



City of Independence

Regular Meeting Agenda

City Council

Tuesday, February 10, 2026 @ 6:30 PM

Civic Center - Council Chambers

(see agenda footer for meeting attendance information)

1. Call to Order

2. Roll Call

3. Minutes

3.1. Special Meeting 01/13/2026

3.2. Regular Meeting 01/13/2026

3.3. Work Session 01/27/2026

4. Visitors/Public Comment

5. Reports/Presentations

Council Liaison reports and the City Manager report usually given during this section have been moved to the next council meeting due to a lengthy agenda for this meeting.

5.1. Mayor

6. Unfinished Business

6.1. 2nd Reading: Council Bill 2025-08, An Ordinance Amending the Standards for Mobile Vending Units in the Independence Municipal Code and Development Code (Evander)

7. New Business

7.1. OLCC Annual Liquor License Renewal (Gilbert)

7.2. Liquor License Application, Change of Ownership: Silk Thai LLC (Gilbert)

7.3. Proposed Resolution 26-1647, City Fee Schedule Update (Carey)

7.4. Contract Award: Corvallis Rd Waterline Improvements (Fisher)

7.5. Proposed Resolution 26-1646, City Accepting Jurisdiction Over Certain County Roadway (Fisher)

7.6. Public Hearing: Annex 46.7 Acres East of 13th Street and Rezone Property to Mixed Density Residential (Evander)

7.7. Council Bill 2026-03, Annex, Redesignate and Rezone 46.7 acres along South 13th Street (Evander)

7.8. Public Hearing: Potential Change to the Requirements for Fences Associated with Governmental Uses (Evander)

- 7.9. Council Bill 2026-01: Potential Change to the Requirements for Fences Associated with Governmental Uses (Evander, Irvine)
- 7.10. Agenda item added during meeting: Council Bill 2026-05, An Ordinance Amending the Standards for Mobile Vending Units in the Independence Municipal Code and Development Code (Evander)

8. Council Announcements

9. General Information

- 9.1. Management Team Notes
 - 9.1.1. 01/14/2026
 - 9.1.2. 01/28/2026
- 9.2. Miscellaneous Correspondence. Any communications received after publication of the agenda packet, but before 3:00 pm the date of the meeting, will be provided to Council at the meeting and will become a part of the official record
- 9.3. Pending Agenda Calendar

10. Adjournment

Meeting Attendance Information:

The City Council will hold this meeting in-person in City Hall Council Chambers, via video conference (Zoom) or by phone. Meetings are also live-streamed on the City's YouTube channel at: <https://www.youtube.com/c/CityofIndependenceOR>.

- To attend in person, the City Hall address is 555 S. Main St.
- For Zoom login
visit: <https://us06web.zoom.us/j/83209839006?pwd=PLFVm6b8ikqVaVsOSTFaFZbX4xazeP.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 832 0983 9006** and **Passcode: 560247**

Written comments are also welcome and may be delivered to City Hall or emailed to CouncilComments@ci.independence.or.us no later than 4:00 pm the day of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 72 hours in advance of the meeting to Myra Russell, City Recorder, 503-838-1212/TTY: 800-735-2900.



City of Independence Minutes

City Council Meeting
Tuesday, January 13, 2026

1. Call to Order. Mayor Schwarzler called the meeting to order at 5:30 PM

Present: Councilor Evan Sorce
Councilor Dawn Roden
Councilor Bill Boisvert
Mayor Kate Schwarzler
Councilor/Council President Kathy Martin-Willis
Councilor Marilyn Morton
Councilor Shannon Corr

Absent:

City Staff Present: Kenna West, City Manager
Myra Russell, City Recorderr
Fred Evander, City Planner

2. Pre Council Special Meeting.

2.1. Planning Commission Interviews.

1. Planning Commission Candidate Corby Chappell. Councilors asked 8 predetermined questions to the candidate. Chappell has served on the Commission for many years. He discussed his connection to Independence and his interest in continuing to serve the community. He emphasized his commitment to following established criteria and maintaining respectful discussions, even when opinions differ. Chappell also shared his vision for Independence in the future, emphasizing the importance of maintaining a small-town feel while accommodating growth. Chappell affirmed that he can meet the time commitments of this position and that he prefers in-person meetings.
2. Planning Commission Candidate John Southgate: Councilors asked 8 predetermined questions to the candidate. Southgate, who has a background in urban planning, expressed interest in serving on the Commission due to his passion for place-making and creating livable, walkable cities. He discussed his approach to making decisions based on established criteria and his experience in handling diverse perspectives in planning decisions. Southgate affirmed that he can meet the time commitments of this position and that he also prefers in-person meetings.

3. **Adjournment.** Mayor Schwarzler adjourned the meeting at 6:01 pm. In recess until the regular council meeting starts at 6:30 pm.

MAYOR KATE SCHWARZLER

ATTEST:

Myra Russell, City Recorder

DRAFT



City of Independence Minutes

City Council Meeting
Tuesday, January 13, 2026

1. **Call to Order.** Mayor Schwarzler called the meeting to order at 6:30 PM

2. **Roll Call.** Mayor Schwarzler present.

Present: Councilor Evan Sorce
Councilor Dawn Roden
Councilor Bill Boisvert
Councilor/Council President Kathy Martin-Willis
Councilor Marilyn Morton
Councilor Shannon Corr

Absent:

City Staff Present: Kenna West, City Manager
Myra Russell, City Recorder
Amanda Carey, Finance Director
Fred Evander, City Planner
Shawn Irvine, Assistant City Manager
Lyle Gilbert, Lieutenant
Gerald Fisher, Public Works Director
Patrick Bodily, Library Director

3. **Minutes.**

3.1. **Regular Meeting 12/09/2025.**

Action:

Councilor Sorce moved to approve minutes from December 9, 2025 meeting as submitted.; Councilor Boisvert seconded. Discussion: None

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

4. **Election of Council President. Action:**

Councilor Corr moved to appoint Councilor Martin-Willis as council president; Councilor Morton seconded. Discussion: Councilor Boisvert asked if Martin-Willis would agree to it. Councilor Martin-Willis said she would continue to serve in that role.

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

5. Visitors/Public Comment.

- Chet Graham, Dallas, OR: Made a comment regarding SDCs, emphasizing the need to lower them to remain competitive, as current rates have hindered sales of homes in the subdivision he is developing.

6. Reports/Presentations.

6.1. Mayor.

Busy agenda tonight, so the mayor kept her comments brief. Happy new year, happy to be back in session.

6.2. Council Liaison Reports.

6.2.1. MINET: Councilor Sorce.

MINET did not meet in December. Next meeting January 28, 2026. More updates to come.

6.2.2. Parks Board: Councilor Roden.

The draft of the Park System Master Plan coming forward for review. It was approved by the Parks Board. Went to the Planning Commission last week, coming to Council in March.

6.3. City Manager.

No report due to a lengthy agenda. CM West ceded her time.

7. Unfinished Business.

7.1. Public Hearing: Revisions to Mobile Vending Standards (Evander).

Mayor Kate Schwarzler read the hearing script regarding how the meeting would be conducted. State Law Required Statements read.

This was the reopening of a public hearing continued from the December 5, 2025, council meeting.

- Declaration of Conflicts of Interest, Ex-Parte Contact, Bias: None
- Public Hearing re-opened at 6:39 pm by Mayor Schwarzler.
- Staff Report as submitted in the agenda packet was reviewed by Planner Evander. Recapped information from last meeting. The focus is to decide whether a limit should be established on the number of food trucks in downtown.
- Discussion: Commissioner Corr asked about permitting at Parallel 45. Evander stated they are set up with 5 permitted spots that have been inspected and don't detract from parking. Discussion of vendors at local events.

- Further questions from the Council. None.
- Objections or testimony received: Parallel 45 submitted a written letter. Susan Graham submitted a written letter.
- Public Testimony:
 - Eric Chase, Independence, OR: Owner of Golden Hop Restaurant. Recommends limit of 6
 - Greg Laird, Independence, OR: Owner of Parallel 45. Submitted a written letter and asked if council had any questions. Currently, 4 of his 5 spots are filled, but a 5th is in process. No plans to have more than 5 vendor spots. Discussion of times that the food trucks are open at P45. They are always open when P45 is open, but also open some other times. Further discussion of setting a limit of six or seven food trucks downtown, with some arguing for free market competition and others emphasizing the need to protect established businesses.
- Discussion: Council Discussion Staff Response to testimony— Evander said that the council bill could be passed, with any changes council would like to make, noted.
- Hearing closed at 7:13 PM.

8. New Business.

8.1. **Council Bill 2025-08: An Ordinance Amending the Standards for Mobile Vending Units in the Independence Municipal Code and Development Code (Evander).**

Evander explained that they could approve with imitations and changes in wording.

Action:

Councilor Roden moved to read the proposed Ordinance, Council Bill #2025-08 in full as the text is contained in the Council packet for the first time except recommend adding the applicability sections to read "in association with" instead of "at" a community event and the language that limits the number of licenses issued to mobile food units located in the downtown overlay to 7; Councilor Boisvert seconded. Discussion: Councilor Sorce asked for a review in one year to see if the limitation number is correct. Discussion of how to handle new applications that are submitted for spots that aren't the 5 at Parallel 45 or 2 at Tap Station. Mobile vending trucks at Farmer's Market are part of a community event, not part of this process.

Roll call vote. Motion 5-1-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Marilyn Morton, Shannon Corr

Nays: Kathy Martin-Willis

Abstentions: None

City Recorder read the ordinance by title. Since the vote was not unanimous, this bill will come back to the next council meeting for a second reading.

8.2. **Q1 2026 Board/Committee/Commission Appointments (West).**

Budget Committee, three open positions:

- Position 1 – Expiration Date: December 31, 2028 Miranda Garrison
- Position 4 – Expiration Date: December 31, 2028 Erin Seiler
- Position 7 – Expiration Date: December 31, 2028 Nathan Christensen

David Clyne also applied.

Discussion: Councilor Morton would like to see the reappointment of current members. Councilor Roden would like to see new eyes and fresh ears on the committee.

Action:

The mayor is looking for candidates that come to the process with an open mind. She reappointed all 3 applicants to their current positions.

Planning Commission, two open positions:

- Position 4 – Expiration Date: December 31, 2028 John Southgate
- Position 6 – Expiration Date: December 31, 2028 Corby Chappell

Discussion: Councilor Sorce appreciates Corby Chappell's leadership on this commission and looks forward to a fresh perspective from John Southgate. Councilor Roden asked if this was all the applicants or just the ones brought forward. The mayor confirmed this was everyone who applied.

Action:

The mayor reappointed Corby Chappell to his current position and appointed John Southgate to position 4.

Museum Advisory Board, three open positions:

- Position 2 – Expiration Date: December 31, 2028 Vickie McCubbin
- Position 5 – Expiration Date: December 31, 2028 Joe Martinez
- Position 6 – Expiration Date: December 31, 2027 Linda Layton

Discussion: None

Action:

The mayor reappointed Vickie McCubbin and Joe Martinez to their current positions and appointed Linda Layton to position 6.

Historic Preservation Commission, three positions open:

- Position 1 – Expiration Date: December 31, 2028 Willis Homann
- Position 4 – Expiration Date: December 31, 2026 Allison Pratt or Kevin Kryger

- Position 7 – Expiration Date: December 31, 2028 Liz Boisvert

Discussion: Councilor Morton would like to see reappointments of the two position, but has no knowledge of the other 2 candidates. Councilor Boisvert knows Kevin Kryger as an involved community member and recommends him.

Action:

The mayor reappointed Boisvert and Homann to their current positions and appointed Kevin Kryger to position 4.

Library Board one open position:

- Position 7 – Expiration Date: June 30, 2027 Margie Johnson

Discussion: None

Action:

The mayor appointed Margie Johnson to position 7.

Parks Board, three open positions:

- Position 2 – Expiration Date: December 31, 2028 Vacant
- Position 3 – Expiration Date: December 31, 2028 Vacant
- Position 4 – Expiration Date: December 31, 2028 Erin McIntosh

Discussion: None

Action:

The mayor appointed Erin McIntosh to her current position.

Traffic Safety Commission, one open position:

- Position 2 – Expiration Date: December 31, 2028 Noemy Vega

Discussion: None

Action:

The mayor appointed Noemy Vega

The mayor and Councilor Roden encouraged the community to apply for the two vacant positions. Meetings have been canceled because of a lack of a quorum.

8.3. **Council Bill 2026-02 An Ordinance Granting a Non-Exclusive Telecommunications Franchise to WANRack, LLC (West).**

City Manager West explained the proposed franchise agreement and invited the school district staff to answer questions. Superintendent, Dr. Jennifer Kubista, and technology director, Matthew Shirley, presented information about the project. This is a non-exclusive telecommunications franchise agreement with WANRack LLC to build a private fiber network for Central School District. The district's technology director explained that the project, funded by an E-Rate Category 1 grant (90%) and a state matching grant (5%), will provide a secure, reliable, dedicated network for students and staff.

Action:

1st Motion: Councilor Morton moved to read the proposed Ordinance, Council Bill 2026-02 in full as the text is contained in the Council packet for the first time.; Councilor Corr seconded. Discussion: Councilor Roden expressed disappointment that MINET, the district's existing provider, did not compete for the project. Councilor Morton has talked to MINET, and they are still involved in the project.

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

Recorder Russell read the title of the proposed ordinance. An Ordinance Granting a Non-Exclusive Telecommunications Franchise to WANRack, LLC

Action:

2nd Motion: Councilor Roden moved to read the proposed Ordinance, Council Bill 2026-02 for the second time by title only.; Councilor Boisvert seconded. Discussion: None

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

Recorder Russell read the title of the proposed ordinance. An Ordinance Granting a Non-Exclusive Telecommunications Franchise to WANRack, LLC

Action:

3rd Motion: Councilor/Council President Martin-Willis moved to adopt the proposed Ordinance, Council Bill 2026-02; Councilor Corr seconded.

Discussion: None

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

Russell announced the council bill passed and will be assigned to ordinance number 1631.

8.4. **Proposed Resolution 26-1644, Authorizing a Loan from the Special Public Works Fund (Irvine).**

Assistant City Manager Irvine presented information regarding a \$7.1 million Special Public Works Fund loan for the design of the new water treatment plant, replacing a previous \$7.5 million line of credit. The new loan has a significantly better interest rate of 2.91% versus 6.75% for the line of credit. This will result in a savings for city ratepayers. It also has a longer term of 7 years as opposed to the line of credit which was for 5 years. The city is not required to use the full loan, only what's needed to complete the project. Staff recommends approval of the resolution to move forward with the SPWF loan and replace the current line of credit. Councilors discussed that this does not affect the general fund and how much the projected savings would be.

