

# MEETING NOTICE FOR THE CITY OF HUBBARD

TUESDAY

JUNE 15, 2021

PLANNING COMMISSION: HOLUM, STIERLE, COUNTRYMAN, KULIKOV

This meeting will be held **via Zoom**. This is to enable interested citizens to listen to the meeting. Except for the public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions. **Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to [vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org) or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

Join Zoom Meeting

<https://us02web.zoom.us/j/87672313732?pwd=cFg2N3VsWTJYT2J6dGk3MWkyampOdz09>

Meeting ID: 876 7231 3732

Passcode: 216705

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## \*\*\*\*\*ACCESSABILITY NOTICE\*\*\*\*\*

**Please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2<sup>nd</sup> St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time if you need assistance accessing this electronic meeting. TCC users please call Oregon Telecommunications Relay Service at 1-800-735-2900.**

Agendas are posted at the Hubbard Post Office, City Hall, and the City website at [www.cityofhubbard.org](http://www.cityofhubbard.org). You may schedule Agenda items by contacting the Director of Administration/City Recorder Vickie Nogle at 503-981-9633. (TTY / Voice 1-800-735-2900)

SEE ATTACHED AGENDA

Posted 6/9/2021

4:00 p.m.

Vickie L. Nogle, MMC

Director of Administration/City Recorder

**HUBBARD PLANNING COMMISSION MEETING AGENDA**  
**CITY HALL: (503)981-9633, 3720 2<sup>nd</sup> Street**

**JUNE 15, 2021 – 6:30 PM**  
**LOCATION: Online utilizing Zoom.**  
**HUBBARD CITY HALL (3720 2<sup>ND</sup> STREET)**

**(MEMBERS OF THE PUBLIC MAY CALL OR LOG IN WITH AN ELECTRONIC  
DEVICE -Refer to Cover Sheet for details)**

**MEETING Notice:** Members of the public may attend via conference call, electronic device, and YouTube. This is to enable interested citizens to listen to the meeting. Except for any public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions. **Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to [ynogle@cityofhubbard.org](mailto:ynogle@cityofhubbard.org) or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

- 1) **CALL TO ORDER.**
  - a) Flag Salute.
- 2) **APPROVAL OF THE April 20, 2021, PLANNING COMMISSION MEETING MINUTES.**
- 3) **Partition application PAR #2021-01 – Citihomes Group Corporations (2674 Pacific HWY 99E).**
- 4) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting July 20, 2021, at 6:30 p.m.)

**CITY OF HUBBARD  
PLANNING COMMISSION MINUTES  
APRIL 20, 2021**

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:30 p.m. by Planning Commission Vice Chair Scott Stierle via Zoom because of COVID 19 restrictions.

**Planning Commission Present:** Planning Commissioner Glenn Holum, Planning Commissioner Scott Stierle, Planning Commissioner Jessica Countryman, Planning Commissioner Nik Kulikov.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, City Planner Holly Byram, MWVCOG, Public Works Superintendent Michael Krebs, Administrative Assistant/Court Clerk Julie Hedden.

**Guests:** None

**FLAG SALUTE.** Planning Commission Vice Chairman Scott Stierle led the group in the flag salute.

**SWEARING IN OF PLANNING COMMISSION MEMBERS.**

**a) Glenn Holum for the term ending December 31, 2023.**

Director of Administration/City Recorder Vickie Nogle swore in Planning Commissioner Glenn Holum for the term ending December 31, 2023.

**APPOINT CHAIR.** Planning Commissioner Glenn Holum moved to appoint Planning Commissioner Jessica Countryman as Chair. There was no second so the motion died.

MSA/ Planning Commissioner Jessica Countryman/ Planning Commissioner Nik Kulikov made a motion to appoint Scott Stierle as Planning Commission Chairman. Planning Commissioner Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Jessica Countryman, and Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

**APPOINT VICE-CHAIR.** MSA/Planning Commissioner Jessica Countryman/Planning Commission Chairman Scott Stierle made a motion to appoint Glenn Holum as Vice Chairman. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Jessica Countryman, and Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

**APPROVAL OF THE OCTOBER 6, 2021, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Jessica Countryman/ Planning Commissioner Glenn Holum moved to approve the minutes from the October 6, 2020, meeting. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Jessica

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Countryman, and Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

### **PUBLIC HEARING.**

- a) Development Review #2021-01 (3081 J Street, Hubbard). Site Development Review to install a coffee food cart with a drive-through window.**

Planning Commission Chairman Scott Stierle opened the Public Hearing at 6:39 p.m.

Planning Commission Chairman Scott Stierle read the legislative hearing statement.

City Planner Holly Byram, MWVCOG, read the criteria standard script.

Planning Commission Chairman Scott Stierle asked for any declarations of ex parte contact, bias, or conflict of interest. There was none.

City Planner Holly Byram summarized the staff report, pages 1 through 13, with additional exhibits. The request is a Site Development Review for the approval to install a permanent coffee food cart with a drive-through window, to be located on the rear portion of the property which is currently developed used for Hubbard Chevrolet vehicle outdoor display and a dog washing facility. The Drive-through entrance would be from J Street and the exit would be by way of a shared driveway with the adjacent carwash to Pacific Highway 99E.

City Planner Holly Byram said in 2019 the City of Hubbard adopted food cart standards in their Municipal Code for a one-year food cart permit to be renewed annually and the food cart standards in Municipal Code 5.15 prohibit drive-through windows unless the applicant gets a site development review.

City Planner Holly Byram said the exhibits attached to this staff report are the comments received from the city departments and partner agencies, the application submitted by the applicant and the City of Hubbard Municipal Code 5.15 Food Cart Standards.

City Planner Holly Byram said no comments have been received by any members of the public on this application to date. On page 2 of the staff report is a vicinity map that shows the subject property which is 3081 J Street. An adjacent property is addressed as 3092 1<sup>st</sup> Street. These two properties are held by different property owners who are family members and they have been several land use actions approved for one or both of the properties.

City Planner Holly Byram said on page 3 and 4 of the Staff Report are photos of the proposed location of the coffee food cart and a proposed site plan submitted by the applicant showing the circulation of the site. She went on to say the reason drive-throughs need to go through a site development review is because it is a safety concern, cars can stack up and possibly block roadways, so in this case what we are looking at is the distance of the drive-through lane from the entrance which the applicant show as 123ft in length before it gets to the drive-through window and then an additional 80ft to exit.

