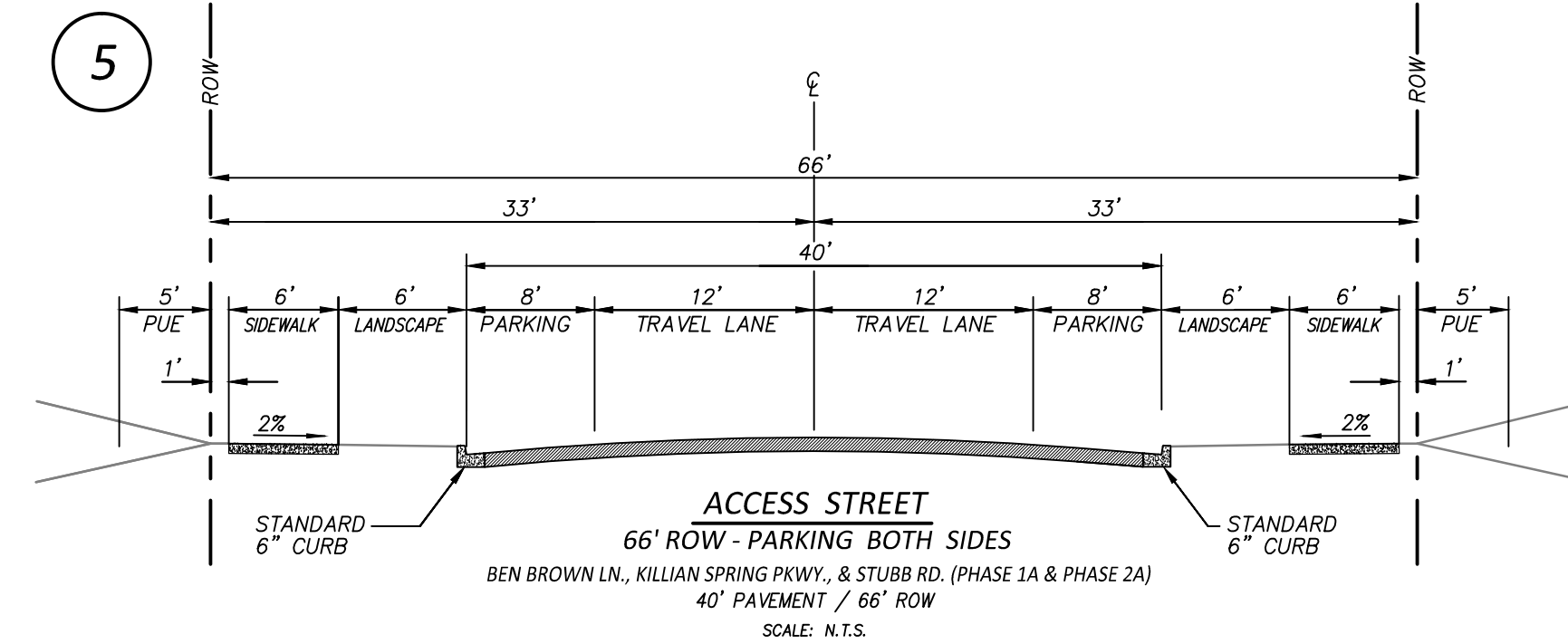
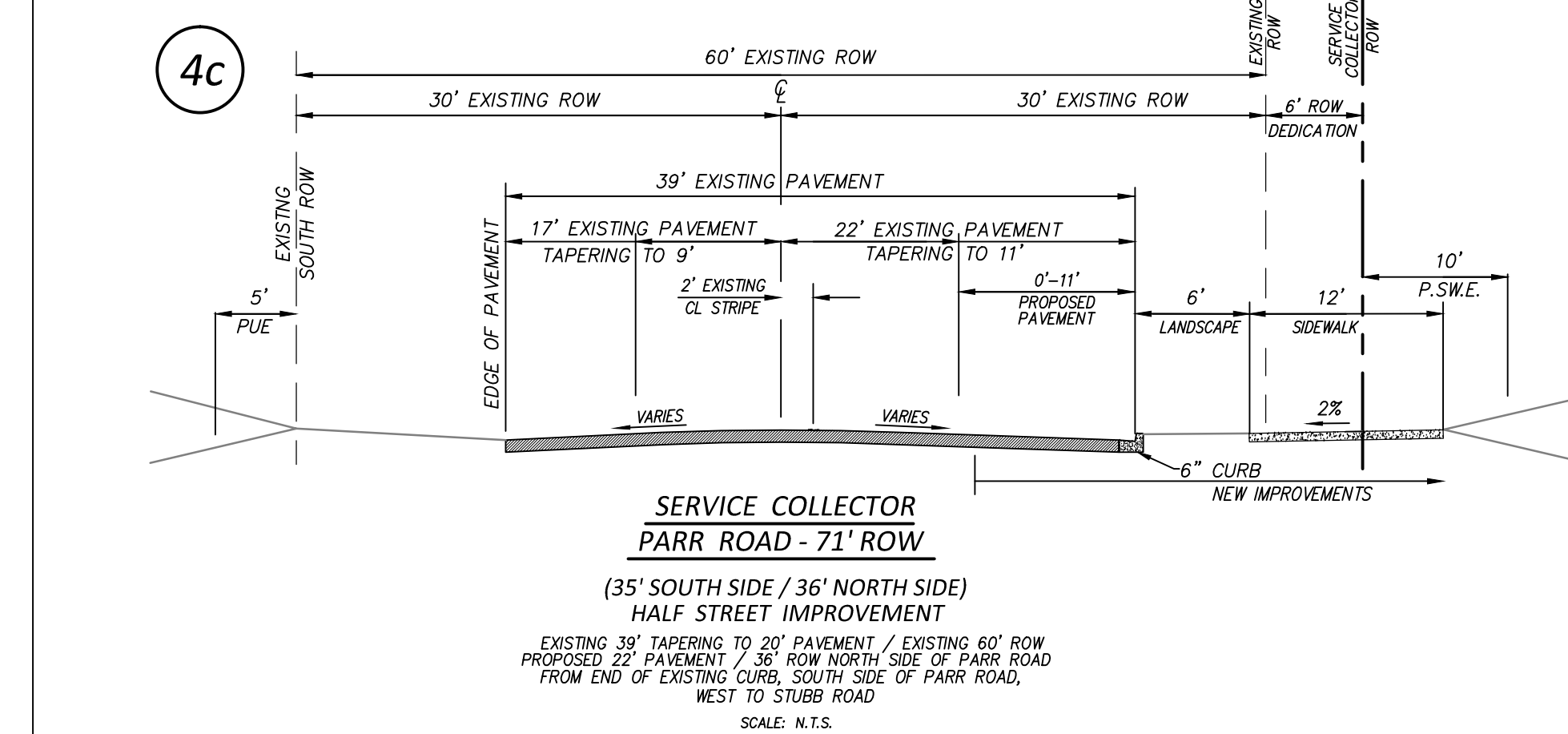
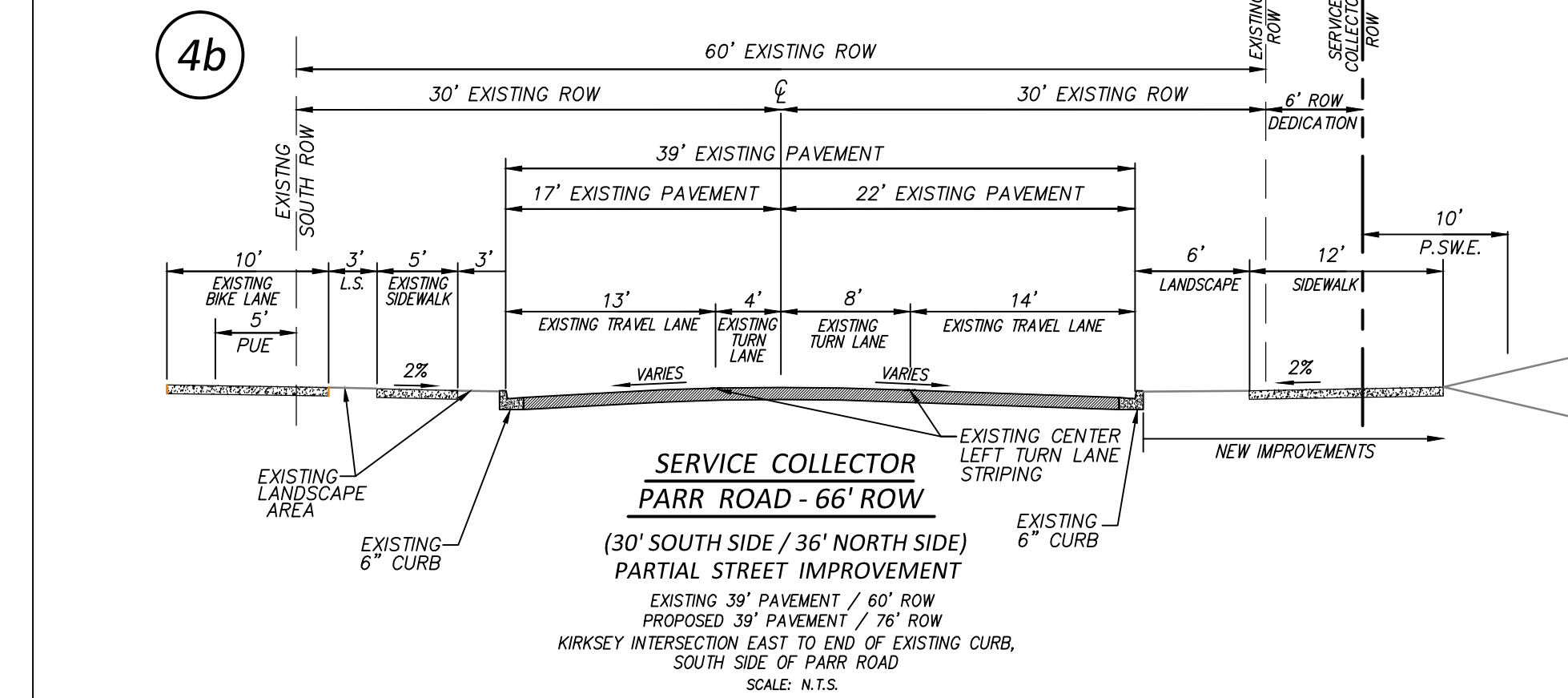
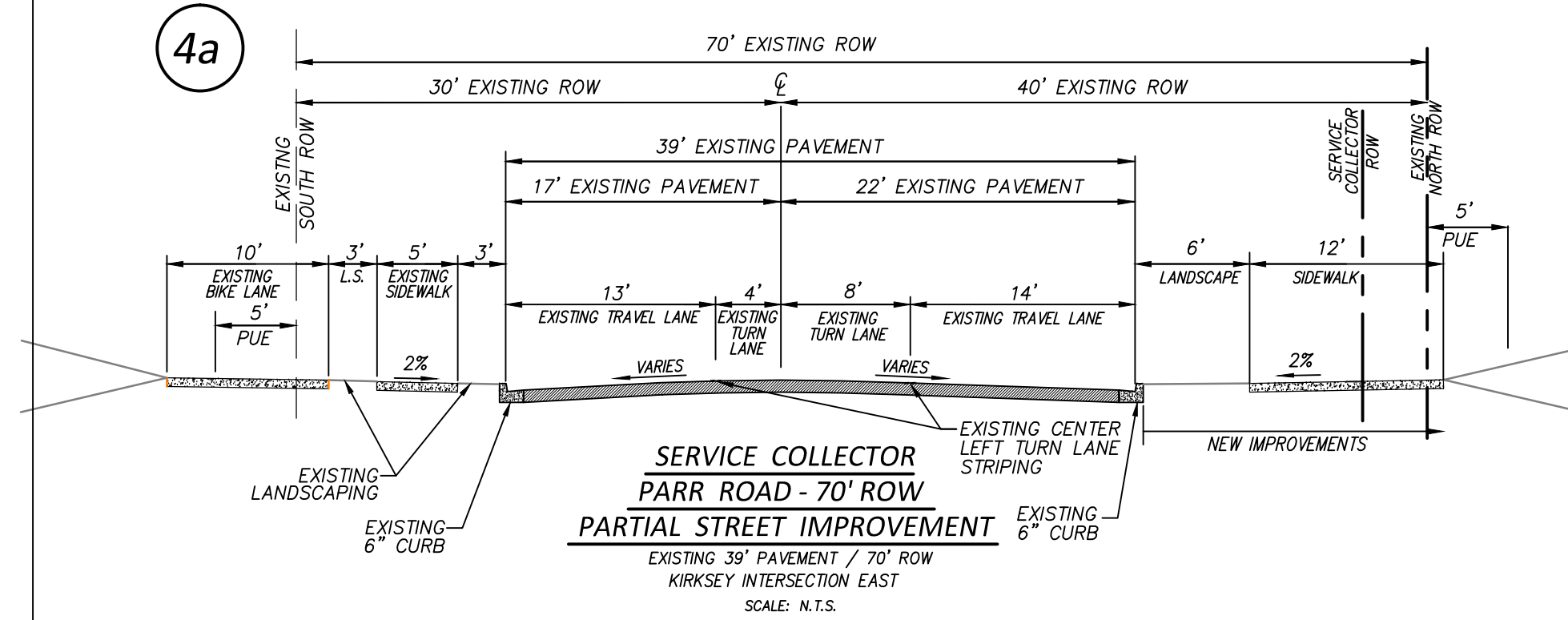