Action:

Councilor Corr moved to approve Proposed Resolution 26-1644 authorizing borrowing up to \$7,100,000 for design of new water treatment plant.; Councilor Morton seconded. Discussion: None

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

8.5. **Appoint City Budget Officer, Adopt City Budget Calendar (Carey).**

Finance Director Carey explained the budget calendar and need to appoint the city's budget officer.

Action:

Councilor/Council President Martin-Willis moved to that Board appoint Amanda Carey, Finance Director as Budget Officer for the city's 2026-27 budget cycle and adopt the budget calendar as presented.; Councilor Boisvert seconded.

Discussion: None

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

8.6. **Proposed Resolution 26-1645, Authorizing a Budget Adjustment for PW (Carey).**

Finance Director Carey explained the need for a budget amendment to appropriate contingency funds for significant equipment repairs on the Vactor truck. Public Works Director Fisher explained what a Vactor truck is, and explained that repair costs are estimated at \$50,000 compared to replacement costs of \$800,000-\$850,000.

Action:

Councilor Morton moved to Council approve Resolution No. 26-1645 to amend the fiscal year 2025-26 Adopted Budget in accordance with the above-noted recommendations; Councilor Corr seconded. Discussion: Councilor Roden doesn't want to spend money, but supports fixing it now so as not to cause bigger issues down the road.

Roll call vote. Motion 6-0-0

Ayes: Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

Nays: None

Abstentions: None

8.7. **Transportation-Sewer-Water SDC and CIP Modification Recommendations (Fisher).**

Public Works Director Fisher presented information as submitted in the agenda packet regarding reductions to improvement system development charge (SDC) fees for transportation, water, and sewer. Fisher explained that some projects would be removed or delayed due to lack of funding or feasibility, while others, like the Chestnut Bridge project (\$4.5 million funded), would move forward. Councilor Rodin expressed concern about not reducing SDCs enough to help local builders, but also did not want to remove so many projects from the list. Staff was following up on a promise to council and the community to take another look at SDC's as grants came in, to reassess the rates.

Action:

Councilor Morton moved to modify the CIP as outlined in the Public Works Department memo dated 01/05/2026, as amended by City Council, and reduce improvement SDC's based on those modifications; Councilor/Council President Martin-Willis seconded. Discussion: Councilor Roden stated she would vote no because the SDC's aren't being lowered enough and too many projects are being cut.

Roll call vote. Motion 5-1-0

Ayes: Shannon Corr, Evan Sorce, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton

Nays: Dawn Roden

Abstentions: None

9. **Council Announcements.**

- Councilor Roden: Asked about the River Road Bridge 4 way stop. PW Director Fisher said work would start on Thursday with temporary signage and striping, weather permitting. Mentioned Steve Moser's passing and the contributions he made to the community.

- Councilor Morton: Steve Moser's service had a huge outpouring of support for his family from all the different organizations he has helped with over the years. Walk of Hearts from IDA, hearts will be going up soon. If you purchased a heart, you get to keep your heart this year. Love Local Scratch—it's back in downtown Independence in February. There are approximately 20 Independence business participants.
- Mayor Schwarzler: Youth Entrepreneurship camp is coming back in July in partnership with Ford Family Foundation.
- Councilor Sorce: Spoke on Steve Moser's impact on the community and encouraged council to stay centered on the community.
- Councilor Corr: Thanked the Friends of the Library for donating to the Moser family. Steve did so much in the community, including Meals on Wheels. It will take 10 people to fill his shoes.
- Councilor Boisvert: Reminded everyone about the coat drive his wife set up for the Ella Curran food bank. Donation boxes at City Hall, the EXP office and Grocery Outlet.

10. General Information. Items submitted here in the packet are for information only; no action was required by city council.

10.1. **Management Team Notes.**

10.2. **Miscellaneous Correspondence.** Any communications received after publication of the agenda packet, but before 3:00 pm the date of the meeting, will be provided to Council at the meeting and will become a part of the official record.

10.3. **Pending Agenda Calendar.**

11. Adjournment. Mayor Schwarzler adjourned the meeting at 8:18 PM to reconvene in 3 minutes for the URA meeting.

MAYOR KATE SCHWARZLER

ATTEST:

Myra Russell, City Recorder



City of Independence Minutes

City Council Meeting
Tuesday, January 27, 2026

1. **Call to Order.** Mayor Schwarzler called the meeting to order at 6:02 pm.

2. **Roll Call.** Mayor Schwarzler present.

Present: Councilor Evan Sorce
Councilor Dawn Roden
Councilor Bill Boisvert
Councilor/Council President Kathy Martin-Willis
Councilor Shannon Corr
Chair Corby Chappell
Commissioner Jose Oliveros
Commissioner John Southgate
Commissioner Alex Paraskevas
Commissioner Sally Coen

Absent: Councilor Marilyn Morton, Excused
Commissioner Becky Jay, Excused
Commissioner Patrick Fugeman, Excused

City Staff Present: Kenna West, City Manager
Myra Russell, City Recorder
Amanda Carey, Finance Director
Fred Evander, City Planner
Shawn Irvine, Assistant City Manager
Chelsea Gardner, Accountant II
Patrick Bodily, Library Director
Amy Christensen, Museum Director

3. **Work Sessions.**

3.1. **Joint Work Session: City Council and Planning Commission, Infill Standards (Evander/Irvine).**

Both City Councilors and Planning Commission members were present for this work session. Introduction of the project by Planner Evander. The work session focused on the "More Housing, Same Great Neighborhood" project, which aims to implement recommendations from the housing production strategy. Consultants Matt and Emmaquin presented a draft of proposed code changes, including expanding housing types, reducing minimum lot sizes, and improving design standards. Discussion of proposed changes to lot size requirements and housing density regulations, including reducing minimum lot sizes from 5,000 to 4,800 square feet for single-family homes and duplexes,

while allowing for more flexible housing options through smaller lot divisions of 2,400 square feet. They emphasized that while these changes would enable more housing units, they would not require developers to build additional units, just to create flexibility. Evander explained that these changes align with the city's housing production strategy and aim to reduce arbitrary use distinctions that prevent housing development. The Planning Commission will review the draft at their next meeting, and staff have already provided feedback on the proposal. The discussion emphasized the need for clear and objective standards in the development code, as required by state law. The planning commission vacated tables when this part of the work session ended.

3.2. **Work Session: Community Services & Parks Sustainability Committee Update (Chair Seiler).**

Chair Seiler of the Community Services and Parks Sustainability Committee came to the table along with the other committee member; Nathan Christensen, Bradley Karkanen, Vickie McCubbin and Jasper Smith. Chair Seiler reported on the work the committee has done over the past six weeks in exploring options to help sustain community services and parks during the next budget cycle. The committee reviewed two primary short-term funding mechanisms: a levy and a utility-based fee, but concluded that a levy is better suited for long-term service enhancement rather than short-term stabilization. The committee determined that a \$29.65 monthly fee, (this includes a \$10 public safety fee), should be implemented starting fiscal year 2026-2027, with fees set no lower than the current service level. They concluded that further service cuts were not feasible. They also recommended indexing the fee using the Consumer Price Index for the West Region, along with clear transparency on utility bills about fee purposes and allocations. The group further discussed the proposed \$19.65 fee to maintain library, museum and park services, which in some cases would be less than the levy previously considered. City officials expressed concerns about the fee's acceptance by the community, given their previous rejection of the levy, and emphasized that the fee would not address underlying budget issues. They also expressed concerns about the fee's impact on residents, particularly those with limited financial means. The committee agreed to bring the proposal to the full Budget Committee for further public discussion, input, and additional consideration of the fee in the context of the overall budget. The CS&PS Committee vacated tables when this part of the work session ended.

Short recess from 7:29 PM to 7:36 PM.

3.3. **Work Session: Fee Schedule Update (Carey).**

Finance Director Carey and Accountant Gardner presented information on the city's fee schedule. FD Carey incorporated requests from council following the previous meeting on updating fees. FD Carey and her team provided the original documents from the last meeting plus new notes based on feedback from councilors. The group discussed potentially consolidating various business fees, including business licenses and registrations, to streamline administration and eliminate discrepancies. The group also discussed the inclusion of home-based businesses in the fee structure, with some members questioning the necessity and cost-effectiveness of the \$100 annual fee. Staff

received direction to align business registration with those registered through the Secretary of State's office, aiming to capture larger, more formal businesses while excluding small, informal operations like garage sales or hobbyist sales. Also discussed were fees for conference room rentals at City Hall and the library, a notary fee and dog licensing fees lowered to match what the county charges. Other fee opportunities were discussed, such as a trolley tour fee, and the possibility of creating a municipal RV park. Staff will look into these other ideas. FD Carey will bring back an updated fee schedule to the next council meeting, plus the related ordinances to change those fees.

3.4. **Work Session: MIRL (Irvine).**

Assistant City Manager Irvine spoke again about a Modern Income Revolving Loan fund (MIRL). This is a state loan program for affordable housing, which would provide grants to developers for building homes at 120% of the area median income or less. The City gets a loan from the state and passes it on as a grant to the contractor so they can build affordable housing for purchase or rent. A fee in lieu of taxes pays the loan back to the city. This would require an ordinance or resolution to create the program. Each project would come to the council for approval. A contractor is looking to build 40–50 1,400 square feet, 3-bed, 2-bath homes that could sell for \$350,000. Council agreed that staff should further investigate the program, with a preference for purchase over rental models and a focus on quality development.

4. **Adjournment.**

- Councilor Roden questioned notification about Pacific Power, power outage. CM West said Pacific Power has notified residents who will be affected, but the city has no control over it.
- Councilor Roden asked about a Facebook rumor that there is an AI data center being built in Independence. CM West said that it's Independence, Kansas, not Oregon.
- Councilor Sorce asked about water meter replacements. If there are any issues with the setup due to subcontractor work, residents can call City Hall to assess the situation.

Meeting adjourned at 9:03 PM

MAYOR KATE SCHWARZLER

ATTEST:

Myra Russell, City Recorder



CITY OF INDEPENDENCE

MEMORANDUM

TO: Mayor and City Council
FROM: Planning Manager Fred Evander
MEETING DATE: February 10, 2026
SUBJECT: Council Bill #2025-08, Amending the
Standards for Mobile Vending Units in
the Independence Municipal Code and
Development Code

☐ Information Only

☒ Action Requested

Statement of Issue: At the meeting of February 10, 2026, the City Council is being asked to hold a second reading of its proposed amendments to the Independence Municipal Code and Development Code related to revisions to the Independence mobile vending standards.

Background / Discussion:

What is the Problem? In recent years, Independence has seen more mobile vendors and food trucks. To operate, each vendor must apply for a permit and work with a property owner to construct the necessary improvements—like installing pipes to connect to the wastewater treatment system. This process is complex and places the full burden of compliance on the vendor, even though the vendor operates on the site only temporarily. At the same time, it excludes the property owner, who is directly affected and stands to benefit from the arrangement.

This current vendor-focused, piecemeal approach does not create mobile vending/food truck locations that function well as a whole.

What is the Proposal? The proposed approach would permit a mobile vending location first, working with the property owner, to install the needed improvements like water and wastewater. Once a site was ready, vendors could then apply for a simpler permit to operate at the location, making it easier for food trucks to set up and leave without having to repeat the full approval process each time.

The changes would:

- Involve property owners from the start.
- Better plan and build sites for multiple vendors.
- Make it easier for vendors to operate from approved locations.

The proposed approach would encourage more comprehensive development of mobile vending sites and ensure that regulatory requirements reflect the City's experience and lessons learned from several years of permitting mobile vending and food truck uses.

The public hearing from the City Council meeting on November 25, 2025 was continued to January 13, 2026. A first reading of the ordinance occurred at the meeting of January 13, 2026.

Fiscal Impact: None.

Options:

- A. Make a motion to approve CB #2025-08 as submitted.
- B. Take no action.

Recommendation/Suggested Motion:

Staff recommends approval of Option A.

2nd MOTION: "I move to read the proposed Ordinance, Council Bill #2025-08 for the second time by title only."

Should the motion pass, a third motion would be in order:

3rd MOTION: "I move to adopt the proposed Ordinance, Council Bill #2025-08."

Attachments:

- A. Council Bill #2025-08, with Exhibits.

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
IN THE COUNTY OF POLK, STATE OF OREGON**

An Ordinance Amending the Standards for Mobile)
Vending Units in the Independence Municipal)
Code and Development Code)

Council Bill #2025-08

ORDINANCE NO. 1628

WHEREAS, the City of Independence requires a mobile vending permit for any food truck or mobile vending device that locates in the City; and

WHEREAS, the current standards for mobile vending permits apply to each vendor individually and do not effectively include property owners in the process or consider sites as a whole; and

WHEREAS, the City of Independence desires to improve the existing requirements to promote the more holistic development of mobile vending sites and better reflect the learning that the City has gained from permitting mobile vending/food truck uses over the past several years; and

WHEREAS, the Independence Planning Commission ("Commission") studied the possibility of changing the mobile vending standards in the Independence Municipal Code and Development Code at their meeting on July 7, 2025, and agreed to consider the proposal further as part of a formal code amendment process; and

WHEREAS, the City of Independence set a date for a public hearing on September 8, and posted notice of the proposed change and hearing on the Department of Land Conservation and Development website on July 14, 2025, and in the Polk County Itemizer-Observer on August 20, 2025; and

WHEREAS, the Independence Planning Commission conducted a properly noticed public hearing to consider the changes at their meeting on September 8 and continued the hearing on October 6, at which time interested parties and the general public had an opportunity to be heard; and

WHEREAS, after the hearing on October 6, the Commission recommended that the City Council amend the standards for mobile vending in the Independence Municipal Code and Development Code; and

WHEREAS, the Independence City Council conducted a properly noticed public hearing about the proposed changes at their meeting on November 25, 2025 and continued the hearing at their meeting of January 13, 2026, during which time the Council reviewed the record and recommendations of the Planning Commission and heard from interested parties, and the general public about the proposal; and

WHEREAS, the Council finds that the proposed amendments comply with applicable provisions of the Statewide Planning Goals, the City of Independence Comprehensive Plan, and

the Independence Development Code, as shown in the findings contained in the Staff Report, attached as Exhibit A.

NOW, THEREFORE, THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Independence Development Code, Subchapter 84, Mobile Vending Locations, is hereby added to the Independence Development Code as provided in Exhibit B.

Section 2. Independence Municipal Code, Chapter 8, Article XI, Mobile Vending Locations, is hereby amended and restated in its entirety as provided in Exhibit C.

Section 3. Findings. The City of Independence hereby adopts the above recitals and findings contained within the Staff Report, attached hereto as Exhibit A and incorporated herein by this reference, in support of the proposed amendments.

Section 4. Effective Date. This ordinance shall become effective thirty (30) days after final passage and its signature by the Mayor.

First Reading to the Council this ____ day of _____, 2026.

Second Reading to the Council this ____ day of _____, 2026.

Adopted this day of ____ day of _____, 2026.