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City Planner Holly Byram said it is worth mentioning there is one other coffee food cart in the city that has been approved through the site development process. She went on to say that no outdoor seating is proposed at this time.

City Planner Holly Byram said the site is fully developed and there is a large hedge on the rear of the lot which is separating the subject property from another property behind, and staff recommends a condition of approval the existing hedge is maintained and in compliance.

City Planner Holly Byram said the site sketch submitted is not to scale and to confirm the driveway, drive-through lane, parking spaces, bike rack location, and backing distances meet the minimum dimensions, the applicant is required to submit a site plan drawn to scale.

City Planner Holly Byram said staff recommends the provision of one bicycle parking space in a corresponding condition of approval.

City Planner Holly Byram said the Public Works Superintendent and City Engineer expressed concern about potential vehicle conflict as customers are exiting the food cart because there is a blind spot caused by the dog wash, so the recommended solution is to put a stop sign at the corner of the dog wash. The applicant should show this on the site plan, and it is a recommended condition of approval.

City Planner Holly Byram said approval of a permanent Drive-through coffee food cart is not transferable to either a different food cart or a different location without additional city review.

City Planner Holly Byram said Staff recommends approval of the application subject to the conditions of approval listed on the report.

City Planning Commission Chairman Scott Stierle asked if there were any questions of staff from the Planning Commission before accepting public testimony.

Planning Commissioner Glenn Holum asked what the hours of operation were going to be.

City Planner Holly Byram replied that operating hours will be 5:00 am to 6:00 pm. City Planner Holly Byram went on to say in the food cart standards adopted by the City, the food cart must have a sponsor business that must commit to allowing the employees and customers of that food cart to use their restrooms and in this case, the auto detailing shop is identified as that sponsor business that will provide those bathroom facilities.

Planning Commission Chairman Scott Stierle asked if there was anyone who would like to speak in support. There were none.

Planning Commission Chairman Scott Stierle asked if there was anyone who would like to speak in opposition of the application, and if there was anyone who would like to speak neither for nor against the application. There were no opponents. He went on to ask if the Planning Commission would like the applicant to address any of the testimony.

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Planning Commission Chairman Scott Stierle said before he closed or continued the public hearing if there are any additional questions from the Planning Commissioners of staff or anyone. He went on to say as a reminder that once he closed the hearing only Commissioners or staff may speak.

Planning Commission Chairman closed the Public Hearing at 7:07 p.m. and said he will entertain discussion on the application and/or a motion.

MSA/Planning Commissioner Glen Holum/Planning Commissioner Jessica Countryman made a motion to approve Site Development Review file #DR 2021-01 and adopt the recommended finding and conditions of approval contained in the Staff Report dated April 16, 2021, as presented. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be May 18, 2021 at 6:30 p.m.)** MSA/Planning Commissioner Jessica Countryman /Planning Commissioner Glenn Holum moved to adjourn the meeting. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously. Meeting was adjourned at 7:09 p.m.

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Scott Stierle  
Planning Commission Chairman

**ATTEST:**

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Vickie L. Nogle, MMC  
Director of Administration/City Recorder  
Recording

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Julie Hedden  
Administrative Assistant/Court Clerk  
Transcribing

**STAFF REPORT  
TO THE HUBBARD PLANNING COMMISSION**

**REPORT DATE:** June 9, 2021

**PC MEETING DATE:** June 15, 2021

**FILE No.:** Partition #PAR 2021-01

**APPLICANT:** Citihomes Group Corporation, Attn. Fil Kartal

**OWNER:** Reliable Auto Body & Services, LLC

**SURVEYOR:** Barker Surveying, Attn. Brad Harris

**LOCATION:** 2674 & 2714 Pacific Hwy 99E Hubbard, Oregon  
Lot 5, Block 1, Hubbard Industrial Park Subdivision

**MAP TAX LOT:** 041W33DD02000

**ZONE:** IC – Industrial Commercial Zone

**SIZE:** 2.38 Acres (103,673 SF)

**REQUEST:** Proposed two-parcel partition of an Industrial-Commercial property. Parcel 1 is proposed to be 1.16 acres. Parcel 2 is a flag lot proposed to be 1.22 acres. No development is proposed with this application.

**CRITERIA:** City of Hubbard Development Code: Sections 2.108 IC – Industrial Commercial Zone, 2.208 Development Standards for Land Divisions, and 3.106 Partitions.

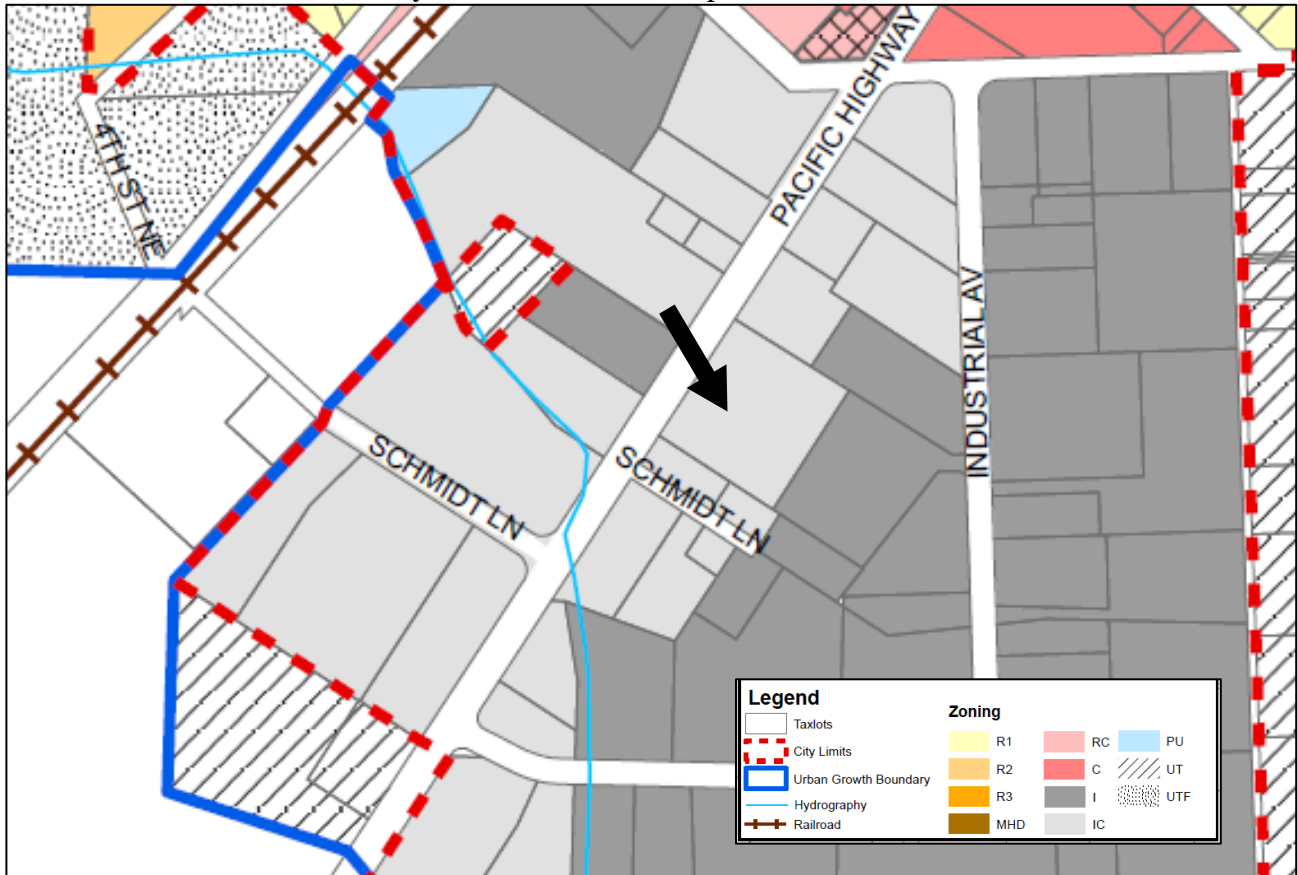
**EXHIBITS:** Exhibit A: Combined Agency & Department Comments  
Exhibit B: Application