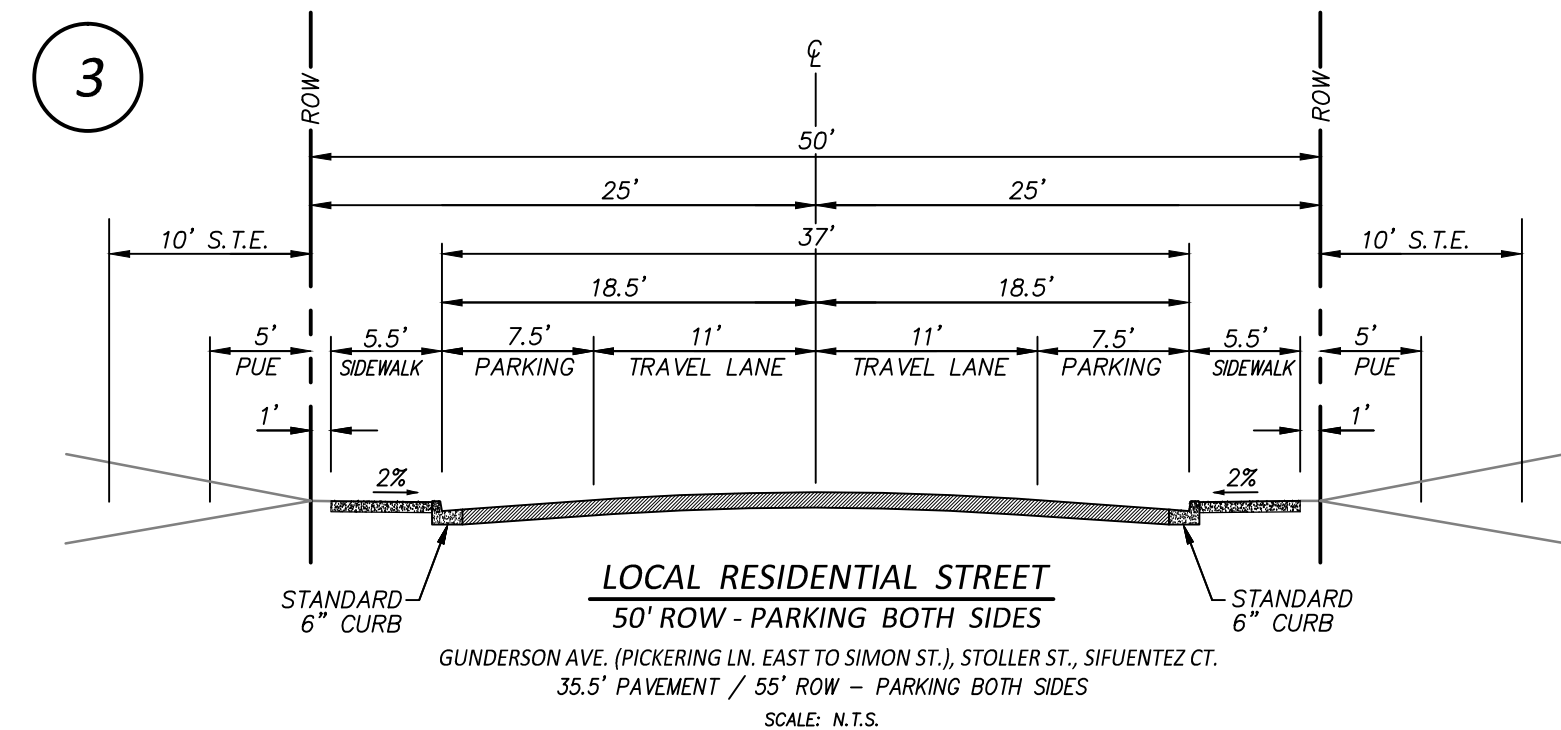
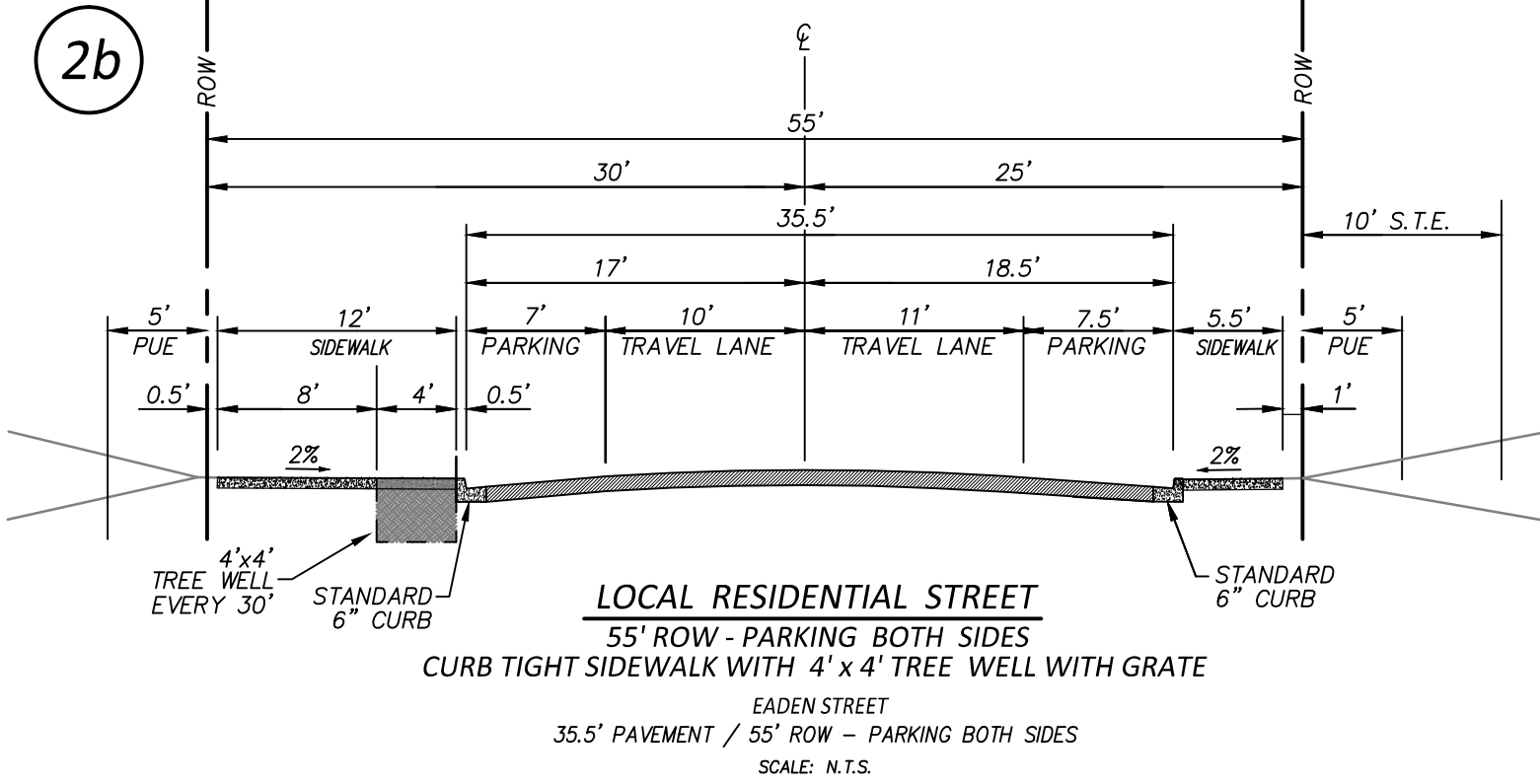
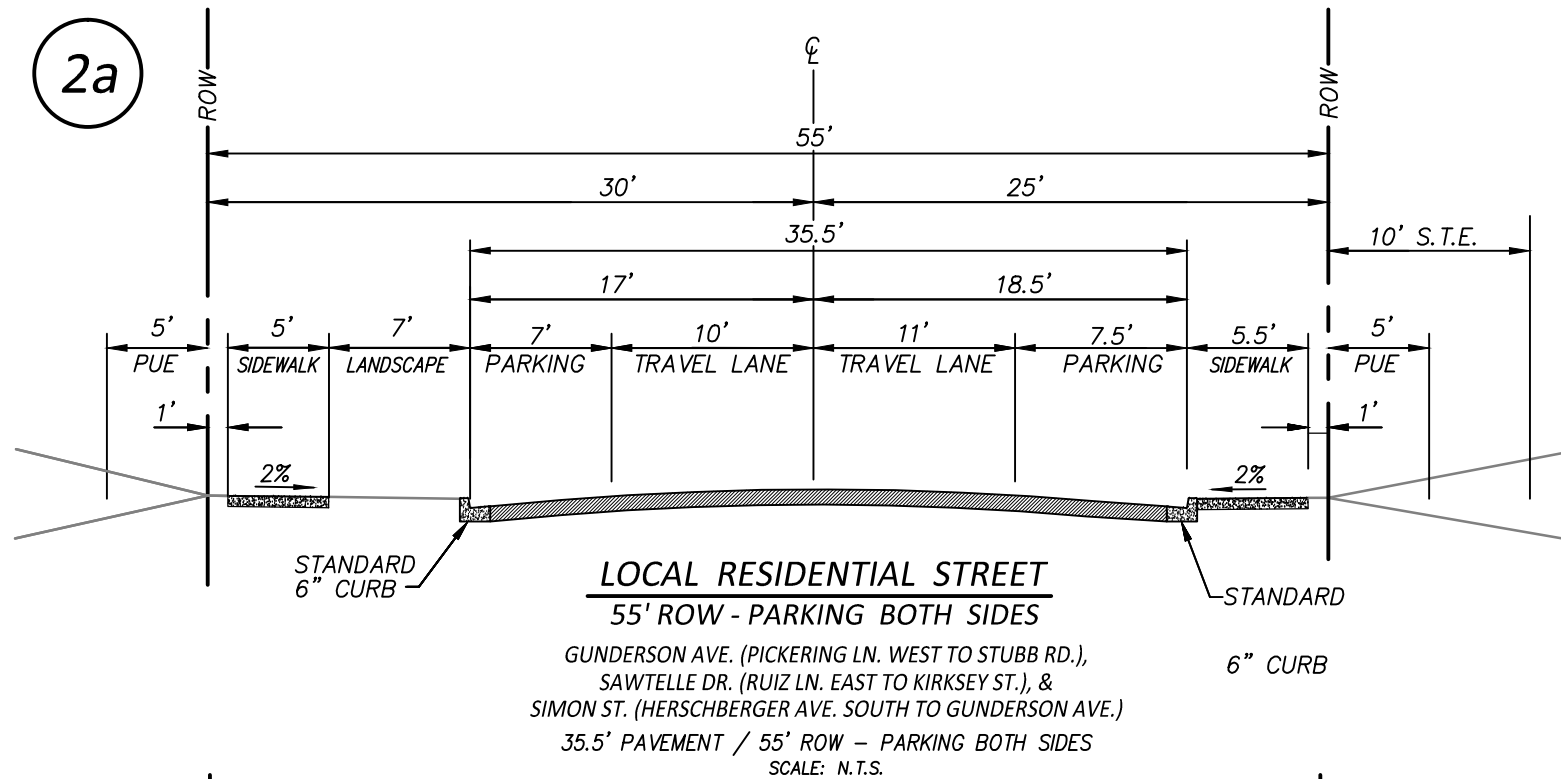