Signed by the Mayor this ____ day of _____, 2026.

KATE SCHWARZLER, MAYOR

ATTEST:

Myra Russell, City Recorder



INDEPENDENCE

Oregon's Story Begins Here

PUBLIC HEARING REVISIONS TO MOBILE VENDING STANDARDS (FILE NO. LA | 2025-05) STAFF REPORT

MEETING DATE:	November 25, 2025
FILE NUMBER:	LA 2025-05
RE:	REVISIONS TO MOBILE VENDING STANDARDS
CRITERIA:	Oregon State Planning Goals Independence Comprehensive Plan Independence Development Code (IDC) -Subchapter 10: General Provisions -Subchapter 11: Administrative Provisions
CONTENTS:	I. Summary II. What is the Problem? III. What is the Proposal? IV. What We have Heard V. Staff Findings – Oregon State Planning and Independence Comprehensive Plan Goals VI. Staff Findings – Independence Development Code
ATTACHMENTS:	A. IDC Subchapter 84: Mobile Vending Locations (5 pages) B. IMC Chapter 8: Article 11. Mobile Vending Devices (10 pages) C. Comment from Chase, August 27, 2025 (2 pages)

I. SUMMARY

At the meeting of November 25, 2025, the Independence City Council will hold a public hearing on revisions to the Independence mobile vending standards.¹

II. WHAT IS THE PROBLEM?

In recent years, Independence has seen more mobile vendors and food trucks. To operate, each vendor must apply for a permit and work with a property owner to make necessary improvements—like installing pipes to connect to the wastewater treatment system. This process is complicated and puts all the responsibility on the vendor, even though they will only be located on a site temporarily. It also leaves out the property owner, who is directly affected and will benefit from the setup.

¹ This report uses the term mobile vending devices to refer to food trucks as well as other portable devices that may be used to sell merchandise.

The problem is more obvious when multiple vendors use the same site. Under the current code, each vendor applies for a separate permit, and the city does not consider the property as a whole. Issues like wastewater, trash collection, and parking, which are better handled together at the site level, are reviewed separately for each vendor.

This current vendor-focused, piecemeal approach does not create mobile vending/food truck locations that function well as a whole.

III. WHAT IS THE PROPOSAL?

Rather than permitting each vendor separately, the proposed approach would permit the site first, working with the property owner to install needed improvements like water and wastewater. Once the site was ready, vendors could then apply for a simpler permit to operate at the location, making it easier for food trucks to set up and leave without repeating the whole process.²

The changes would:

- Involve property owners from the start.
- Better plan and build sites for multiple vendors.
- Make it easier for vendors to operate from approved locations.

In addition to these changes, the revisions would enhance the existing mobile vending standards (based on lessons learned over several years of permitting mobile vending devices) and:

- Establish two separate types of locations that are available for mobile vending units – mobile vending pads and mobile vending pods – to better reflect the types of locations where mobile vending occurs (see definitions in IDC 84.030).
- Define the improvements, such as restroom facilities, and wastewater and water connections, that are necessary to accommodate mobile vending at specific locations (see draft standards in IDC 84.040).
- Establish improved standards for lighting, signage and spacing (see provisions IDC 84.040(I), (J) and (K)).

The proposed approach would engage the property owner to install necessary site improvements, encourage the more comprehensive development of mobile vending sites and ensure that the standards reflect the learning that the City has gained from permitting mobile vending/food truck uses.

IV. WHAT WE HAVE HEARD

To provide notice of the proposed change, the City sent direct mailings to each of the properties that have mobile vending units/food trucks and posted details about the change online.³ Additionally, staff included information about the public hearings in the City of Independence newsletter and on the City's Facebook page.

To date, the City has received one comment about the proposal (see Attachment C). This comment raised concerns about the impact of food trucks on brick-and-mortar restaurants and suggested a limitation on the number of food trucks that are allowed in Independence. The Planning Commission considered this comment and weighed a potential limitation on the number of units downtown. The language considered by the Commission read:

Limitations on the Number of Licenses Issued for Mobile Food Units in Downtown Overlay Zone. The City shall issue no more than 8 licenses for mobile food units to be located within the Downtown Overlay Zone

² Please see IDC Subchapter 84 (Attachment A) to see the standards for locations, and IMC Chapter 8 (Attachment B) for the standards for individual mobile vending devices

³ The City of Independence did not send notice to individual mobile vendors that are currently in operation in the City, as the requirements to continue their operation would remain the same under these code changes. Requirements that apply to current mobile vending operations include the need to annually renew their approval.

Following significant discussion about the language, the Commission felt that they were not suited to set a limit on the number of mobile vendors and recommended that the City Council weigh the item. The existing draft does not contain any limitation on the number of units, but staff could easily reinsert the suggested language.

The comment also raised concerns about the impacts of food trucks on available parking and the appearance of downtown. These comments are addressed in part below.

V. STAFF FINDINGS - OREGON STATE PLANNING AND INDEPENDENCE COMPREHENSIVE PLAN GOALS

Updates to the Independence Development Code are required to meet the Oregon State Planning Goals. Among these goals include provisions related to Citizen Involvement (Goal 1), Land Use Planning (Goal 2), Economic Development (Goal 9), Transportation (Goal 12), and Urbanization (Goal 14). Combined these goals seek to “accommodate urban population and urban employment inside urban growth boundaries” and “ensure efficient use of land” (see Goal 14), while assuring that citizens are involved in the planning process and considerations related to future transportation and economic development are made.

The Oregon State Planning Goals are implemented in part in Independence through the goals, policies and standards of the Independence Comprehensive Plan and the Independence Development Code.

The proposed mobile vending standards have been drafted based on this planning framework. Key findings related to the proposed changes are addressed below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” This goal is implemented by the Citizen Involvement Element of the Comprehensive Plan, as well as Subchapter 11 of the Independence Development Code.

To provide notice of the proposed changes, the City posted notice on its website, in its bi-weekly newsletter, on its Facebook page, and posted/mailed notice to:

- Every property that has a mobile vending use.
- The State Department of Land Conservation and Development “PAPA” website.
- The Polk County Itemizer-Observer.

The proposed changes were also discussed by the Independence Planning Commission in a work session on July 7, 2025, and heard at public hearings before the Independence Planning Commission on September 8 and October 6 (both of which were streamed live and posted to YouTube). The Independence City Council will additionally hold a public hearing on the proposal on November 25th.

Given the number of hearings and methods of notice provided, individuals have had and will have several opportunities to learn about the proposed code change and to be involved in the process. This goal will be achieved.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals looks “to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” This goal is implemented by the Land Use Element of the Independence Comprehensive Plan, which seeks “to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs,” as well as the Independence Development Code.

The draft mobile vending standards support this framework by seeking to modify the standards for mobile vending devices to best suit the character of Independence.

The amendments look to:

- Better engage with landowners as they develop mobile vending pads and pods.

- Encourage better designed locations for mobile vendors/food trucks in Independence.
- Streamline the mobile vendor/food truck review process for food truck operators that look to operate on an approved site.

The amendments also address problems that have arisen under the current code over the past few years. This goal has been met.

Goal 9: Economic Development. Goal 9 of the Oregon State Planning Goals looks “to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” This goal is implemented in part by the City of Independence Comprehensive Plan Economic Development Element and its vision “to provide for and maintain a viable and diverse economy while preserving the present sense of community and high level of environmental quality.”

The draft mobile vending standards support these goals. Current rules make it possible for people to start a small business on a trial basis, before investing in a permanent location. The proposed revisions take this encouragement of small business one step further by encouraging improved design for food truck areas—such as requiring mobile vending pods to connect to city water and sewer—and simplifying the permit process for new vendors (once a mobile vending location has been established).

As noted in the public comment received for this proposal (see Attachment C), food truck operations often operate with lower overhead than brick-and-mortar restaurants and compete with the businesses. However, the best way to address this concern is complicated. Some food trucks, especially those offering unique food options, don’t directly compete with existing businesses — they provide something new. Similarly, while food trucks may have a smaller overhead, they also lack many of the benefits associated with a permanent restaurant, such as the ability to host events, offer indoor seating, and serve alcohol. These advantages at least in part help explain the higher costs associated with a fixed restaurant. The City Council should weigh these items, among others, in evaluating how best to regulate the number of mobile vendors/food trucks in Independence.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” This goal is implemented in part by the Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including the Wastewater System Plan and Water Master Plan).

The proposed changes to the mobile vending standards support Oregon State Planning Goal 11 and adopted city facility goals and plans. The standards clarify how water and wastewater treatment may be provided for mobile vending operations including:

- Requiring a connection to the public water/sewer system when more than one mobile vending device is located on a site.
- Allowing a self-contained water and wastewater system when a site allows a single mobile vendor (see IDC 84.040(D)).

Additionally, the standards clarify the expectations for a bathroom, requiring:

- Permanent restroom facilities for employees when multiple vendors are located on a site.
- A permanent restroom for employees within 300 feet of the activity when a single mobile vending device is sought (see IDC 84.040(L)).

Goal 12: Transportation. Goal 12 of the Oregon State Planning Goals seeks “to provide and encourage a safe, convenient and economic transportation system.” No increase in the number of mobile vending units that are allowed in the community (and hence no increase in the anticipated amount of traffic) will occur because of the proposed changes to the standards.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban

growth boundaries, to ensure efficient use of land, and to provide for livable communities.” This goal is implemented through the Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, and the Independence Development Code.

The proposed amendments to the mobile vending standards help achieve these goals. The city currently allows mobile vendors/food trucks, and the amendments would:

- Continue to offer the opportunity to start a small business, while simplifying the opportunity for an entrepreneur to locate on an approved site.
- Promote the efficient use of land, better using vacant or underutilized parcels.
- Encourage a high degree of livability, offering of a variety of mobile vending/food options at well-designed sites.

All told, the changes to the mobile vending standards help to promote the overall livability of Independence. Mobile vending locations are often sited in areas that are not otherwise used for either activity or economic benefit, and the units promote added vitality. Additionally, successful food truck businesses regularly move into brick-and-mortar buildings – helping to further enhance community quality of life. While mobile vendors/food trucks offer competition to existing businesses, the activation of underutilized spaces and creation of more business options generally encourages community livability.

Given these items, Goal 14 will be achieved.

Based on these considerations, the proposed changes effectively balance considerations about land use, economic development, public facilities, and transportation. While the City Council may elect to make further revisions to the code, the proposed code change generally achieves the Oregon State Planning Goals.

VII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

Beyond the Oregon State Planning and Independence Comprehensive Plan goals, the proposed changes are required to conform with the standards of the Independence Development Code.

Subchapter 10: General Provisions

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10.040 Amendment of Development Code

Any amendment of the text of this development code shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding the proposed amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning Commission's action on the proposed amendment. Notice shall also be provided to state land use agencies in accordance with statutory requirements. This is a Type IV action – See 11.002 (D).

Staff Response: The Independence Planning Commission held a public hearing on the changes on September 8 and October 6. Following the hearing, the Commission discussed whether they wanted to make any changes and offered a recommendation to the Independence City Council.

The City Council will consider the proposed changes at a public hearing on November 25. At the meeting, the Council will be given a draft of an ordinance to potentially adopt the changes. Given this process, this standard will be met.

...

Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

...

D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 11.025 and 11.030 list the notice and hearing requirements.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

Staff Response: Staff has reviewed the amendment as a Type IV – Legislative Review, which was originally initiated by staff and the Independence Planning Commission. This standard has been met.

11.015 General Provisions

In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

...

Staff Response: Staff has taken appropriate steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the revisions, and keeping a file for the proposal. This standard has been achieved.

11.025 Notice of Public Hearings

...

B. Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development in conformance with DLCD rules prior to the first evidentiary hearing by the City for any legislative action.

Staff Response: Staff sent notice of the changes to the Oregon Department of Land Conservation and Development on July 14, 2025, and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the public hearings in the Polk County Itemizer-Observer on August 20 and November 12, 2025. This standard has been met.

SUBCHAPTER 84: MOBILE VENDING LOCATIONS

Please Note: This new subchapter would regulate the approval of locations for mobile vending devices. Many of the standards previously existed in IMC Section 8. The related standards for mobile vending devices would remain in IMC Section 8.

84.010 Purpose.

The purpose of this subchapter is to regulate the locations of mobile vending devices and mobile food units.

84.020 Applicability.

This subchapter does not apply to:

- A. Lemonade stands and other similar limited sales by minors.
- B. Garage sales.
- C. Car wash fundraisers.
- D. Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- E. Mobile vendors conducting business at a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- F. The sale of raw agricultural products or commodities marketed for human consumption, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

84.030 Definitions.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this subchapter, except where the context clearly indicates a different meaning:

“Conduct business” means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

“Mobile food unit” is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

“Mobile vending device” includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code. Mobile vending devices include mobile food units, as well as mobile devices that sell items other than food.

“Mobile vending location” is a location approved by the City to conduct mobile vending. A mobile vending location may be either a mobile vending pad or a mobile vending pod.

“Mobile vending pad” means a location that allows one mobile vendor and their associated amenities.

“Mobile vending pod” means a location that allows two or more mobile vendors and their associated amenities under common management on one property.