**I. PROCEDURE & AUTHORITY**

Pursuant to the Hubbard Development Code Section 3.101.01, a partition is a Type I Level 2 action. A partition is a limited land use decision in which the Planning Commission apply clear and objective standards. Staff makes a recommendation to the Planning Commission, and the Planning Commission makes a decision on the application, but does not conduct a public hearing. Public notice is provided as required for a Type I Action, Section 3.201.01, which provides property owners within 100 feet of the subject property a 14-day comment period, prior to the decision. Partition approval is valid in perpetuity, upon recording of the final surveyed plat. Pursuant to HDC Section 3.205, a decision of the Planning Commission shall be final unless a notice of appeal is received by the City within 12 days of the date of the final written notice. Appeal requests shall be made on forms provided by the City and shall state the alleged errors of the Commission based upon the approval criteria or other local, state, or federal regulation that applied to the application.

## II. BACKGROUND

### A. VICINITY MAP. Source: City of Hubbard Zone Map, 2017



### B. CURRENT CONDITIONS. Source: Google Streetview, Image dated 2019



The subject property contains one existing non-conforming dwelling. The majority of the property is a vacant grassy field, with some bushes and trees.



The subject property is Lot 5 of Block 1 of the Hubbard Industrial Park Subdivision, created in 1983. A Property Line Adjustment (PLA) was conducted between Lots 5 and 6 in 2009. The property also had two approved Site Development Reviews; a commercial retail center mini-mall with file #DR 2006-02, and an Aquastore with file # DR 2010-01. Neither of the approved developments were constructed. Both approvals have expired.

[illegible]

#### **IV. REVIEW STANDARDS**

The following sections of the Hubbard Development Code (HDC) apply to the proposed land division.

##### *3.106 PARTITIONS*

##### *3.106.01 Area of Application*

*A partition is required for any land division, which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:*

*A. Access. Each parcel shall meet the access requirements of Subsection 2.208. Additionally, each lot in a minor partition shall have a minimum of twenty-five (25) feet of frontage on an existing state, county, city or public street; or, a constructed private easement being used for access, when said easement existed prior to the adoption of this Ordinance. A land division which requires the creation of a public or private street to provide access to new parcels shall be either a major partition or a subdivision.*

*B. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.*

**FINDINGS:** Access and dimensional standards are both discussed below in Section 2.208 Development Standards for Land Divisions. Both standards can be met through compliance with the recommended conditions of approval.

##### *3.106.04 Criteria for Preliminary Plat Approval*

*A. In approving a preliminary partition plat, the Planning Commission shall find the following:*

- 1. DIMENSIONAL STANDARDS. The preliminary plat conforms with the dimensional standards as required by the underlying zone district.*

**FINDINGS:** The subject property is zoned IC – Industrial Commercial. The dimensional standards for the IC zone are found in HDC 2.108.04. There is no minimum lot size in the IC zone. While no development is proposed for the subject property with this land division application, there is an existing non-conforming single-family residence. The only setback affected by the proposed partition would be the rear setback of the dwelling. The plan submitted by the applicant indicates that the new rear setback would be 30 feet. This exceeds the minimum 10-foot rear setback abutting an industrial district. All other setbacks are existing. This standard is met.

- 2. DEVELOPMENT. Development of any remainder of the property under the same ownership can be accomplished in accordance with this Code.*

**FINDINGS:** No development is proposed with this application. Approval of the proposed partition is not expected to impact the development potential of either of the resulting two parcels. Both parcels would maintain sufficient area, access, and utility connections required to support land uses permitted in the IC zone. Future development of either property is subject to a Site Development Review, subject to the Partition #PAR 2021-01 2674 Pacific Hwy 99E

development standards of the HDC, public notice and a public hearing. There is no minimum lot size in the IC zone, so either parcel could also be further divided in subsequent calendar year(s). This standard is met.

*3. ADJOINING LAND. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.*

**FINDINGS:** Adjoining properties are already developed. Approval of the proposed partition is not expected to impact development potential of adjoining properties. Of note, there is an existing access and utility easement granted in the original 1983 Hubbard Industrial Park subdivision from Industrial Avenue to the subject properties, across properties to the east, however, this is an existing easement. Both of those properties are already developed. This standard is met.