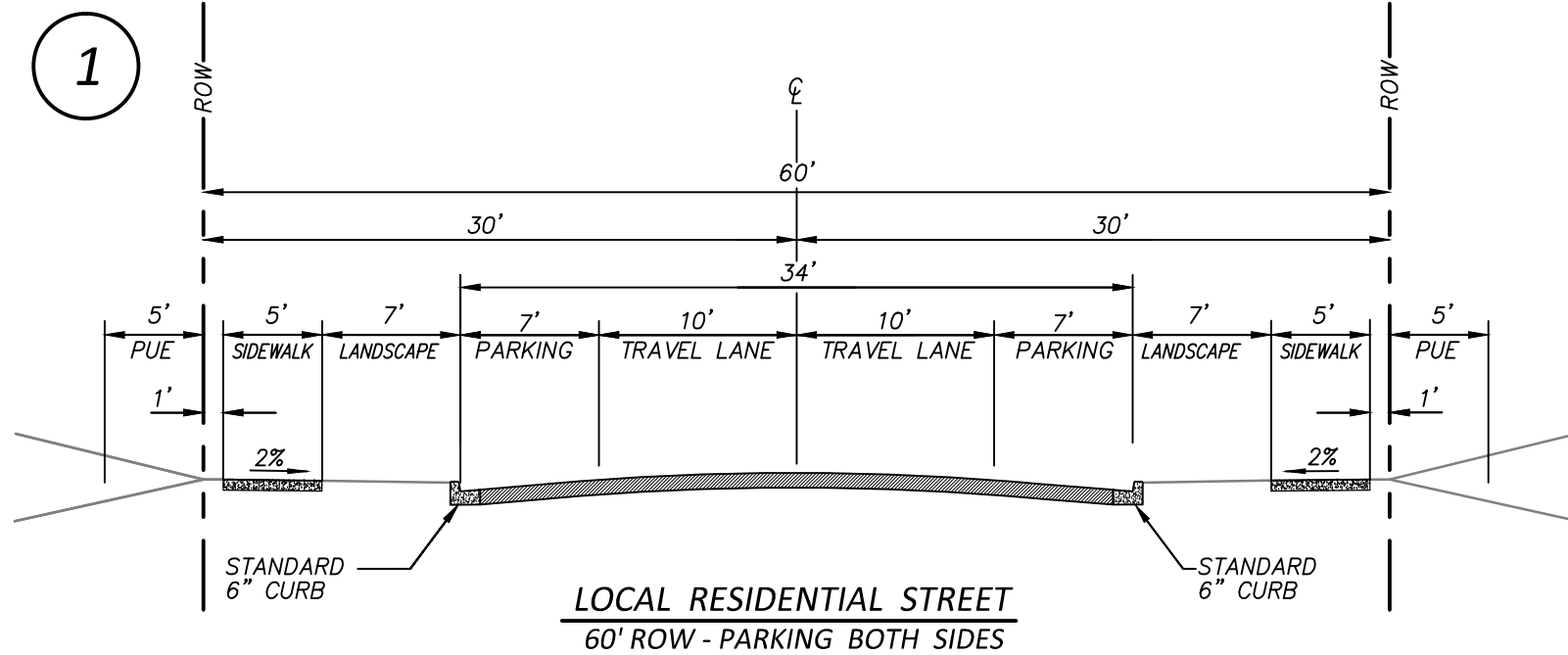
NO.	DATE	REVISIONS DESCRIPTION

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

SHEET  
**1**  
 OF  
 1