“Mobile vendor” is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

“Pushcart” means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

“Sidewalk” means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

84.040 Standards

Mobile vending locations shall be processed using the Site Design Review requirements in Subchapter 80. The following standards shall be used by the City Manager or designee to process the permits:

- A. Allowed zones. Mobile vending locations are allowed in all zones except the Low Density Residential (RS), Medium Density Residential (RM), High Density Residential (RH), and Mixed Density Residential (MX) zones.
- B. General location requirements. Mobile vending locations are only allowed in paved parking lots or other hard surface areas.
- C. Use of public right-of-way or city property:
 - 1. Mobile vending pads are not allowed within a public right-of-way or on other city property, unless:
 - a. The applicant demonstrates that the use will not have a negative impact to pedestrian or vehicular travel and
 - b. The city agrees to the use of the location prior to the submittal of the application.
 - 2. Mobile vending pods are not allowed within a public right-of-way or on city-owned property, unless the city initiates the application.
- D. Clear travel ways. Mobile vending locations, including all vehicles, devices and items associated with the operation, shall not obstruct travel lanes, driveways, drive aisles of any off-street parking area, or pedestrian pathways. The City Manager may consider adopted, non-discretionary city standards, including but not limited to the standards set forth in the Independence Development Code and the City Public Works Standards to ensure this standard is met.
- E. Sufficient parking. Mobile vending locations shall only be allowed in areas that have adequate parking for the use and any other activities on the site. The number of spaces needed for mobile vending locations shall be determined using the Table in Section 73.010, and be calculated based on the amount of seating area that is available for restaurant uses and the amount of display area that is available for retail

- and service uses. If the location fails to maintain adequate parking at any point during the life of the use, the city may revoke the permit pursuant to Section 84.040(O).
- F. Disposal of waste. Locations approved for mobile vending shall maintain clean environs, pick up any litter that is deposited by any person on the subject property and dispose of the waste generated by mobile vending activities.
- G. Utilities.
1. Mobile Vending Pads. A mobile vending pad that is intended to accommodate a mobile food unit may connect to City services or utilize self-contained water and graywater tanks. When an applicant seeks to rely on a tank to store graywater, the mobile vendor that utilizes the site shall ensure that the unit is regularly pumped.
 2. Mobile Vending Pods.
 - a. Water and Sewer Service. Connection to the City water and sewer systems are required for all mobile vendor pods. Applicable City Public Works Design Standards and/or the Oregon Plumbing Specialty Code standards shall be met.
 - b. Stormwater. Stormwater treatment, when required, shall be consistent with the Independence Public Design Standards.
- H. System development charges. Applicable System Development Charges shall be paid prior to the issuance of any development permits in accordance with the Independence Municipal Code, Chapter 34, Article VII, Utility System Development Charges.
- I. Lighting. Site lighting proposed for a mobile vending location shall be shielded and directed downward and shall not spill onto adjacent properties.
- J. Signage.
1. Mobile Vending Pads. Signs for a mobile vending pad shall be limited to what may be displayed on the mobile vending unit and a sign that meets the standards for sandwich board or temporary signs in Independence Development Code Section 58.040(N). No feather flags or other signs prohibited in IDC 58.150 are allowed.
 2. Mobile Vending Pods. Signs for a mobile vending pod (and any other use on a subject site) shall meet the size standard in Subchapter 58.190(A). Individual mobile vending devices may be allowed to have additional signage on the mobile vending device and to have a sandwich board or temporary sign so long as the sign is located entirely on the site associated with the mobile vending pod. No feather flags or other signs prohibited in IDC 58.150 are allowed.
- K. Drive through not allowed. No location proposed for mobile vending shall operate as a drive-through facility, as defined in the Independence Development Code, Subchapter 13.
- L. Spacing requirements. All mobile vending units shall meet the setbacks for the underlying zone and allow five feet of separation between each unit. Potentially flammable and/or explosive items shall additionally meet the setbacks required in the Oregon Fire Code.

M. Restroom Facilities.

1. A mobile vending pad shall be located within a 300-foot walking distance of an available permanent restroom for employees during all anticipated hours of operation. For any property that is not under the control of the applicant, a signed agreement that allows the use of the restroom shall be provided as part of the application.

2. A mobile vending pod shall have a permanent restroom that is available for employees during all anticipated hours of operation. The restroom shall be located on the same site as the mobile vending pod and be within 300 feet of every mobile vending space.

N. Conditions of Approval. A mobile vending location shall comply with applicable conditions of approval for previous land use decisions for the subject property.

O. Violation. The property owner and any representative of the property owner shall be jointly and severally responsible for any violation of this Subchapter or other applicable Subchapters of the Independence Development Code. Any such violation may result in the immediate revocation of a mobile vending location approval granted under this Subchapter and/or any mobile vending device license issued under Independence Municipal Code Chapter 8, Article XI and may result in the denial of any future mobile vending license for the site upon which the violation occurred.

84.050 Application

A. No person may establish a new location for mobile vending without first submitting an application and obtaining a permit under this Subchapter 84 from the City Manager or his or her designee.

B. Each application shall be accompanied by a nonrefundable fee, as established by Council resolution.

C. Applications shall be made in a form approved by the City Manager.

D. The application shall include, but not be limited to, the following information:

1. The name and address of the property owner. For the purposes of this code, the property owner will be considered the applicant for the project.

2. A site plan that shows the following information:

a. The anticipated types of mobile vending devices that will occupy the location.

b. The proposed location of the mobile vending devices, and the distance to the property lines and nearby sidewalks, driveways or structures.

b. The location of the hard-surface area where mobile vending devices will be located.

c. The location of any power service to a mobile vending space.

d. The location of proposed garbage and recycling receptacles, restrooms, chairs, tables and other site features.

e. The location of the public water, sanitary sewer and storm drainage lines (if applicable). If the applicant proposes a mobile vending pad, served with self-

contained water and/or graywater tanks, the applicant should specify the plan anticipated for the disposal of wastewater and gray water.

- f. The location of any proposed lighting.
 - g. A traffic plan, showing the in/out flow of cars; and the parking for customers and employees.
- E. Mobile vending devices may operate on city-owned property subject to a site-specific lease or license, with the city approving the use and location, which is conspicuously displayed on-site.

84.060 Form and conditions of permit

- A. The City Manager shall grant a Site Design Review permit for a mobile vending location if the City Manager or designee finds that the mobile vending location meets the standards set in Sections 84.040 (Standards) and 84.050 (Application), can comply with all applicable City Code provisions, and will not detract from the health, safety, and general welfare of the city.
- B. Site Design Review approvals issued under this subchapter shall be in a form prescribed by the City Manager and contain the following conditions:
 - 1. The approved mobile vending location shall be valid only when used in conformance with the Site Design Review approval.
 - 2. The Site Design Review approval shall be subject to the conditions and restrictions of this subchapter.
- C. Under an approved permit, no mobile vending location shall:
 - 1. Operate in a manner which creates a danger to persons or property.
 - 2. Deliberately hinder or impede pedestrian or vehicular traffic.
 - 3. Obstruct the clear vision of the driver of any vehicle.
 - 4. Operate in a manner which will hinder emergency or utility services.
 - 5. Operate in violation of any of the city's land use regulations or municipal codes.

MOBILE VENDING DEVICES

Please Note: These standards would regulate mobile vending devices that are proposed for approved locations. Approved mobile vending locations would be established per the related requirements in the proposed Subchapter 84.

Sec. 8-416. Purpose.

~~The purpose of this section is to regulate mobile vending, mobile vending devices and mobile food units. The purpose of this subchapter is to regulate the operation of mobile vending devices and mobile food units at approved mobile vending locations.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Sec. 8-417. Applicability.

This section shall not apply to:

- (a) Lemonade stands and other similar limited sales by minors.
- (b) Garage sales.
- (c) Car wash fundraisers.
- (d) Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- (e) Mobile vendors conducting business at a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- (f) The sale of raw agricultural products or commodities marketed for human consumption~~consumables~~, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Sec. 8-418. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conduct business means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

Mobile food unit is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

Mobile vending device includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code.

Mobile vendor is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

Pushcart means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

Sidewalk means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Sec. 8-419. ~~Standards. Mobile Vending License for Approved Mobile Vending Locations~~

~~(a) The following standards shall be used by the City Manager, per section 8-422, to process mobile vendor permits:~~

~~(a) — Allowed zones. Mobile vendors may operate in all zones except the RS, RM, RH, and MX zones.~~

~~(b) — General location requirements. Mobile vendors may only operate in paved parking lots or other hard surface areas.~~

~~(c) — Use of public right-of-way. Mobile vendors may not operate or locate within a public right-of-way, unless the applicant demonstrates that the use will not have an impact to pedestrian or vehicular travel and the city approves such use by permit.~~

~~(d) — Use of city property. Mobile vendors may operate on city-owned property, if the location is approved as part of the permit.~~

~~(e) — Clear travel ways. Mobile vendors, including all vehicles, devices and items associated with the operation, shall not obstruct pedestrian pathways, driveways or drive aisles of any off-street parking area and shall not be located anywhere except the specific location designated in an approved permit. The City Manager may consider adopted, non-discretionary city standards, including but not limited to city vision clearance standards set in Independence Development Code Section 75.050 and City Public Works Standards, to determine appropriate locations.~~

~~(f) — Sufficient parking. Mobile vendors shall only be allowed in locations that have adequate parking to accommodate the use, and any existing uses on the site. Mobile vendors permitted under this article must maintain adequate parking (per Independence Development Code Subchapter 73) at their locations at all times. A determination of the needed spaces shall be based on the amount of seating area that is available for restaurant uses, and the amount of display area that is available for retail and service uses, plus one parking space. If a mobile vendor fails to maintain adequate parking, the city may revoke his or her mobile vending permit pursuant to section 8-423.~~

~~(g) — Disposal of waste. Mobile vendors shall account for the waste generated by the proposed use, including solid waste and wastewater. Receipts proving continued wastewater and solid waste disposal service may be requested by the city at any time during the permit term.~~

~~(h) — Clean environs. Mobile vendors shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within 20 feet of the mobile vendor when conducting business.~~

~~(i) — Site-obscuring materials. All mobile food units or mobile vending devices parked in an approved location for more than seven days shall provide sight-obscuring materials for all conduit, tanks and storage areas visible to the public and skirting along the perimeter of the mobile food unit or vending device. Sight-obscuring materials include screening, fencing or temporary landscaping and must comply with all applicable city ordinances and codes.~~

~~(j) —Transportable. Mobile vending devices and mobile food units shall remain movable at all times and maintain vehicle licensing for travel upon the road if applicable.~~

~~(k) —Signage. Signs for a mobile vendor, other than on the mobile vending device itself, shall meet the standards for sandwich board or temporary signs set in Independence Development Code Section 58.040(N).~~

~~(l) —Drive through not allowed. A mobile vendor shall not operate as a drive through facility, as defined in the Independence Development Code.~~

~~(m) —Consistent with health standards. All mobile food units shall conform to all applicable State and County health codes.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Applicants for a mobile vending license shall apply on the forms prescribed by the City of Independence and meet the standards listed below.

(b) A mobile vending license is valid for one year from issuance, at which time the City will reinspect the mobile vending device. The City may extend the permit annually so long as the mobile vending device continues to operate in accordance with the original permit and the standards in this Section.

Sec. 8-420. Application.

~~(a) (a) —No person may conduct any mobile vending business (including the operation of a mobile food unit) in the city without first submitting an application and obtaining a permit from the City Manager or his or her designee.~~

~~(b) —Each application shall be accompanied by a nonrefundable fee, as established by Council resolution.~~

~~(c) —Applications shall be made in a form approved by the City Manager. A separate application shall be required for each mobile vending business.~~

~~(d) —The application shall include, but not be limited to, the following information:~~

~~(1) —The name and address of applicant.~~

~~(2) —A description of the type of merchandise to be sold.~~

~~(3) — A valid copy of all necessary permits required by state or local health authorities.~~

~~(4) — A site plan that shows the following information:~~

~~a. — The proposed location of the mobile vendor, and the distance to nearby sidewalks, driveways or structures.~~

~~b. — The location of the hard-surface area where a mobile vending device will be located.~~

~~c. — The location of any power service to the unit.~~

~~d. — The location of proposed garbage receptacles, chairs or other temporary furniture.~~

~~e. — The location of any utilities that will serve the unit.~~

~~f. — A traffic plan, showing the in/out flow of cars; and the parking for customers and employees.~~

~~(5) — A project narrative that includes:~~

~~a. — The means used to conduct the business including, but not limited to, a photo and description of any mobile vending device or mobile food unit to be used for the transport or display of merchandise.~~

~~b. — The proposed hours of operation for the use.~~

~~c. — An explanation of how employees will use the restroom during the hours of operation and proximity of the restrooms to the location of the mobile vending unit.~~

~~d. — A disposal plan or contract for wastewater and gray water.~~

~~(6) — Written consent from the property owners where the use will be located, if not the applicant. Mobile vending devices may operate on city-owned property provided that the city grant the vendor a site-specific permit, which shall be conspicuously displayed on-site.~~

~~(7) — If the mobile vendor will be located on city property or right-of-way, a signed statement that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers, agents and employees for any claims for damage to property or injury to persons occasioned by any activity carried on under~~

~~the terms of the permit. Permittee shall furnish and maintain public liability, food products liability and property damage insurance to protect the permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connections with it. The insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury for each person, \$2,000,000.00 for each occurrence and not less than \$500,000.00 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the mobile vending activity without 30 days written notice to the City Manager.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

To apply for a mobile vending license, the applicant shall submit:

1. A description of the type of merchandise to be sold.
2. A project narrative that includes:
 - a. The means used to conduct the business, including but not limited to a photo and description of any mobile vending device to be used for the transport and/or display of merchandise.
 - b. The proposed hours of operation of the use.
 - c. Any flammable materials proposed for the activity, and the location the materials are proposed to be stored.
 - d. The disposal plan or contract for wastewater and gray water.
 - e. If applicable, the specifications for any generator or any other mechanical device proposed to be used.
 - f. If applicable, details associated with any lighting proposed for the activity.
 - g. Identification of the proposed device site which has received City approval as a mobile vending location.
3. Written consent from the property owners of the proposed device site, if the applicant is not the property owner.

(b) Prior to operation of the use, the applicant additionally shall submit a valid copy of all necessary permits required by state or local health authorities.

Sec. 8-421. Form and conditions of permit. Standards applicable to Mobile Vending Devices

(a) — ~~The City Manager shall grant a mobile vendor permit if:~~

(1) — ~~The City Manager or his/her designee finds that the mobile vendor meets the standards set in 8-420 and will not detract from the health, safety, general welfare of the city.~~

(2) — ~~The Fire Marshall certifies that a cooking or heating apparatus is in conformance with the provisions of the Oregon Fire Code and that all other health and life safety requirements have been satisfied.~~

(b) — ~~Permits issued under this section shall be in a form prescribed by the City Manager and contain the following conditions:~~

(1) — ~~Each permit shall be issued for a one-year period.~~

(2) — ~~The permit issued shall be personal only and shall not be transferable in any manner.~~

(3) — ~~The permit shall be valid only when used at the location designated on the permit.~~

(4) — ~~The permit shall be subject to the conditions and restrictions of this article.~~

(5) — ~~The permit as it applies to a given location may be suspended by the City Manager for a period up to ten days when Council actions allowing a community event shall so provide.~~

(c) — ~~Under an approved permit, no mobile vendor shall:~~

(1) — ~~Operate in a manner which creates a danger to persons or property.~~

(2) — ~~Deliberately hinder or impede pedestrian traffic.~~

(3) — ~~Obstruct the clear vision of the driver of any vehicle approaching or entering an intersection.~~

(4) — ~~Operate in a manner which will hinder emergency or utility services.~~

(5) — ~~Operate in violation of any of the city's land use regulations or municipal codes.~~

~~(d) — All mobile vendors that obtain an approved mobile vending permit shall conspicuously display the permit or any written approvals relating to mobile vending under this article during all times that a vendor's mobile vending unit or device occupies the location designated on his or her permit.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

(a) The following standards apply to mobile vending devices that seek to locate in approved mobile vending locations.