*4. STREETS. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible, under the circumstances.*

**FINDINGS:** No new streets are proposed as part of this partition application. Access to Parcels 1 and 2 are from Pacific Hwy 99E, which is classified as a major arterial in the Hubbard Transportation System Plan (TSP). The adopted right-of-way width is listed as 101 feet. The current width of Pacific Hwy 99E is shown as 80 feet. Consequently, the applicant is required to dedicate 10 feet along the frontage to public street right-of-way to bring the width from center line from 40 feet to 50 feet. A shared access driveway is proposed for the flag pole of Parcel 2. Pacific Hwy 99E is Oregon Department of Transportation (ODOT) jurisdiction facility. ODOT Region 2 Staff Casey Knecht reviewed the proposed partition and commented as follows:

“The site is adjacent to Pacific Highway East, No. 081 (OR-99E), and is subject to state laws administered by ODOT. The site appears to have three highway approaches at MP 29.69, 29.72, and 29.74, although only one (MP 29.72) appears to be in use currently. The flagpole location for Parcel 2 (MP 29.68) does not currently have a highway approach and the applicant will be required to submit an Application for State Highway Approach. One of the conditions of that application will likely be the removal of the approaches at MP 29.69 and 29.74 and replacing with curb. ODOT requests that the city include this condition in the land use decision (or something similarly worded: Two existing highway approaches shall be removed so that Parcel 1 has one highway approach remaining). ODOT defers other frontage improvement decisions to the city, such as sidewalks, planter strips, etc. If the city does require frontage improvements, ODOT will need to review and approve civil plans for any work in the state highway right-of-way.”

ODOT’s requested condition of approval is included in staff’s recommendation.

*5. UTILITIES. The proposed utility plan conforms with the applicable requirements as stated in this Code and any other applicable local, county, or state requirements.*

**FINDINGS:** Hubbard Public Works and the City Engineer have reviewed the proposed partition and found that utilities are available from Industrial Avenue through an easement across properties to the east, as well as within the Pacific Hwy 99E right-of-way, albeit on the west side of the highway for at least the water line. Hubbard’s Public Works Superintendent Mike Krebs stated that both proposed parcels can be served by public water, sewer, and storm upon future development. Utility connections should be located and sized appropriate to the future uses of the properties. As such, staff recommends that utility connections be deferred until development application. Also of note, the existing non-conforming dwelling on the subject property is not connected to public utilities due to the year of construction. City

Public Works does not find authority to require connection with the proposed land division. That would occur upon future development of Parcel 1. This standard is met.

*6. Conditions necessary to satisfy the intent of this Code can be satisfied prior to final plat approval.*

**FINDINGS:** Staff has included recommended conditions of approval at the end of this staff report, in support of a Planning Commission decision to approve the proposed land division.

## **2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS**

### *2.208.03 Standards for Lots or Parcels*

*A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.*

**FINDINGS:** As previously discussed, there is no minimum lot size in the IC zone. This standard is met.

*B. Lot width and depth. The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions...*

**FINDINGS:** Parcel 1 is proposed to be 167.75 feet wide by approximately 300 feet long. Parcel 2 is proposed to be 150 feet wide by approximately 330 feet long. Both parcels meet this standard.

*C. Access. All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 25 feet of frontage on an existing or proposed public street, with the following exceptions...*

**FINDINGS:** As discussed above, Parcel 1 is proposed to have 299.99 feet of frontage on Pacific Highway 99E. Parcel 2 is proposed to have 24.01 feet of frontage. A condition of approval is recommended requiring the applicant to increase the width of the “flag pole” (access strip) to meet the 25 foot minimum width. This standard can be met through compliance with the conditions of approval.

*D. Access for duplexes or townhouses on corner lots...*

**FINDINGS:** No development is proposed with this application, nor is this residential development type permitted in the IC zone. This criterion does not apply.

*E. Flag Lots. Where authorized by the Planning Commission pursuant to the access requirements of Section 2.202.07, flag lots shall be subject to the following development standards:*

*1. The property line running parallel to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.*

*2. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of 12 feet in width.*

*3. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.*

*4. If the length of the access strip exceeds 200 feet, the access strip shall be +developed as a private street and shall conform to the standards of Section 2.202.07.*

*5. Where two flag lots abut, access shall be via a shared drive wherever possible. Shared drives shall be developed as private streets and shall conform to the standards of Section 2.202.07.*

**FINDINGS:** Parcel 2 is proposed to be a flag lot. While no development is proposed at this time, a condition of approval is recommended detailing 2.208.03(E)(1) front yard line interpretation. Staff has included a condition of approval requiring the final plat to show the Parcel 2 access strip to be a minimum of 25 feet in width. A recommended condition of approval is also included regarding the requirement for the access strip to be developed to private street standards if the length exceeds 200 feet in length upon future development. Staff finds these flag lot standards can be met by the applicant through compliance with the recommended conditions of approval.

*F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the Planning Commission during the review of the land division request.*

**FINDINGS:** No through lots are proposed. This criterion is met.

*G. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**FINDINGS:** The proposed lot side lines are proposed at right angles to Pacific Highway 99E. This criterion is met.

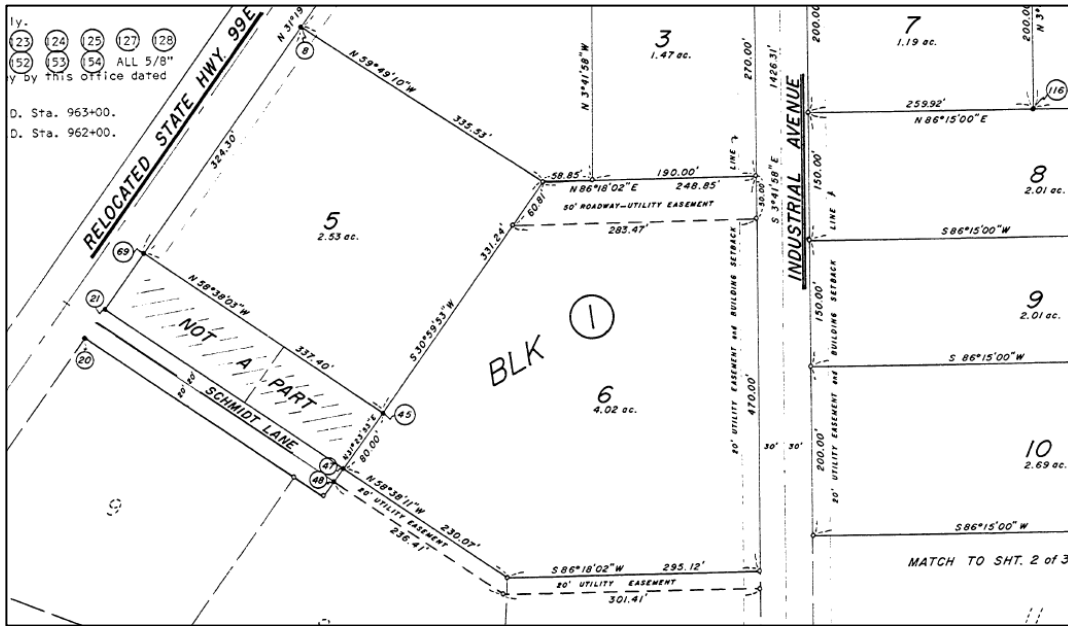
*H. Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.*

**FINDINGS:** No development is proposed at this time. Grading will be reviewed by local and state agencies upon development application and permitting. This criterion does not apply at this time.