# EXHIBIT C-11A



SMITH CREEK  
TAX MAP T55, R2W, SECTION 13  
TAX LOT 100  
CITY OF WOODBURN, OREGON

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

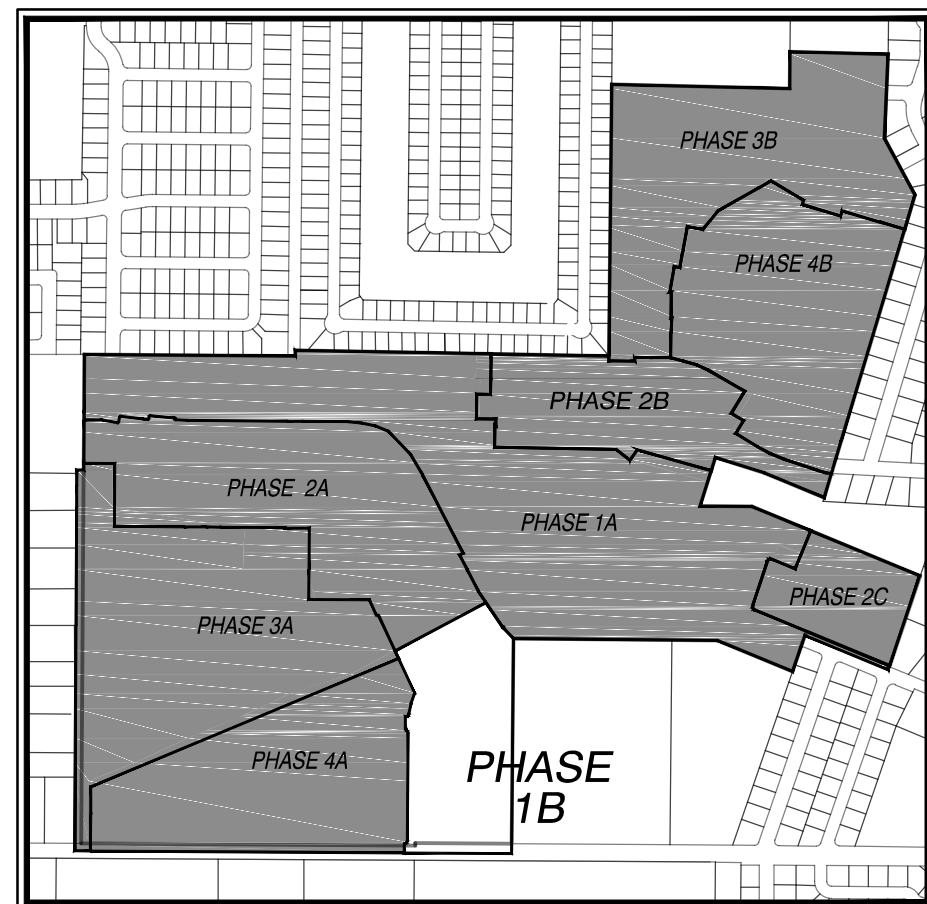
SMITH CREEK  
RESIDENTIAL DEVELOPMENT  
STREET SECTIONS

NO.	DATE	DESCRIPTION
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