1. Consistency with Standards for an Approved Mobile Vending Location. All mobile vending units shall conform to the approval for the mobile vending location where the activity is proposed.
2. Transportable. All mobile vending devices shall remain movable at all times and, if applicable, maintain vehicle licensing for travel upon the road.
3. Minimization of Off-Site Impacts.
 - A. All mobile vending devices and associated mechanical equipment (including any generators) shall generate less than 75 decibels of sound during operation.
 - B. All mobile vending devices shall direct all exterior lighting down and shall not allow the spill of light onto adjacent properties.
4. Site-obscuring materials. Mobile vending devices proposed to be parked in an approved location for more than seven days shall provide sight-obscuring materials for all conduit, tanks and storage areas visible to the public. Sight-obscuring materials include screening, fencing or temporary landscaping and shall comply with all applicable city ordinances and codes.
5. Insurance. If a mobile vendor will be located on city property or right-of-way, the applicant shall provide a signed statement that the applicant shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers, agents and employees for any claims for damage to property or injury to persons occasioned by any activity carried on under the terms of the permit. The applicant shall furnish and maintain public liability, food products liability and property damage insurance to protect the permittee and the city from all claims for damage to property or bodily injury, including death, which may arise

from operations under the permit or in connections with it. The insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury for each person, \$2,000,000.00 for each occurrence and not less than \$500,000.00 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the mobile vending activity without 30 days written notice to the City Manager.

(b) The following additional standards apply to mobile food units:

1. Consistent with health standards. All mobile food units shall conform to all applicable State and County health codes.
2. Consistent with Oregon Fire Code. All mobile food units shall be certified by the Fire Marshall to ensure that the cooking or heating apparatus is in conformance with the provisions of the Oregon Fire Code and that all other health and life safety requirements have been satisfied.

Sec. 8-422. Denial or revocation of permit.

(a) The City Manager or their designee may deny, revoke or suspend the permit of any person to conduct a mobile vending business if the City Manager finds it is found:

- ~~(1.)~~ That the person has violated any of the standards or provisions set in this article.
- ~~(2.)~~ Any necessary health or other permit has been suspended, revoked or canceled.
- ~~(3.)~~ The permittee does not have a currently effective insurance policy in the minimum amount provided in section 8-421(~~75~~).
- ~~(4.)~~ Criminal conduct in relation to the service provided has been determined.

(b) Upon denial or revocation, the City Manager or their designee shall give notice of the action to the permit holder in writing stating the action taken and the reasons for it. The action shall be effective upon giving the notice to the permittee. Any revocation may be appealed to the City Council by filing a written notice of appeal within ten days.

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Sec. 8-423. Violation.

A mobile vendor that violates this article, or the placement of a mobile vending device on any street, sidewalk, or private property in violation of the provisions of this article is declared to be a public nuisance. The offense is an Independence Municipal Code Class A violation, per section 1-22. The City Manager or their designee may, after following the nuisance procedures in article II of chapter 14, cause the removal of any vendor, cart or device found on a street, sidewalk or private property in violation of this article and may store the cart or device until the owner redeems it by paying the removal and storage charges established by the Manager or designee. Remedial actions taken by the city are in addition to, not in lieu of any other remedies available to the city.

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Sec. 8-424. Appeal.

Any decision of the City Manager made under this article may be appealed to the City Council upon filing a written appeal with the City Recorder. The appeal must specify the grounds where the Manager or designee failed to follow the terms of this article. The appeal must be filed within 30 days of the decision on the permit. The appeal must be filed by a resident of the city or by the applicant. The appeal may be accompanied by any other information the appellant deems appropriate. The Council shall make a decision on the appeal by reviewing the record of the Manager's decision and the appeal. The Council decision shall be provided to the applicant within seven days from the date of the decision.

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

Sec. 8-425. Prohibited solicitation.

It is unlawful for any person to solicit or demand any pecuniary benefit from any vendor in return for the vendor locating a mobile device on any public street or sidewalk in front of a particular business.

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

~~**Secs. 8-426—8-440. Reserved.**~~

Fred Evander

From: Myra Russell
Sent: Wednesday, August 27, 2025 12:37 PM
To: Golden Hop Saloon
Cc: Fred Evander
Subject: RE: Mobile Food Vendors Ordinance

Thank you for sending this. I never saw it as it was sent to Shawn. Would you like this included in the public testimony for the planning commission meeting?

Thank you!

Myra Russell
City Recorder/Executive Assistant to the City Manager

Office 503.837.1174 | Fax 503.606.3282
www.ci.independence.or.us



From: Golden Hop Saloon <thegoldenhopsaloon@gmail.com>
Sent: Wednesday, August 27, 2025 11:37 AM
To: Myra Russell <mrussell@ci.independence.or.us>
Subject: Fwd: Mobile Food Vendors Ordinance

Hi Myra,

This is the original email we sent to Shawn over a year ago regarding our concern for mobile food vendors. Since then, the Mexican restaurant noted in the email, and a subsequent restaurant under new ownership in the same location, have both closed, creating a vacant building on Main St... while the food truck in question remains open.

I understand that the Planning Commission has thrown out the verbiage in the proposed ordinance updates to include a cap on the amount in the city, which is disheartening. My concern remains about there being no limit on the amount of food trucks permitted in the City, as the more you allow in, the more your brick and mortar businesses will suffer.

Thank you,
Heather Chase

----- Forwarded message -----

From: **Golden Hop Saloon** <thegoldenhopsaloon@gmail.com>

Date: Fri, Apr 12, 2024 at 3:53 PM
Subject: Mobile Food Vendors Ordinance
To: <sirvine@ci.independence.or.us>

Hi Shawn,

This is Heather with the Golden Hop Saloon. I spoke with Karin Johnson yesterday and she recommended I reach out to you with my question/suggestion in regard to the City's Ordinance for mobile food vendors (food trucks).

Recently, a new Mexican restaurant opened in an existing building right downtown. It took them months and (I can only assume) thousands, if not tens of thousands of dollars, to remodel the space and prepare it for opening. But within only a couple weeks of opening, a new food truck serving very similar fare unexpectedly showed up less than a block away in the 7 Star parking lot. Now this new brick-and-mortar restaurant is unexpectedly competing for the same customers desiring Mexican food with a food truck with much less overhead cost.

As a fellow downtown restaurant owner, who has also invested a substantial amount of money improving the building and infrastructure for our business, It is disheartening to see more and more food trucks show up unregulated. They have little to no overhead because they have no investment in the community. They do not contribute to any downtown improvement or infrastructure. Most do not have their own utility accounts or connections. Most do not employ anyone other than the owner(s). All of these factors provide an unfair advantage compared to a permanent restaurant.

Having an unregulated amount of mobile food vendors in a town of only 10,000 people, could be disastrous to downtown brick and mortar businesses if the competition is growing faster than the population. If the worst should happen, a mobile food vendor can just pack up and roll to the next community. But a restaurant that goes out of business leaves an empty and expensive store front.

Aside from the concern from a business perspective, these food trucks are also taking valuable downtown parking spaces, not to mention cluttering the downtown with unattractive picnic tables and pop up sun/rain tents.

As it stands now, the ordinance allows an unlimited number of trucks as long as they meet the few requirements outlined in the ordinance. As an owner of a brick-and-mortar restaurant, this gives me pause. A solution that I would propose would be the city modify the ordinance to enact a cap on the number of mobile food vendor licenses allowed (outside of special events - Independence Days, Hop and Heritage, etc.). If all the licenses are taken, a new mobile food vendor wouldn't be able to move in until an existing one moves out.

I'd love to hear your thoughts or ideas on other ways to level the playing field.

Thank you for your time,
Heather Chase
Golden Hop Saloon

SUBCHAPTER 84: MOBILE VENDING LOCATIONS**84.010 Purpose.**

The purpose of this subchapter is to regulate the locations of mobile vending devices and mobile food units.

84.020 Applicability.

This subchapter does not apply to:

- A. Lemonade stands and other similar limited sales by minors.
- B. Garage sales.
- C. Car wash fundraisers.
- D. Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- E. Mobile vendors conducting business in association with a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- F. The sale of raw agricultural products or commodities marketed for human consumption, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

84.030 Definitions.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this subchapter, except where the context clearly indicates a different meaning:

“Conduct business” means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

“Mobile food unit” is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

“Mobile vending device” includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code. Mobile vending devices include mobile food units, as well as mobile devices that sell items other than food.

“Mobile vending location” is a location approved by the City to conduct mobile vending. A mobile vending location may be either a mobile vending pad or a mobile vending pod.

“Mobile vending pad” means a location that allows one mobile vendor and their associated amenities.

“Mobile vending pod” means a location that allows two or more mobile vendors and their associated amenities under common management on one property.

“Mobile vendor” is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

“Pushcart” means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

“Sidewalk” means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

84.040 Standards

Mobile vending locations shall be processed using the Site Design Review requirements in Subchapter 80. The following standards shall be used by the City Manager or designee to process the permits:

- A. Allowed zones. Mobile vending locations are allowed in all zones except the Low Density Residential (RS), Medium Density Residential (RM), High Density Residential (RH), and Mixed Density Residential (MX) zones.
- B. General location requirements. Mobile vending locations are only allowed in paved parking lots or other hard surface areas.
- C. Use of public right-of-way or city property:
 - 1. Mobile vending pads are not allowed within a public right-of-way or on other city property, unless:
 - a. The applicant demonstrates that the use will not have a negative impact to pedestrian or vehicular travel and
 - b. The city agrees to the use of the location prior to the submittal of the application.
 - 2. Mobile vending pods are not allowed within a public right-of-way or on city-owned property, unless the city initiates the application.
- D. Clear travel ways. Mobile vending locations, including all vehicles, devices and items associated with the operation, shall not obstruct travel lanes, driveways, drive aisles of any off-street parking area, or pedestrian pathways. The City Manager may consider adopted, non-discretionary city standards, including but not limited to the standards set forth in the Independence Development Code and the City Public Works Standards to ensure this standard is met.
- E. Sufficient parking. Mobile vending locations shall only be allowed in areas that have adequate parking for the use and any other activities on the site. The number of spaces needed for mobile vending locations shall be determined using the Table in Section 73.010, and be calculated based on the amount of seating area that is available for restaurant uses and the amount of display area that is available for retail

- and service uses. If the location fails to maintain adequate parking at any point during the life of the use, the city may revoke the permit pursuant to Section 84.040(O).
- F. Disposal of waste. Locations approved for mobile vending shall maintain clean environs, pick up any litter that is deposited by any person on the subject property and dispose of the waste generated by mobile vending activities.
- G. Utilities.
1. Mobile Vending Pads. A mobile vending pad that is intended to accommodate a mobile food unit may connect to City services or utilize self-contained water and graywater tanks. When an applicant seeks to rely on a tank to store graywater, the mobile vendor that utilizes the site shall ensure that the unit is regularly pumped.
 2. Mobile Vending Pods.
 - a. Water and Sewer Service. Connection to the City water and sewer systems are required for all mobile vendor pods. Applicable City Public Works Design Standards and/or the Oregon Plumbing Specialty Code standards shall be met.
 - b. Stormwater. Stormwater treatment, when required, shall be consistent with the Independence Public Design Standards.
- H. System development charges. Applicable System Development Charges shall be paid prior to the issuance of any development permits in accordance with the Independence Municipal Code, Chapter 34, Article VII, Utility System Development Charges.
- I. Lighting. Site lighting proposed for a mobile vending location shall be shielded and directed downward and shall not spill onto adjacent properties.
- J. Signage.
1. Mobile Vending Pads. Signs for a mobile vending pad shall be limited to what may be displayed on the mobile vending unit and a sign that meets the standards for sandwich board or temporary signs in Independence Development Code Section 58.040(N). No feather flags or other signs prohibited in IDC 58.150 are allowed.
 2. Mobile Vending Pods. Signs for a mobile vending pod (and any other use on a subject site) shall meet the size standard in Subchapter 58.190(A). Individual mobile vending devices may be allowed to have additional signage on the mobile vending device and to have a sandwich board or temporary sign so long as the sign is located entirely on the site associated with the mobile vending pod. No feather flags or other signs prohibited in IDC 58.150 are allowed.
- K. Drive through not allowed. No location proposed for mobile vending shall operate as a drive-through facility, as defined in the Independence Development Code, Subchapter 13.
- L. Spacing requirements. All mobile vending units shall meet the setbacks for the underlying zone and allow five feet of separation between each unit. Potentially flammable and/or explosive items shall additionally meet the setbacks required in the Oregon Fire Code.

M. Restroom Facilities.

1. A mobile vending pad shall be located within a 300-foot walking distance of an available permanent restroom for employees during all anticipated hours of operation. For any property that is not under the control of the applicant, a signed agreement that allows the use of the restroom shall be provided as part of the application.

2. A mobile vending pod shall have a permanent restroom that is available for employees during all anticipated hours of operation. The restroom shall be located on the same site as the mobile vending pod and be within 300 feet of every mobile vending space.

N. Conditions of Approval. A mobile vending location shall comply with applicable conditions of approval for previous land use decisions for the subject property.

O. Violation. The property owner and any representative of the property owner shall be jointly and severally responsible for any violation of this Subchapter or other applicable Subchapters of the Independence Development Code. Any such violation may result in the immediate revocation of a mobile vending location approval granted under this Subchapter and/or any mobile vending device license issued under Independence Municipal Code Chapter 8, Article XI and may result in the denial of any future mobile vending license for the site upon which the violation occurred.

84.050 Application

A. No person may establish a new location for mobile vending without first submitting an application and obtaining a permit under this Subchapter 84 from the City Manager or his or her designee.

B. Each application shall be accompanied by a nonrefundable fee, as established by Council resolution.

C. Applications shall be made in a form approved by the City Manager.

D. The application shall include, but not be limited to, the following information:

1. The name and address of the property owner. For the purposes of this code, the property owner will be considered the applicant for the project.

2. A site plan that shows the following information:

a. The anticipated types of mobile vending devices that will occupy the location.

b. The proposed location of the mobile vending devices, and the distance to the property lines and nearby sidewalks, driveways or structures.

b. The location of the hard-surface area where mobile vending devices will be located.

c. The location of any power service to a mobile vending space.

d. The location of proposed garbage and recycling receptacles, restrooms, chairs, tables and other site features.

e. The location of the public water, sanitary sewer and storm drainage lines (if applicable). If the applicant proposes a mobile vending pad, served with self-

contained water and/or graywater tanks, the applicant should specify the plan anticipated for the disposal of wastewater and gray water.

- f. The location of any proposed lighting.
 - g. A traffic plan, showing the in/out flow of cars; and the parking for customers and employees.
- E. Mobile vending devices may operate on city-owned property subject to a site-specific lease or license, with the city approving the use and location, which is conspicuously displayed on-site.

84.060 Form and conditions of permit

- A. The City Manager shall grant a Site Design Review permit for a mobile vending location if the City Manager or designee finds that the mobile vending location meets the standards set in Sections 84.040 (Standards) and 84.050 (Application), can comply with all applicable City Code provisions, and will not detract from the health, safety, and general welfare of the city.
- B. Site Design Review approvals issued under this subchapter shall be in a form prescribed by the City Manager and contain the following conditions:
 - 1. The approved mobile vending location shall be valid only when used in conformance with the Site Design Review approval.
 - 2. The Site Design Review approval shall be subject to the conditions and restrictions of this subchapter.
- C. Under an approved permit, no mobile vending location shall:
 - 1. Operate in a manner which creates a danger to persons or property.
 - 2. Deliberately hinder or impede pedestrian or vehicular traffic.
 - 3. Obstruct the clear vision of the driver of any vehicle.
 - 4. Operate in a manner which will hinder emergency or utility services.
 - 5. Operate in violation of any of the city's land use regulations or municipal codes.