*I. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width of 12 feet (6 feet on each lot if located on a common lot line).*

**FINDINGS:** No development is proposed at this time. Utility easements will be required upon future utility connections. There is an existing 50-foot wide utility easement from Industrial Avenue to the east, created in the original 1983 Hubbard Industrial Park Subdivision.

The snapshot below is taken from original subdivision, showing 50-foot wide easement to Lot 5 from Industrial Avenue:



## 2.208.05 Improvement Requirements

A. Partitions. During the review of partition proposals, the City may require as a condition of approval, the improvement of:

1. Public streets upon which the property fronts to public standards per Section 2.201.03 of the Code. Improvements may include: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities;
2. Sidewalks, five feet in width, and bikeways along public street frontage per Section 2.201.03 of the Code; and
3. Private driveways serving flag lots, per the requirements of Section 2.202.07. All improvements required as a condition of approval of a partition shall be completed prior to the issuance of any building permits for the subject property.

**Public Facilities Improvement Requirements Table**

	Fire Hydrant	Street Improv.	Water Hookup	Sewer Hookup	Storm Drain	Street Lights
Partitions, Subdivisions, PUD, and Mobile Home Parks	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required, Yes = Required, and C = Conditional, as noted.

B. All improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.

**FINDINGS:** Staff has included recommended conditions of approval stating that prior to final plat approval by the City, the applicant shall secure ODOT approach permit approval for the proposed new Parcel 2 access, and also for the removed/consolidated access points serving Parcel 1 (reduced from three approaches to just one). Consistent with the approach permits, a recommended condition of approval requires the applicant to construct curbs and driveway cuts to City and ODOT standards prior to plat approval. Sidewalks and street trees are not required at this time, but will be required of the applicant upon future development. Utility connections, street lights, and fire hydrants will be reviewed upon future development applications, to ensure that the location and size of the improvements are appropriate for the type and scale of future proposed developments. Staff finds these standards can be met by the applicant through compliance with the recommended conditions of approval.

## **V. SUMMARY & RECOMMENDATION**

Based upon the information contained in the submitted application, staff finds Partition 2021-01 meets the criteria in the Hubbard Development Code, or can meet it through compliance with the recommended conditions of approval. Staff recommends APPROVAL of the partition based upon compliance with the following conditions:

## **VI. RECOMMENDED CONDITIONS OF APPROVAL**

- A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
- B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.
- C. Prior to plat approval, final plat shall dedicate 10 feet (or 50 feet from centerline) of frontage along Pacific Hwy 99E for public right-of-way purposes.
- D. Prior to plat approval, final plat shall be revised to provide Parcel 2 the minimum “flag pole” access strip frontage width of 25 feet on Pacific Hwy 99E.
- E. Prior to plat approval, the applicant shall submit to the City a copy of an approved ODOT State Highway Approach permit for the proposed new Parcel 2 flag pole access driveway.
- F. Prior to plat approval, the applicant shall submit to the City a copy of ODOT confirmation that two existing highway approaches were removed or consolidated, so that Parcel 1 has one highway approach remaining, or as otherwise approved by ODOT.
- G. Prior to plat approval, the applicant shall construct curbs and driveway cuts to City and ODOT standards and procedures, consistent with the ODOT approach approvals described above. Sidewalks and street trees shall not be required with this land division, but shall be required with future development applications.
- H. Consistent with HDC 2.208.03(E), the property line running parallel to the access road (Pacific Hwy 99E) shall be considered the front yard line and shall be used to calculate front yard setback requirements upon future development of Parcel 2.
- I. Utility easements shall be provided on lot areas where necessary to accommodate public utilities upon future development of the subject propert(ies).

- J. Within two (2) years of the signed notice of approval of this application by the Planning Commission, the applicant shall submit the proposed final plat to the City for review. The final plat shall substantially conform to the approval granted by the Planning Commission. Pursuant to HDC Section 3.106.06, the Planning Commission may extend the approval period for any partition for a period of not more than one (1) year. Requests for extension of approval shall be submitted, in writing, at least thirty (30) days prior to the expiration date of the approval period accompanied by payment of the required fee.
- K. Consistent with general comments from the Marion County Surveyor's Office, the applicant shall:
  - 1. Per ORS 92.050, plat must be submitted for review.
  - 2. Checking fee and recording fees required.
  - 3. A current or updated title report must be submitted at the time of review.
- L. The applicant shall record the final approved Plat with the Marion County Clerk. After recording, the applicant shall submit the recorded plat in paper and pdf format to the City of Hubbard.

## **VII. PLANNING COMMISSION ACTION OPTIONS**

- A. **APPROVE Partition file #PAR 2021-01 as presented, adopting the staff report findings and recommended conditions of approval.**
- B. APPROVE Partition file #PAR 2021-01, as MODIFIED by the Planning Commission, adopting the staff report findings and recommended conditions of approval, and stating the desired modifications.
- C. DENY the partition application stating how the application does not meet and cannot be revised to meet the required standards through conditions of approval.
- D. TABLE the decision on Partition file #PAR 2021-01 to the following meeting of the Planning Commission, pending additional information requested by the Planning Commission (Note: this would not be a "continuation" because the decision does not involve a public hearing).



## **COMBINED DEPARTMENT & AGENCY COMMENTS**

### **1. ODOT, Region 2 Representative, Casey Knecht, P.E.:**

Thank you for notifying the Oregon Department of Transportation (ODOT) of the proposal at 2674 Pacific Hwy East in Hubbard. Please include these comments in the public record and notify ODOT of the decision by sending a copy to [odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us) when available.