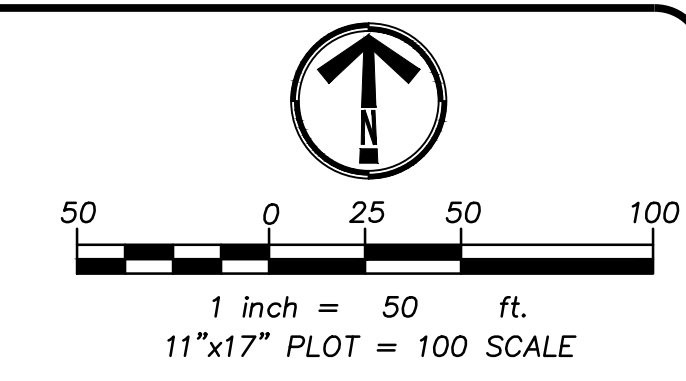
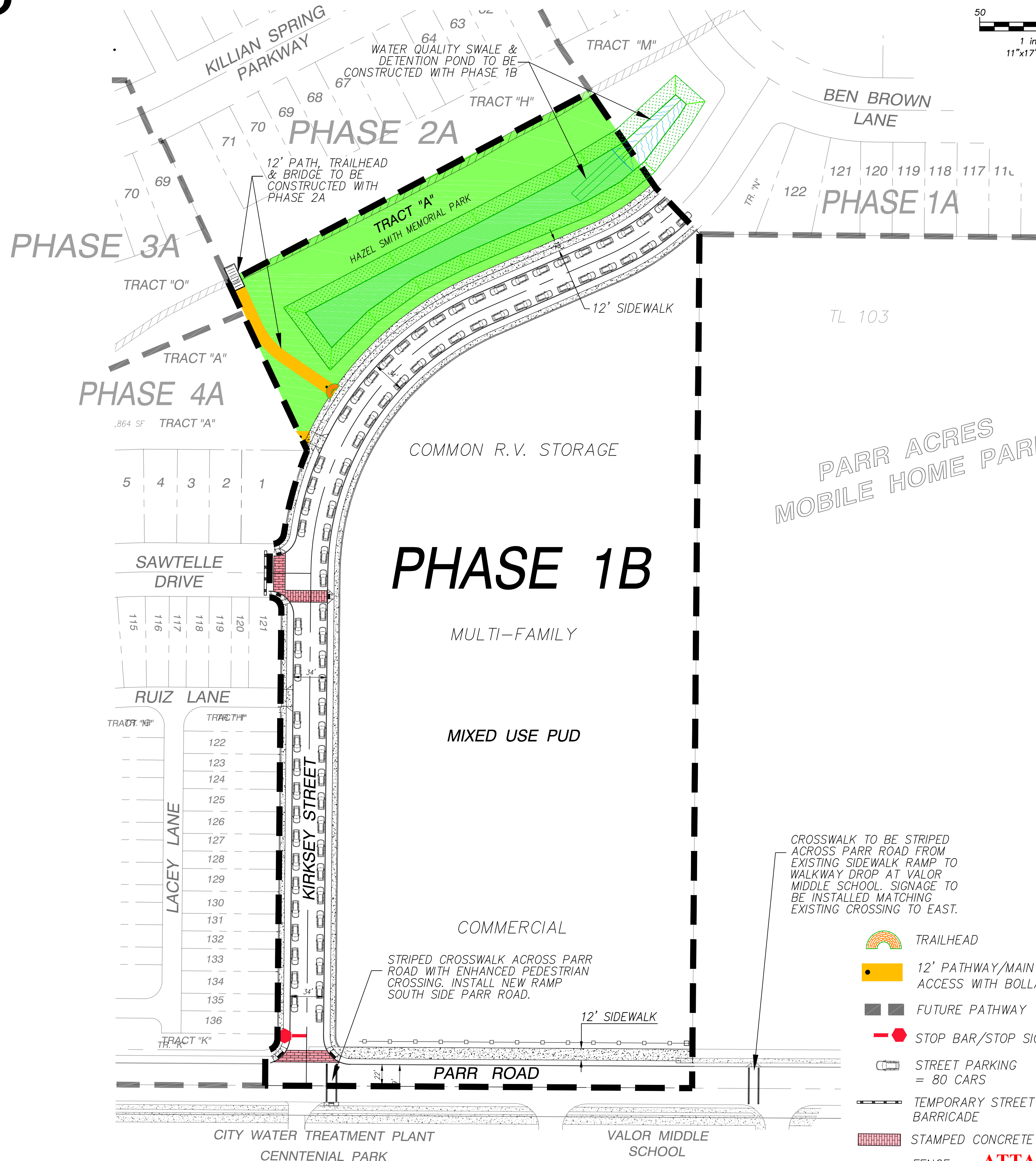
PLANNING & LAND DESIGN  
1862 NE ESTATE DRIVE  
HILLSBORO, OREGON 97124  
RYAN O'BRIEN  
(503)780-4061

SHEET  
1  
OF  
2





# PHASE 1B



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  
 PRELIMINARY SITE PLAN  
 PHASE 1B

NO.	DATE	DESCRIPTION

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

SHEET  
 4 OF 13

ATTACHMENT 106