ARTICLE XI: MOBILE VENDING DEVICES**Sec. 8-416. Purpose.**

The purpose of this subchapter is to regulate the operation of mobile vending devices and mobile food units at approved mobile vending locations.

Sec. 8-417. Applicability.

This section shall not apply to:

- (a) Lemonade stands and other similar limited sales by minors.
- (b) Garage sales.
- (c) Car wash fundraisers.
- (d) Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- (e) Mobile vendors conducting business in association with a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- (f) The sale of raw agricultural products or commodities marketed for human consumption, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

Sec. 8-418. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conduct business means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

Mobile food unit is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

Mobile vending device includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code.

Mobile vendor is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

Pushcart means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

Sidewalk means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

Sec. 8-419. Mobile Vending License for Approved Mobile Vending Locations

- (a) Applicants for a mobile vending license shall apply on the forms prescribed by the City of Independence and meet the standards listed below.
- (b) A mobile vending license is valid for one year from issuance, at which time the City will reinspect the mobile vending device. The City may extend the permit annually so long as the mobile vending device continues to operate in accordance with the original permit and the standards in this Section.
- (c) Limitations on the Number of Spaces for Mobile Food Units in Downtown Overlay Zone. No more than 7 spaces are allowed for mobile food units in the Downtown Overlay Zone

Sec. 8-420. Application.

- (a) To apply for a mobile vending license, the applicant shall submit:
 - 1. A description of the type of merchandise to be sold.
 - 2. A project narrative that includes:

- a. The means used to conduct the business, including but not limited to a photo and description of any mobile vending device to be used for the transport and/or display of merchandise.
 - b. The proposed hours of operation of the use.
 - c. Any flammable materials proposed for the activity, and the location the materials are proposed to be stored.
 - d. The disposal plan or contract for wastewater and gray water.
 - e. If applicable, the specifications for any generator or any other mechanical device proposed to be used.
 - f. If applicable, details associated with any lighting proposed for the activity.
 - g. Identification of the proposed device site which has received City approval as a mobile vending location.
 3. Written consent from the property owners of the proposed device site, if the applicant is not the property owner.
- (b) Prior to operation of the use, the applicant additionally shall submit a valid copy of all necessary permits required by state or local health authorities.

Sec. 8-421. Standards applicable to Mobile Vending Devices

- (a) The following standards apply to mobile vending devices that seek to locate in approved mobile vending locations.
1. Consistency with Standards for an Approved Mobile Vending Location. All mobile vending units shall conform to the approval for the mobile vending location where the activity is proposed.
 2. Transportable. All mobile vending devices shall remain movable at all times and, if applicable, maintain vehicle licensing for travel upon the road.
 3. Minimization of Off-Site Impacts.
 - A. All mobile vending devices and associated mechanical equipment (including any generators) shall generate less than 75 decibels of sound during operation.
 - B. All mobile vending devices shall direct all exterior lighting down and shall not allow the spill of light onto adjacent properties.

4. Site-obscuring materials. Mobile vending devices proposed to be parked in an approved location for more than seven days shall provide sight-obscuring materials for all conduit, tanks and storage areas visible to the public. Sight-obscuring materials include screening, fencing or temporary landscaping and shall comply with all applicable city ordinances and codes.
5. Insurance. If a mobile vendor will be located on city property or right-of-way, the applicant shall provide a signed statement that the applicant shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers, agents and employees for any claims for damage to property or injury to persons occasioned by any activity carried on under the terms of the permit. The applicant shall furnish and maintain public liability, food products liability and property damage insurance to protect the permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connections with it. The insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury for each person, \$2,000,000.00 for each occurrence and not less than \$500,000.00 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the mobile vending activity without 30 days written notice to the City Manager.

(b) The following additional standards apply to mobile food units:

1. Consistent with health standards. All mobile food units shall conform to all applicable State and County health codes.
2. Consistent with Oregon Fire Code. All mobile food units shall be certified by the Fire Marshall to ensure that the cooking or heating apparatus is in conformance with the provisions of the Oregon Fire Code and that all other health and life safety requirements have been satisfied.

Sec. 8-422. Denial or revocation of permit.

(a) The City Manager or their designee may deny, revoke or suspend the permit of any person to conduct a mobile vending business if it is found:

1. That the person has violated any of the standards or provisions set in this article.
2. Any necessary health or other permit has been suspended, revoked or canceled.
3. The permittee does not have a currently effective insurance policy in the minimum amount provided in section 8-421(5).
4. Criminal conduct in relation to the service provided has been determined.

(b) Upon denial or revocation, the City Manager or their designee shall give notice of the action to the permit holder in writing stating the action taken and the reasons for it. The action shall be effective upon giving the notice to the permittee. Any revocation may be appealed to the City Council by filing a written notice of appeal within ten days.

Sec. 8-423. Violation.

A mobile vendor that violates this article, or the placement of a mobile vending device on any street, sidewalk, or private property in violation of the provisions of this article is declared to be a public nuisance. The offense is an Independence Municipal Code Class A violation, per section 1-22. The City Manager or their designee may, after following the nuisance procedures in article II of chapter 14, cause the removal of any vendor, cart or device found on a street, sidewalk or private property in violation of this article and may store the cart or device until the owner redeems it by paying the removal and storage charges established by the Manager or designee. Remedial actions taken by the city are in addition to, not in lieu of any other remedies available to the city.

Sec. 8-424. Appeal.

Any decision made under this article may be appealed to the City Council upon filing a written appeal with the City Recorder. The appeal must specify the grounds where the Manager or designee failed to follow the terms of this article. The appeal must be filed within 30 days of the decision on the permit. The appeal must be filed by a resident of the city or by the applicant. The appeal may be accompanied by any other information

the appellant deems appropriate. The Council shall make a decision on the appeal by reviewing the record of the decision and the appeal. The Council decision shall be provided to the applicant within seven days from the date of the decision.

Sec. 8-425. Prohibited solicitation.

It is unlawful for any person to solicit or demand any pecuniary benefit from any vendor in return for the vendor locating a mobile device on any public street or sidewalk in front of a particular business.



CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council
FROM: Kenna West, City Manager
MEETING DATE: February 10, 2026
SUBJECT: Annual Liquor License Renewal

☐ Information Only

☒ Action Requested

Statement of Issue:

Each year the Oregon Liquor Control Commission provides the City of Independence with a list of all establishments within the City who have requested renewal of their annual liquor licenses. The City of Independence has up to 45 days to make a recommendation on any of the licenses or can opt to make no recommendation. All establishments are eligible for annual renewal, pending payment of applicable renewal fees and the approval of the City Council. The list of establishments within the City of Independence who are due for annual renewal of their liquor licenses are as follows:

FULL ON-PREMISES SALES LICENSE:

Arena Sports Bar, 174 S Main Street
Brew Coffee & Tap House, 211 S Main Street
Elks Lodge #1950, 289 S Main Street
Gilgamesh The River, 370 S Main Street STE A
Golden Hop Saloon, 133 C Street
Jade Terrace, 1450 Monmouth Street
Los Dos Amigos #4, 1349 Monmouth Street
Lucky Dragon Restaurant, 101 N Polk Street
Mangiare Italian Restaurant, 114 S Main Street
Micheladas Antojitos El Perico, 1353 Monmouth Street
San Antonio, 1311 Monmouth Street
The Chase Bar & Grill, 1083 Monmouth Street
The Independence Hotel, 201 Osprey Lane
The Inferno Restaurant & Taphouse/Divine Distillers, 915 N Main Street

LIMITED ON-PREMISES SALES LICENSE:

Independence Cinema, 450 S 2nd Street
Mendi's Pizza, 1695 Monmouth Street
Mi Casita Market, 834 N Main Street
Pink House Café, 242 D Street
Silk Thai Cuisine, 268 S Main Street
The Tap Station, 87 S Main Street

The Valkyrie Wine Tavern, 301 S Main Street

OFF-PREMISES SALES LICENSE:

7 Star Convenience Store, 94 S Main Street

7-11 #38797A, 1696 Monmouth Street

A1 Market, 295 Deann Drive

Circle S Market, 1082 Monmouth Street

Dollar General Store #18246, 1073 Monmouth Street

Grocery Outlet, 1401 Monmouth Street

Jimmy's, Independence Gas & Mini Mart, 178 Monmouth Street

Mi Casita Market, 834 N Main Street

Sunrise Market, 810 N Main Street

Walmart #38, 1737 Monmouth Street

BREWERY PUBLIC HOUSE:

Parallel 45 Brewing, 240 Monmouth Street #4

Background:

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendations to OLCC regarding approval of or denial of initial OLCC license applications and subsequent yearly renewals. As part of the process, the Police Department reviews all initial and renewal applications to ensure compliance with applicable regulations. The City Council is charged with the responsibility for recommending approval or denial of these applications to the Oregon Liquor Control Commission based on information submitted by the Police Department.

Independence City Council Resolution #20-1541 establishes guidelines for making liquor license recommendations and allowing for public comment (See Attached).

Analysis:

The Independence Police Department has conducted thorough scans of reports of calls for service involving each of the listed establishments up for annual renewal. Reports of calls for service were reviewed which could have a nexus to OLCC denial criteria listed in ORS 471.313(1)(2), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325, 845-005-0326(1)(2) or 845-005-0355.

5 OLCC-related reports of calls for service were reviewed and no disqualifying criteria were identified for any of the listed establishments up for annual renewal. It should be noted that OLCC related incidents continue to decrease, down another 2 from last year's 7.

Fiscal Impact:

As of the 1999 Oregon Legislative Session and the passing of Bill 2892, Licensees now apply directly to OLCC for license renewal. These establishments are still required to pay fees to the local government, as established. All license fees are being collected by the City Administrative Office.

Options:

1. The Council may recommend approval of any/all establishment(s);
2. The Council may recommend denying the license of any establishment if reasonable grounds can be established.
3. The Council may impose an option of its choosing.

Recommendation / Suggested Motion:

Option #1.

Suggested Motion:

"I move to recommend approval of all annual liquor license renewals upon receipt of City fees."

Attachments:

1. OLCC renewal printout
2. OLCC denial criteria
3. Resolution #20-1541

Memo prepared by: Lieutenant Lyle Gilbert

Sorting	Trade Name	Licensee Name	License Type
Grand Total			
7 STAR CONVENIENCE STORE	7 STAR CONVENIENCE STORE	BABA DEEP SINGH INC 7	OFF-PREMISES SALES
7-ELEVEN #38797A	7-ELEVEN #38797A	RB FOOD MART INC	OFF-PREMISES SALES
A1S MARKET	A1S MARKET	GLOBAL MANAGEMENT INC	OFF-PREMISES SALES
	A1S MARKET	INSTA MART LLC	OFF-PREMISES SALES
ARENA SPORTS BAR & GRILL	ARENA SPORTS BAR & GRILL	J&M ENDEAVORS LLC	FULL ON-PREMISES SALES - COMMERCIAL
BREW COFFEE & TAP HOUSE	BREW COFFEE & TAP HOUSE	TEAL NW LLC	FULL ON-PREMISES SALES - COMMERCIAL
CIRCLE S MARKET	CIRCLE S MARKET	SK BAL LLC	OFF-PREMISES SALES
DIVINE WINES	DIVINE WINES	DIVINE WINES LLC	WINERY - CONSUMPTION
DOLLAR GENERAL STORE #18246	DOLLAR GENERAL STORE #18246	DG RETAIL LLC	OFF-PREMISES SALES
ELKS LODGE #1950 INDEPENDENCE	ELKS LODGE #1950 INDEPENDENCE	ELKS LODGE #1950 INDEPENDENCE	FULL ON-PREMISES SALES - NON-PROFIT PRIVATE CLUB
GILGAMESH THE RIVER	GILGAMESH THE RIVER	GILGAMESH THE RIVER INC	FULL ON-PREMISES SALES - COMMERCIAL
GOLDEN HOP SALOON	GOLDEN HOP SALOON	GOLDEN HOP SALOON LLC	FULL ON-PREMISES SALES - COMMERCIAL
GREAT HALL MEADERY AND GREAT HALL MEADS	GREAT HALL MEADERY AND GREAT HALL MEADS	ISAAC W HALL JREBECCA A HALL	WINERY - NON-CONSUMPTION
GROCERY OUTLET INDEPENDENCE	GROCERY OUTLET INDEPENDENCE	GROCERY OUTLET INC JUSTGROCERS LLC	OFF-PREMISES SALES
	GROCERY OUTLET INDEPENDENCE	GROCERY OUTLET INC RODAR LLC	OFF-PREMISES SALES
INDEPENDENCE CINEMA	INDEPENDENCE CINEMA	INDEPENDENCE CINEMA LLC	LIMITED ON-PREMISES SALES
JADE TERRACE	JADE TERRACE	JUN INC	FULL ON-PREMISES SALES - COMMERCIAL
JIMMYZ INDEPENDENCE GAS & MINI MART	JIMMYZ INDEPENDENCE GAS & MINI MART	JNK INC	OFF-PREMISES SALES
LOS DOS AMIGOS #4	LOS DOS AMIGOS #4	DOS COMPADRES INC	FULL ON-PREMISES SALES - COMMERCIAL
LUCKY DRAGON RESTAURANT	LUCKY DRAGON RESTAURANT	YONG HO HO RESTAURANT INC	FULL ON-PREMISES SALES - COMMERCIAL
MANGIARE ITALIAN RESTAURANT	MANGIARE ITALIAN RESTAURANT	HUMBERTO ROQUE	FULL ON-PREMISES SALES - COMMERCIAL
MENDI'S PIZZA PARLOR	MENDI'S PIZZA PARLOR	GGE INC	LIMITED ON-PREMISES SALES
MI CASITA MARKET	MI CASITA MARKET	MI CASITA MARKET INC	LIMITED ON-PREMISES SALES
	MI CASITA MARKET	MI CASITA MARKET INC	OFF-PREMISES SALES
MICHELADAS ANTOJITOS EL PERICO	MICHELADAS ANTOJITOS EL PERICO	MICHELADAS ANTOJITOS EL PERICO LLC	FULL ON-PREMISES SALES - COMMERCIAL
PARALLEL 45 BREWING	PARALLEL 45 BREWING	PARALLEL 45 BREWING LLC	BREWERY PUBLIC HOUSE
PINK HOUSE CAFE	PINK HOUSE CAFE	MARIA C SOTO ROSALES JORGE D HERNANDEZ	LIMITED ON-PREMISES SALES
SAN ANTONIO	SAN ANTONIO	SAN ANTONIO MEXICAN RESTAURANT INC	FULL ON-PREMISES SALES - COMMERCIAL
SILK THAI CUISINE	SILK THAI CUISINE	BAI BUA THAI KITCHEN LLC	LIMITED ON-PREMISES SALES
SUNRISE MARKET	SUNRISE MARKET	SUNRISE MARKET 104 INC	OFF-PREMISES SALES
THE CHASE BAR & GRILL	THE CHASE BAR & GRILL	PILL INC	FULL ON-PREMISES SALES - COMMERCIAL
THE INDEPENDENCE A TRACE HOTEL	THE INDEPENDENCE A TRACE HOTEL	OSPREY NEST RESTAURANT LLC / OREGON HOSPITALITY MANAGEMENT LLC	FULL ON-PREMISES SALES - COMMERCIAL
	THE INDEPENDENCE A TRACE HOTEL	OSPREY NEST RESTAURANT LLC / OREGON HOSPITALITY MANAGEMENT LLC	FULL ON-PREMISES SALES - COMMERCIAL
THE INFERNO RESTAURANT & TAPHOUSE/DIVINE DISTILLERS	THE INFERNO RESTAURANT & TAPHOUSE/DIVINE DISTILLERS	DIVINE DISTILLERS INC THE INFERNO LLC	FULL ON-PREMISES SALES - COMMERCIAL
	THE INFERNO RESTAURANT & TAPHOUSE/DIVINE DISTILLERS	DIVINE DISTILLERS INC THE INFERNO LLC	DISTILLERY
THE TAP STATION	THE TAP STATION	THE TAP STATION LLC	LIMITED ON-PREMISES SALES
THE VALKYRIE WINE TAVERN	THE VALKYRIE WINE TAVERN	BLAZING ARROW LLC	LIMITED ON-PREMISES SALES
TIENDA EL NOPAL	TIENDA EL NOPAL	ELLEN NUNEZ EMENEGILDO A NUNEZ	OFF-PREMISES SALES
WAREMART #38	WAREMART #38	WINCO FOODS LLC	OFF-PREMISES SALES