The site is adjacent to Pacific Highway East, No. 081 (OR-99E), and is subject to state laws administered by ODOT. The site appears to have three highway approaches at MP 29.69, 29.72, and 29.74, although only one (MP 29.72) appears to be in use currently. The flagpole location for Parcel 2 (MP 29.68) does not currently have a highway approach and the applicant will be required to submit an Application for State Highway Approach. One of the conditions of that application will likely be the removal of the approaches at MP 29.69 and 29.74 and replacing with curb. ODOT requests that the city include this condition in the land use decision (or something similarly worded: Two existing highway approaches shall be removed so that Parcel 1 has one highway approach remaining.).

ODOT defers other frontage improvement decisions to the city, such as sidewalks, planter strips, etc. If the city does require frontage improvements, ODOT will need to review and approve civil plans for any work in the state highway right-of-way.

The applicant can contact me to discuss, or when they are ready to submit the application.

### **2. City of Hubbard Public Works Department, Superintendent Mike Krebs:**

I am good with the way the partition is proposed. Both of the lots are serviceable by water and sewer. My question regarding easements, is the state going to request a 10 foot easement for the highway?

The easement from Industrial Ave, is where the water line is located that serves that lot. As for what was planned in the past for that property, I do not know, as I was not included in those discussions.

The old house that is on that lot (or was) was never hooked to city services. The lot was part of the original Industrial Park development, at that time all of those properties were provided water and sewer services that could be hooked up at the time of development. If by some strange reason there is not stubs for city services, the water main and sewer are close enough that new taps would not be a problem.

### **3. City of Hubbard City Engineer, Matt Wadlington, Civil West:**

My questions about this partition just relate to the fact that no utilities are shown. Are there services to the property already? (Question answered by Mike Krebs and through a subsequent staff discussion regarding an access and utility easement from Industrial Avenue to the east).

There may be value in looping the water line, but I defer to Mike Krebs on that.

[Regarding the initial intent of the access and utility easement from Industrial Ave] the plat is not clear whether [it was intended to be a primary or secondary access point]. If there aren't any access restrictions from 99[E], then I don't know why this couldn't be approved this way.

**PARTITION APPLICATION  
SUBMITTED BY APPLICANT**

**PARTITION APPLICATION**

**CITY OF HUBBARD**

3720 2<sup>nd</sup> Street (P.O. Box 380)

Hubbard, OR 97032

Phone: (503) 981-9633; Fax: (503) 981-8743

<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: PA 2021-01

DATE: 9/21/2021

FEE: 2000 -

RECEIPT NO: 9.001776

APPLICANT: Citihomes Group Corporation

PHONE: (503) 260-1205 EMAIL ADDRESS: info@citihomesgroup.com

ADDRESS: 3881 2nd St, Hubbard, Oregon 97032

OWNER(S): Reliable Auto Body & Services, LLC

(If different from above)

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: 2795 Pacific Hwy #99E, Hubbard, OR 97032

ENGINEER/SURVEYOR: Brad Harris (Survey Project Manager)

PHONE: (503) 588-8800 EMAIL ADDRESS: Brad@barkerwilson.com

ADDRESS: 3657 Kashmir Way SE, Salem, Oregon 97317

OTHER DESIGN PROFESSIONAL: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**GENERAL INFORMATION:**

ADDRESS: 2674 Pacific HWY 99 NE, Hubbard, Oregon 97032

TAX LOT NO: 041W33DD 2000 ZONE: IC

CURRENT USE/STRUCTURES: Residential TOPOGRAPHY: Open Field

SURROUNDING USES: NORTH: Industrial SOUTH: Residential

EAST: Industrial WEST: Existing Road

SQUARE FOOTAGE OF SITE: 103,673 NO. OF PARCELS CREATED: 2

PARCEL NO. 1: 50,530 sq.ft. PARCEL NO. 2: 53,143 sq.ft. PARCEL NO. 3: N/A sq.ft.

NUMBER OF DWELLING UNITS: \_\_\_\_\_ UNITS PER ACRE: \_\_\_\_\_

## SUBMITTAL REQUIREMENTS

Please submit one (1) paper copy and one (1) electronic copy (PDF format preferred) of the following application materials:

- ☐ 1. A current title report.
- ☐ 2. A copy of the most recent deed for the property.
- ☒ 3. A legible preliminary partition plan drawn to scale on 8 ½ x 11 or 11 x 17 inch paper or eight (8) full size copies (typically 18 x 24 inches or larger) that shows the following information:
  - ☒ Name and address of the owner of the property to be divided;
  - ☒ Legal description of the property, by Township, Range, Section and Tax Lot;
  - ☒ Dimensions and size in square feet or acres of all proposed parcels;
  - ☒ Individual parcel designation, e.g., Parcel I, Parcel II;
  - ☒ Adjacent property under the same ownership;
  - ☒ North arrow and scale;
  - ☒ All adjacent roads, public or private, bikeways, and pedestrian facilities, including name and road width;
  - ☒ Location and size of all existing and proposed utilities;
  - ☒ Comprehensive plan and zoning designations for the subject property;
  - ☒ All existing structures on the property and their setbacks;
  - ☒ Slopes on the property exceeding ten (10) percent;
  - ☒ Natural drainage ways, streams, wetlands or other significant natural features of the property, such as significant vegetative areas or specimen trees;
  - ☒ Other pending applications, including building permits, on the subject property; and
  - ☒ All easements (existing or proposed).

Conformance with the Hubbard Development Code is required for final plat approval. Check with the staff regarding additional requirements for your project. You are encouraged to arrange a pre-application conference with staff prior to submittal.

**I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; AND THAT THE REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE ATTACHED OR IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.)**

4-09-2021  
Date  
4/9/21  
Date  
4-9-21  
Date

[Signature]  
Applicant  
[Signature]  
Owner(s)  
[Signature]  
Owner(s)

## **PARTITION INFORMATION SHEET**

Partitions are created when a tract of land is divided into two or three parcels within a calendar year, and when the tract of land existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

### **☒ PARTITION REGULATION**

Partitions are regulated by State Law and by the City of Hubbard's Development Code. The City regulations mandate that the applicant provide improvements necessary to serve all the proposed parcels. These improvements will generally include streets, storm water facilities and provisions for sewer and water service. Additional improvements may be required. An applicant must document that adequate facilities exist or can be provided as part of the proposal.