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(1)(2), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(1)(2) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC **can** consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location.

The problems can include:

- Obtrusive or excessive noise, music or sound vibrations
- Public drunkenness
- Fights or altercations
- Harassment
- Unlawful drug sales
- Alcohol or related litter

OLCC is **not** able to consider the following issues when deciding to renew a liquor license:

- Lack of parking
- Increase in traffic
- Too many licenses in a specific area (saturation)
- Entertainment type - nude dancing, gambling, live bands, etc.
- Increased noise
- Zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(1), 471.313(2), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(1)(2) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
COUNTY OF POLK, STATE OF OREGON

A Resolution Amending the City's Notice and]
Hearing Requirements for OLCC Liquor License]
Applications, And Repealing Resolutions]
#881 and #934, and Setting an Effective Date]

RESOLUTION #20-1541

WHEREAS, it is the policy that applications for new, renewed or canceled licenses will be heard at public hearings; and

WHEREAS, it has been the policy of the City of Independence to publish notice of OLCC liquor license application hearings; and

WHEREAS, at the properly noticed November 10, 2020 city council meeting, staff recommended that the city council continue hearing public comment regarding license approvals at city council meetings, but no longer require published notice, due to the effectiveness of online notice, timing issues associated with local publications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE AS FOLLOWS:

Section 1: The document identified as "City of Independence Policy on Liquor License Recommendations", attached hereto as Exhibit A and by this reference incorporated herein, is adopted by the City Council for use in liquor license recommendations to the Oregon Liquor Control Commission.

Section 2: Resolutions # 881 and # 934 are hereby repealed in their entirety.

Section 3: This Resolution shall be effective following its adoption by the City Council.

DONE this 10th day of November, 2020, by the Independence City Council.

Effective Date: 11.10.2020

Signed by the Mayor: 11.10.2020


John McArdle, Mayor

ATTEST:


Karin Johnson, MMC
City Recorder

**CITY OF INDEPENDENCE
POLICY ON LIQUOR LICENSE RECOMMENDATIONS**

AUTHORITY:

Oregon Revised Statutes Chapter 471 and 472.
Oregon Administrative Rules Chapter 845.

OBJECTIVE:

To establish licensing guidelines to be followed in making recommendations on license applications and in allowing opportunity for public comment on applications. To establish as Council policy that certain findings will cause a denial of an application for a new or renewed liquor license and that unmitigated liquor-related complaints will cause an automatic recommendation of denial of a liquor license renewal application.

CRITERIA FOR RECOMMENDATION OF LICENSE DENIAL:

Oregon law provides that the Oregon Liquor Control Commission may refuse, suspend or cancel a license if it has reasonable grounds to believe:

1) That there are sufficient licensed premises in the locality or that the granting of a license is not demanded by public interest or convenience.

(2) That, except as allowed by law, a wholesale dealer in alcoholic liquor has a financial interest in applicant's business.

(3) That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.

(b) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(c) Has been convicted of violating any of the alcoholic liquor laws of this state, or has been convicted at any time of a felony.

(d) Has maintained an unsanitary establishment as determined by the state of Oregon Health Department.

(f) Is not of good repute and moral character.

(g) Does not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the Oregon Liquor Control Commission when previously licensed.

(h) Is not the legitimate owner of the business proposed to be licensed or that other persons have ownership interests in the business, which interests have not been disclosed.

(i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(j) Is unable to understand the Liquor Control Act or rules of the Oregon Liquor Control Commission.

(4) (a) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to:

- obtrusive or excessive noise, music or sound vibrations
- public drunkenness
- fights
- altercations
- harassment
- unlawful drug sales
- alcohol or related litter
- trespassing on private property
- public urination

(b) Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed.

(5) That the applicant has made any material false representation or statement to the Oregon Liquor Control Commission in order to induce or prevent action by the City or the Commission.

POLICIES:

1. A finding that anyone or more of the above criteria has been met shall result in a recommendation to deny a new or renewal license application unless the applicant shows good cause to overcome the criteria. Good cause may be evidenced by a showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons' behavior in the immediate vicinity of the premises which is

related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

2. A licensee shall be required to enter into a written compliance plan in order to attempt to mitigate problems when there are four (4) or more police calls related to the sale, service or use of alcohol either on the premises or involving patrons of the establishment in the immediate vicinity of the premises within any three-month period or eight (8) police calls within any six-month period. Police calls related to the sale, service or use of alcohol shall include, but not be limited to, those factors listed in 4(a) above. Notice of said written compliance plan shall be posted in a visible place on the licensee's premises and given to the city council and to OLCC. If the compliance plan does not result in a clear and convincing improvement, the city shall recommend to deny the next renewal license application.

PUBLIC NOTICE:

All recommendations regarding new, renewed or canceled licenses shall be made by the City Council at a duly noticed council meeting. An opportunity to comment at the meeting will be given to the public. Public comment shall be limited to those grounds for refusal, suspension or cancellation of license as established by state and local law. Copies of pertinent regulations will be available at City Hall.



CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council
FROM: Kenna West, City Manager
MEETING DATE: February 10, 2026
SUBJECT: New Owner Liquor License Applicant

☐ Information Only

☒ Action Requested

Statement of Issue:

Phanawan LLC has made an application with the Oregon Liquor and Cannabis Commission for a Limited On-Premises Sales License at 268 S. Main Street, Silk Thai Restaurant. This license would allow for the continued sales of beer, cider and wine from the location for on-premises consumption.

Background:

In 2020 our City adopted resolution #20-1541, which establishes criteria for screening liquor license applications. The police department was assigned the task to do initial reviews of each liquor license application. The police department then completes a staff report on those findings for the City Council review.

Analysis:

Silk Thai recently went through an ownership change when previous business partners Phanawan Suttitham and Vichuda Stine dissolved their business partnership in Bai Bua Thai Kitchen LLC. Suttitham Phanawan then started her own LLC, Phanawan LLC, with the intent of continuing to run Silk Thai as the sole proprietor.

Phanawan Suttitham has submitted a change of ownership application to the Oregon Liquor and Cannabis Commission as required. The application, if granted, would allow Phanawan Suttitham to continue serving beer, cider and wine as the restaurant had done prior to the change in ownership.

A background check was completed on Phanawan Suttitham. I did not locate any alcohol related incidents or other items which would preclude them from licensure with the OLCC.

Fiscal Impact:

As of this date, City fees have been paid. OLCC instruction states their fees will be collected at a later time.

Options:

1. Council may recommend approval for this establishment.
2. Council may recommend denying the license for this establishment if reasonable grounds can be established.

3. Council may impose an option of its own choosing.

Recommended Motion:

Option 1. I move to recommend approval of the above liquor license request.

Memo prepared by: Lieutenant Lyle Gilbert



Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
☒ Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Phanawan LLC

Proposed Trade Name: Silk Thai Cuisine

Premises Address: 268 S main St

Unit:

City: Independence

County: OR

Zip: 97351

Application Type: ☒ New License Application☒ Change of Ownership☐ Change of Location

License Type: Limited On-Premises Sales

☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Phanawan Suttitham

Phone: 971-2739897

Mailing Address: 268 S main St

City: Independence

State: OR

Zip: 97351

Email Address: Oraneetui@gmail.com

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production☐ Retail Off-Premises Sales☐ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption☐ Outdoor Consumption☐ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): *Phanawan LLC*

Proposed Trade Name: *Silk Thai Cuisine*

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name:

Optional Date Received Stamp

Date Application Received:

Received by:

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: Instead of using the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



City of Independence
555 S Main St; PO Box 7
Independence, OR 97351
(503) 838-1212

XBP Confirmation Number: [REDACTED]

Transaction detail for payment to City of Independence.				Date: 01/08/2026 - 4:20:24 PM MT	
Transaction Number: [REDACTED]					
Visa — [REDACTED]					
Status: Successful					
Account #	Item	Receipt Number	Void Receipt Number	Quantity	Item Amount
Silk Thai	LIQUOR LICENSE Silk Thai			1	\$75.00

TOTAL: \$75.00

Billing Information
PHANAWAN LLC
97351

Transaction taken by: Admin cgardnerCaselle cgardner



CITY OF INDEPENDENCE STAFF REPORT

TO: Mayor and City Council
FROM: Finance Director Amanda Carey
MEETING DATE: February 10, 2026
SUBJECT: Proposed Resolution 26-1647, City Fee Schedule Update

☐ Information Only

☒ Action Requested

Statement of Issue:

Council consideration of an update to the City Fee Schedule.

Background and Discussion:

City staff conducted a comprehensive review of the City's fee schedule at the request of Council. This effort was a multi-month, multi-departmental project and included multiple meetings and/or work sessions during which Council discussed the fee structure and provided direction to staff.

As a result of this review, fees for services provided by City departments were evaluated and updated with the goals of streamlining administrative processes, reducing administrative burden, and more accurately recovering the cost of providing services. Key updates include the following:

Administrative and General Fees

- Photocopying, research, and records fees were consolidated under the Administration Department to ensure consistency and ease of use.
- Business license fees, which previously varied by business type, were replaced with a flat application and renewal fee; business registration fees were eliminated.
- Liquor license application fees were transferred from the Police Department to Administration and updated to reflect current costs.
- A notarization fee was added to recover the cost of staff time.
- Facility rental fees were implemented to recover staff preparation and cleanup costs.

Library and Museum

- Overdue charges for laptop rentals in the Library Department were removed.
- New museum display rental fees were added, along with options for display shipping.

Police Department

- Certain administrative service fees were consolidated under the Administrative Department.
- Fees for false alarms, vehicle towing, and vehicle impoundment were increased.
- Dog licensing fees were increased to align with county rates.

- Dog impound fees were increased to better reflect overall cost recovery.

Building Department

- Sign permit fees were updated to reflect the actual costs associated with pole and building signs.
- The building moving permit fee was increased to improve cost-of-service recovery.

Parks

- Park use fees were consolidated into flat fees for park rentals, amphitheater rentals, and stage rentals.

Planning Department

- Land use application fees were updated for consistency and cost recovery.
- New fees were added for:
 - Limited land use decisions
 - Middle housing land divisions
 - Housing land use adjustments

These fee types reflect relatively recent changes in state law and were not included in the previous fee schedule.
- Historic review fees, Willamette Greenway fees, and final plat review fees were reduced based on staff recommendation.

Public Works

- Zone of benefit (public improvement) deposit and base fees were removed.
- Driveway curb cut fees were removed.

Enterprise Operations

- All Enterprise Operation fees—including utility billing, water utility, and system development charges—were removed from the City Fee Schedule, as these fees are maintained on separate schedules and approved by Council through separate resolutions.

Recommendation/Suggested Motion:

Staff recommended motion: “I move to adopt Proposed Resolution 26-1647 and referenced Exhibit “A”.”

Attachments:

1. Resolution 26-1647, A Resolution Amending City Fee Schedule for City Services.
2. Resolution 26-1647 Exhibit “A” Fee Schedule.

Reviewed, revised, and approved by City Manager Kenna West

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
FOR THE COUNTY OF POLK, STATE OF OREGON**

A Resolution Amending City Fee]
Schedule for City Services]

RESOLUTION NO. 26-1647

WHEREAS, the Independence City Council has in the past approved charges for city services; **AND**

WHEREAS, the City Council or City Manager may periodically cause a review of City fees and charges to ensure recovery of City costs incurred when providing City services, products and approval procedures and recommend adjustments to the City Council, as needed; **AND**

WHEREAS, staff has provided guidance regarding whether the current fee schedule adequately covers incurred costs; **AND**

WHEREAS, the City Council during multiple meetings has provided direction to staff regarding the proposed fee schedule; **AND**

WHEREAS, the City provided an opportunity for interested persons to comment on the enactment of this Resolution and the proposed fees and fee increases, pursuant to ORS 294.160.

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted as findings of fact supporting the adoption of the Fees set forth in Exhibit A to this Resolution.

Section 2. Repeal and Replacement. Resolution #20-1591 Amending City Fee Schedule, and Resolution 20-1590 Amending City Fee Schedule, are hereby repealed in their entirety. The fee schedule set forth in Exhibit A, incorporated by reference herein, is hereby adopted.

Section 4. Measure 5 Limits. The fees adopted herein are not subject to the limitations of Measure 5.

Section 5. This resolution shall become effective immediately upon adoption by the City Council.