### **☒ APPLICATION PROCESSING**

Once an application is submitted, along with all pertinent filing information (e.g. preliminary plan map, site map, title report, supplementary materials, etc.), City staff will review it for completeness. If additional material is necessary, you will be contacted. Once the application is determined to be complete, staff will prepare a report for Planning Commission review. The staff report is available seven days prior to the Planning Commission meeting. You will have the opportunity to testify on behalf of your application at the Planning Commission meeting. The Planning Commission decision can be appealed to the City Council.

### **☒ EFFECTIVE DATE OF APPROVAL**

The Planning Commission decision shall be effective 12 days after the date of the notice of the decision by the Planning Commission unless the decision is appealed to the City Council.

### **☒ WHAT TO DO AFTER PRELIMINARY PLAN APPROVAL**

An approved or conditionally approved preliminary plan is valid for one year following the issuance of a preliminary approval letter. Within this year, the applicant must submit a Final Plat, which conforms to all the applicable provisions of State Law (ORS 92) and approval conditions of the tentative plan. The City will sign and release the map when all the necessary City requirements have been fulfilled. The applicant must then file the approved final plat with the Marion County Recorder and return a copy of the recorded documents to the City following recordation.

### **☒ PARCEL SALES**

No parcels in a partition may be sold until the final map has been filed and acknowledged by the Marion County Recorder.

### **☒ ADDITIONAL INFORMATION**

For additional information on partitions, call Hubbard City Hall at (503) 981-9633.



## EXHIBIT A

### LAND USE FEE SCHEDULE ACKNOWLEDGMENT

as of 2/11/2020 (attachment to Resolution No. 686-2020)

Resolution No. 685-2020 requires land use applications to reimburse the City for the actual costs associated with their applications. The City requires a deposit for land use application as required in section 3.206.03 in the Hubbard Development Code. Staff collects the deposit at the time of application.

Costs and time are paid out of the deposit. If it appears the costs exceed the initial deposit, the Director of Administration/City Recorder may require an additional deposit for costs that may be incurred to complete the project. At the end of the project a final bill will be prepared, and the City will either request additional funds or issue a refund check.

The following are examples of the most common types of charges and amounts per hour that will be incurred for land use projects in the City. These rates are provided for example purposes only, and you will be charged the actual costs incurred by the City as required by Resolution 685-2020. These example rates will therefore be reviewed annually and updated as necessary. You may request a copy of the most recent example rates at any time by contacting the Director of Administration/City Recorder.

**City Planner** **\$85.00**

*(The City Planner prepares staff reports, final actions, and makes presentations at Planning Commission and Council meetings.)*

**City Engineer** **\$165.00**

*(The City Engineer may be requested to investigate or review plans submitted by the applicant, and may make presentations at required meetings)*

**Director of Admin/Recorder** **\$90.00**

**Admin Assistant** **\$45.00**

*(The Planning Secretary prepares applicants files, prepares comments for other departments, prepares public hearing notices, posts and mails notices, answers applicants questions and attends all meetings)*

**Public Works Director/Superintendent** **\$84.00**

**Public Works Admin Manager** **\$68.00**

**Utility Worker II** **\$58.00**

**Utility Worker I** **\$37.00**

**Admin Assistant** **\$20.00**

*(The Public Works personnel reviews applications and comments regarding water, sewer, streets, backflow devices, and storm drain issues)*

**Police Chief** **\$83.00**

*(The Police Chief reviews plans and looks into safety concerns such as lighting and addressing issues)*

**City Attorney** **\$235.00**

*(Review of documents, negotiation of conflicts, litigation and enforcement issues)*

**Office Copies**

(Black & White 8 1/2 X 11) .25 per page

Color .35 per page

(Black & White 11X 17) .50 per page

Color .70 per page

**Long Distance Phone Calls**

\$3.00 per call

**Fax**

\$2.00 per fax + .50 per page

I have read this information and understand that the land use fee is a deposit and the application may cost more or less.

Applicants Signature

Date

4-8-2021



320 Church St. NE, Salem, OR 97301  
PHONE (503)581-1431 FAX (503)364-8716

---

## STATUS OF RECORD TITLE

Riley Edwards  
Barker Surveying  
3657 Kashmir Wy. SE  
Salem, OR 97317  
Your Reference No. 041W 33DD 2000

March 18, 2021  
Title Number: 421461AM  
Title Officer: Carlee Novak  
Fee: \$200.00, Update #1 for \$50

### **We have searched the status of record title as to the following described property:**

A tract of land being a portion of Lot 5 of the Plat of Hubbard Industrial Park, Marion County, Records, located in the Southeast one-quarter of Section 33, Township 4 South, Range 1 West, Willamette Meridian, City of Hubbard, Marion County, Oregon, being more particularly described as follows:

Lot 5, Block 1, HUBBARD INDUSTRIAL PARK, Marion County, Oregon as recorded December 30, 1983 in Volume 38, Page 7, Record of Town Plats for Marion County, Oregon.

EXCEPTING the following described portion of said tract of land:

Beginning at the most Southerly corner of said Lot 5, of the Plat of Hubbard Industrial Park, thence along the Southeasterly line of said Lot 5, North 30°59'53" East 331.26 feet to the most Easterly corner of said Lot 5, thence along the Northeasterly line of said Lot 5, North 59°49'10" West 20.00 feet; thence leaving said Northeasterly line, along a line parallel with and 20.00 feet Northwesterly of said southeasterly line of Lot 5 South 30°59'53" West 330.84 feet to the Southwesterly line of said Lot 5, thence leaving said parallel line, along said Southwesterly line South 58°37'55" East 20.00 feet to the point of beginning.

### **Vestee:**

**Reliable Auto Body & Services, LLC, an Oregon limited liability company**

and dated as of **March 3, 2021** at 7:30 a.m.

### **Said property is subject to the following on record matters:**

#### **Tax Information:**

Taxes assessed under Code No. 01511115 Account No. 599744 Map No. 04S-01W-33DD 02000

NOTE: The 2020-2021 Taxes: \$3,444.37, are Paid

1. City liens, if any, of the City of Hubbard.  
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$20.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Marion Soil and Water Conservation District.
3. Easements as shown on the official plat of said land.

4. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Gene R. Hastie and Lois A. Hastie  
Recorded: August 8, 2001  
Instrument No.: [Reel: 1820 Page: 255](#)
5. A Oregon Employment Department Tax Warrant for the amount herein stated, plus interest and statutory charges.  
Warrant No.: F3814  
Recorded: July 27, 2018  
Instrument No.: [Reel: 4104 Page: 197](#)  
Amount: \$2,440.94  
Debtor: Reliable Auto Body & Service LLC
6. Rights of tenants under existing leases or tenancies.
7. Personal property taxes, if any.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

***"Superior Service with Commitment and Respect for Customers and Employees"***



After Recording Return to: ✓  
Andrew D. Hahs  
Bittner & Hahs, P.C.  
4949 SW Meadows Road, Ste 260  
Lake Oswego, OR 97035

Until a change is requested, all tax  
statements shall be sent to the  
following name and address:

Reliable Auto Body & Services, LLC  
2795 Pacific HWY #99E  
Hubbard, OR 97032

The true and actual consideration paid  
for this transaction is: \$350,000.00

REEL 4452 PAGE 404  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
02-22-2021 02:36 pm.  
Control Number 641537 \$ 96.00  
Instrument 2021 00011081

### Statutory Warranty Deed

Max L. Marcott, Trustee of The Max L. Marcott Living Trust, Dated March 15, 2013, and any amendments thereto, as Grantor, conveys and warrants to Reliable Auto Body & Services, LLC, an Oregon limited liability company, as Grantee, the following-described real property:

Legal descriptions of the real property appears in Exhibit A

Physical Addresses of the property: 2674-2714 Pacific HWY #99E, Hubbard, OR 97032

Tax Account #: R99744

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,

**EXHIBIT A**  
**LEGAL DESCRIPTION**

A tract of land being a portion of Lot 5 of the Plat of Hubbard Industrial Park, Marion County, Records, located in the Southeast one-quarter of Section 33, Township 4 South, Range 1 West, Willamette Meridian, City of Hubbard, Marion County, Oregon, being more particularly described as follows:

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**REEL: 4452**

**PAGE: 404**

**February 22, 2021, 02:36 pm.**

CONTROL #: 641537

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

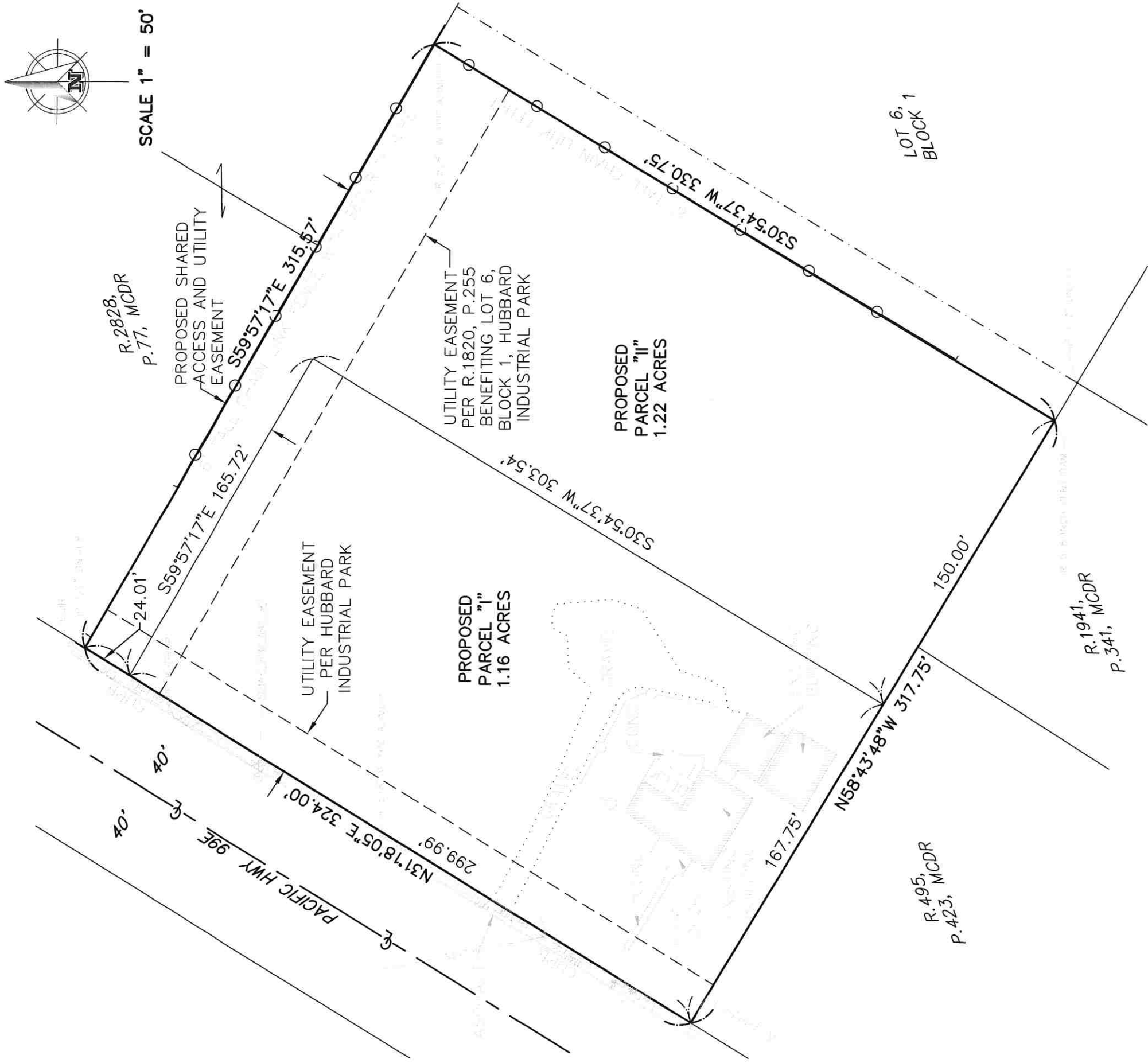
FEE: \$ 96.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

---

# PROPOSED PARTITION PLAT



**OWNER:**  
*Reliable Auto Body & Services, LLC*  
2795 PACIFIC HWY 99E NE  
HUBBARD, OREGON 97032

**ZONE:**  
IC

**TOTAL AREA:**  
2.38 ACRES

**TAX LOT:**  
041W33DD 2000

**SITE ADDRESS:**  
2674 PACIFIC HWY  
HUBBARD, OREGON 97032

**SURVEYOR:**

GREGORY WILSON  
BARKER SURVEYING  
3657 KASHMIR WAY S.E.  
SALEM, OR 97317  
(503) 588-8800 EXT. 1  
GREG@BARKERWILSON.COM

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



**BARKER**  
SURVEYING