ADOPTED by the City Council:

SIGNED by the Mayor:

Kate Schwarzler, Mayor

ATTEST:

Myra Russell, City Recorder

City of Independence	
SCHEDULE OF FEES FOR CITY SERVICES	
Effective: February 10, 2026	
Administration	
Fee Description	Fee
A) Copies of Public Records	
1. Research Fees	
Actual Time, 15-Minute Minimum/15-Minute Increments	
a. Staff	\$ 45.00
b. Manager	\$ 60.00
c. Director	\$ 80.00
2. Hard Copies	
a. B&W	\$ 0.25
b. Color	\$ 1.00
3. Digital Copies	
a. Flash Drive (Research time not included)	\$ 5.00
B) Copies of Municipal Code	\$ 75.00
C) Appeal Fee	\$ 200.00
D) Lien Search Fee	\$ 35.00
E) Temporary RV Parking Permit	\$ 25.00
F) Business License	
1. Application Fee	\$ 100.00
2. Annual Renewal Fee	\$ 100.00
G) Liquor License Applications	
1. New License	\$ 100.00
2. Renewal Fee	\$ 50.00
3. Change in Ownership, Location, or Privilege	\$ 100.00
4. Compliance Plan	\$ 250.00
5. Temporary Permit	\$ 50.00
H) Notorizations	\$ 10.00
I) NSF Fees	\$ 35.00
J) Conference Room Rentals	
1. Half Day (plus cleaning fee)	\$ 50.00
2. Full Day (plus cleaning fee)	\$ 100.00
3. Cleaning Fee (non-refundable, due at time of reservation)	\$ 25.00
4. After Hours Surcharge	\$ 150.00

Library	
A) Lost Items	
1. Base Fee	\$ 5.00
2. Replacement Item or Cost of Replacement Item	Actual Cost
B) Processing Fee	\$ 5.00
C) Non-Resident Card	

1. Within CCRLS Region	\$	60.00
2. Outside CCRLS Region	\$	75.00
3. Local Option Card	\$	35.00
D) Replacement Library Card	\$	1.00
E) Keychain Library Card	\$	3.00

Museum		
A) Postage	Actual Cost	
B) Data and Media on Flash Drive (not including research fee)	\$	5.00
C) Display Rentals		
1. 90-Day Rental Fee	\$	1,600.00
2. Refundable Deposit	\$	300.00
3. Shipping & Insurance for Materials (proof of insurance required, coverage for replacement cost)	Actual Cost	

Municipal Court		
A) DMV Search	\$	5.00
B) Handling	20% of Outstanding Balance (one-time fee)	
C) Collections	25% of Outstanding Balance (maximum \$250)	
D) Suspension Package	\$	11.50
E) Judges Letters	\$	25.00

Police Department		
A) Fingerprinting		
1. First Card	\$	20.00
2. Each Additonal Card	\$	10.00
B) Records Research		
1. Research Request Under 10 Minutes	\$	10.00
a. Copy of Report (per page)	\$	1.00
2. Police Video/Blurring/Electronic Redaction	Actual Cost	
3. Photos (each)	\$	1.00
C) False Alarms, Business and Residential (per calendar year)		
1. First Alarm	No Charge	
2. Second Alarm	No Charge	
3. Third Alarm	\$	50.00
4. Fourth Alarm	\$	100.00
5. Fifth Alarm and Greater	\$	200.00
D) Vehicle Tows - Administrative Fee	\$	100.00
E) Vehicle Impound Daily Rate	\$	50.00

F) Dog Licenses	
1. Spayed or Neutered	
a. One Year License	\$ 15.00
b. 13-36 Month License (per month)	\$ 2.00
c. Three Year License	\$ 45.00
2. Non Spayed or Neutered	
a. One Year License	\$ 30.00
b. 13-36 Month License (per month)	\$ 3.00
c. Three Year License	\$ 80.00
G) Dog Impound Fee (per calendar year)	
1. Impound Fee	
a. First Impound	\$ 50.00
b. Second Impound	\$ 75.00
c. Each Subsequent Impound	\$ 100.00
2. Daily Boarding Fee (daily)	\$ 20.00
H) Parking Violations	
1. All Violations of IMC 32-151 Through 166	\$ 20.00
2. Late Payment Fee	\$ 40.00

Planning	
Land Use Application Fees	
A) Annexation	\$ 3,000.00
B) Comprehensive Plan Change Request	\$ 4,000.00
C) Conditional Use	\$ 3,000.00
D) Manufactured Home Dwelling Park	
1. Base	\$ 2,500.00
2. Per Dwelling Unit	\$ 125.00
E) Partitions	
1. Minor	\$ 1,000.00
2. Major	\$ 2,000.00
F) Lot Line Adjustment	\$ 400.00
G) Planned Unit Development	
1. Base	\$ 2,500.00
2. Per Dwelling Unit	\$ 125.00
H) Site Design Review	
1. Type I	\$ 1,500.00
2. Type II	\$ 2,500.00
I) Subdivisions	
1. Tentative Subdivision Application Filing Fee	\$ 2,500.00
2. Per Lot	\$ 125.00
3. Inspection Fee Per 90.60.075(l)(1)	4% of an approved, stamped engineer's cost
J) Urban Growth Boundary Change Request	\$ 6,000.00

K) Variance	\$ 2,000.00
L) Zone Change	\$ 3,000.00
M) Land Use Pre-Application Fee	
1. Without Subsequent Land Use Review	\$ 200.00
2. With Subsequent Land Use Review	\$ 400.00
N) Limited Land Use Decision	\$ 1,000.00
O) Middle Housing Land Divisin	\$ 1,000.00
P) Housing Land Use Adjustment	\$ 600.00
<u>Other Planning Fees</u>	
Q) Appeal	
1. Decision With Public Hearing	
a. To Council	\$ 1,500.00
b. To Planning Commission	\$ 750.00
R) Certified Abutters List + Address Label Sets + Notice Fee	\$ 100.00
S) Floodplain Development Permit	\$ 750.00
T) Administrative Fee	10% of billable charges
U) Vacation of Property	\$ 3,000.00
V) Code Text Amendment	\$ 3,000.00
W) Final Plat Review	\$ 500.00
X) Historic Review	\$ 150.00
Y) Willamette Greenway Permit	\$ 2,800.00

Building	
A) Sign Permits	
1. Pole Signs	
a. 0-32 SF	\$ 122.00
b. 33-64 SF	\$ 243.00
c. 65-96 SF	\$ 365.00
d. 97+ SF	\$ 486.00
2. Building Signs	
a. 0-32 SF	\$ 60.00
b. 33-64 SF	\$ 90.00
c. 65-96 SF	\$ 160.00
d. 97+ SF	\$ 200.00
B) Fence Permit	\$ 35.00
C) Mobile Home Placement	\$ 297.00
D) Building Moving Permit	\$ 500.00
E) Business Occupancy Certification and Business Change of Use	\$ 100.00

Park Use	
A) Park Rental	\$ 100.00
B) Amphitheater Rental	\$ 500.00

C) Stage Rental	\$ 500.00
D) Rental Cleaning Deposit	1/2 of rental cost, due upfront (refundable)
E) Bike Campground Nightly Fee	\$ 10.00
F) Event Camping (per vehicle)	\$ 10.00
G) Spider Box for Stage Use	\$ 500.00

Public Works	
A) Fire Hydrant Flow Meter Rental	\$100.00 per month (bulk water) + usage rates per resolution
B) Construction Base Water Rate	Current base and usage rates per resolution
C) Right-of-Way Utility Construction Permit	
1. Major (Costs Greater than \$15,000)	\$ 100.00
2. Minor (Costs Under \$15,000)	\$ 50.00
D) Miscellaneous Equipment	Hourly rate per federal public works rate
E) Equipment Operator	Hourly rate per federal public works rate
F) Development Review and Inspections	
1. Plan Review	1% of an approved public improvement estimate
2. Construction Inspection	4% of an approved public improvement estimate



CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council
FROM: Public Works Director Gerald Fisher
MEETING DATE: February 10, 2026
SUBJECT: Contract Award – Corvallis Rd Waterline
Improv.

☐ Information Only

☒ Action Requested

Statement of Issue:

Council consideration of contract award for construction of the Corvallis Road waterline improvements.

Background:

The city advertised a request for bids in the Itemizer-Observer and Daily Journal of Commerce on December 10, 2025. The closing date for bids was January 21, 2026, and the city received a total of 13 responsive bids. The proposal tabulation is as follows from lowest to highest cost.

- | | |
|-------------------------------------|----------------|
| • Wickwire Contracting LLC | \$750,160.00 |
| • Flow Line Construction LLC | \$757,032.00 |
| • Haworth, Inc. | \$799,130.00 |
| • Pacific Excavation | \$814,500.00 |
| • Turney Excavating, Inc. | \$825,704.00 |
| • ML Houck Construction Co. | \$916,893.00 |
| • Northcore USA, LLC | \$928,092.00 |
| • Greensuns, Inc. | \$938,910.00 |
| • Jesse Rodriguez Construction, LLC | \$953,039.00 |
| • Wurdinger Excavating, Inc. | \$993,613.20 |
| • North Santiam Paving, Inc. | \$1,121,425.00 |
| • H&J Construction, Inc. | \$1,183,246.00 |
| • MJ Hughes Construction | \$1,889,300.00 |

Wickwire Contracting is the lowest responsible bidder in accordance with ORS 279C.375 and the city issued a Notice of Intent to Award on January 30, 2026, and no protests were received.

Fiscal Impact:

This project is in the FY 2025-2026 City Budget in the Water Fund and is primarily funded by federal funding received through Congresswoman Salinas' office.

Options:

1. Authorize the City Manager to execute a contract with Wickwire Contracting, LLC.
 2. Reject all bids in accordance with ORS 279C.395.
 3. Request more information from Staff.
-

Recommendation/Suggested Motion:

Staff recommends Option 1.

Suggested Motions:

"I move to award the construction contract to Wickwire Contracting, LLC in the amount of \$750,160.00 and authorize the City Manager execute the contract and any change orders within the approved budget."

Attachments:

20260130 Notice of Intent to Award

Reviewed, revised, and approved by: Kenna West, City Manager



NOTICE OF INTENT TO AWARD

Date of Issuance: 01/30/2026

Owner:	City of Independence	Owner's Contract No.:	PN 2023-13
Engineer:	Keller Associates, Inc.	Engineer's Project No.:	223055-007
Project:	Corvallis Road Waterline	Contract Name:	

TO BIDDERS:

Thirteen (13) bids were received on January 21, 2026, from the following contractors: Flow Line Construction LLC; Greensuns Inc.; H & J Construction; Haworth Inc.; Jesse Rodriguez Construction; MJ Hughes Construction; ML Houck Construction Co.; North Santiam Paving Co.; Northcore; Pacific Excavation; Turney Excavating Inc.; Wickwire Contracting LLC; and Wurdinger Excavating Inc. Below is a bid summary.

Rank	Contractor	Base Bid
1	Wickwire Contracting, LLC	\$750,160.00
2	Flow Line Construction, LLC	\$757,032.00
3	Haworth, Inc.	\$799,130.00
4	Pacific Excavation	\$814,500.00
5	Turney Excavating, Inc.	\$825,704.00
6	M.L. Houck Construction Co.	\$916,893.00
7	Northcore USA, LLC	\$928,092.00
8	Greensuns, Inc.	\$938,910.00
9	JESSE RODRIGUEZ CONSTRUCTION LLC.	\$953,039.00
10	Wurdinger Excavating, Inc.	\$993,613.20
11	North Santiam Paving, Co.	\$1,121,425.00
12	H &J Construction, Inc.	\$1,183,246.00
13	MJ Hughes Construction	\$1,889,300.00

Wickwire Contracting LLC, from Pleasant Hill, OR, is the lowest apparent bidder. Their bidding documents have been reviewed and deemed responsive and responsible to the bid requirements. The Owner intends to award all aspects of the project to Wickwire Contracting LLC in the amount of \$750,160.00.

A bidder may submit a formal written protest of this Notice of Intent to Award within seven (7) calendar days of the date of this notice. The written protest must specify the grounds upon which the protest is based. For the protest to be considered valid, it must show that the protesting party is an adversely

City of Independence, Corvallis Road Waterline

PN: 2023-13

Keller Project: 223055-007

INDEPENDENCE
Oregon's Story Begins Here



affected or aggrieved bidder as described in OAR 137-047-0740. Such a protest must be submitted to the Public Works Director, Gerald Fisher, PE, at gfisher@ci.independence.or.us or City of Independence, 555 S Main St, Independence, OR 97351. Any protest received after this deadline will not be considered.

Owner: CITY OF INDEPENDENCE

Engineer: Keller Associates, Inc.

Signature: **Gerald Fisher**
Digitally signed by Gerald Fisher
Date: 2026.02.02 10:06:52
-08'00'

Gerald Fisher, PE, Public Works Director

Signature: **Digitally Signed**
Date: 2026.01.30
15:46:43-08'00'

Project Manager

Date: 2/2/2026

Date: 1/30/2026



CITY OF INDEPENDENCE STAFF REPORT

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: February 10, 2026
SUBJECT: Proposed Resolution 26-1646, City Accepting
Jurisdiction Over Certain County Roadway

☐ Information Only

☒ Action Requested

Statement of Issue:

Resolution to accept jurisdiction from Polk County is the final city step in this project. The transfer requires the approval of the resolution by the City Council accepting the Polk County transfer.

Background:

The City Council adopted Ordinance 1623 on May 27, 2025, annexing certain portions old 6th Street and Corvallis Road, and Hoffman Road into the city limits. By Order 25-09, the County offered to transfer jurisdiction of all annexed roadways to City. In compliance with ORS 373.270(5)(b), the city must accept the transfer offer by resolution.

Fiscal Impact:

The city will be responsible for maintenance and operation of the roadways and will notify the Oregon Department of Transportation for potential funding of local streets and roadways designated under federal classification for funding opportunities.

Options:

The Council may:

1. Adopt Proposed Resolution 26-1646 accepting jurisdiction of certain county roadway, or
2. Decline to approve the resolution.

Recommendation/Suggested Motion:

Staff recommends approval of Option 1.

Suggested motion: I move to approve Proposed Resolution 26-1646 accepting jurisdiction of Hoffman Road within the urban growth boundary from Polk County.

Attachments: Hoffman Road legal description and exhibit map.
Polk County Order 25-09 (Corvallis-Talmadge-6th-Hoffman).

*Memo prepared by: Gerald Fisher, Public Works
Director
Reviewed and Approved by: Kenna West, City
Manager*

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
COUNTY OF POLK, STATE OF OREGON**

A Resolution Accepting Jurisdiction]
Of Hoffman Road from Polk County]

RESOLUTION NO. 26-1646

WHEREAS, the Board of Commissioners of Polk County, Oregon has authority under ORS 373.270(5)(a) to offer to surrender jurisdiction over requested portions of County roads by order; and

WHEREAS, on August, 13, 2025, Polk County Board of Commissioners Order 25-09 offered to surrender jurisdiction over portions of Hoffman Road, as described in the attached Exhibit A; and

WHEREAS, the City wishes to accept the County offer to transfer jurisdiction and hold full and absolute jurisdiction over the offered portion of road for all purposes of repair, construction, improvement, and the levying and collection of assessment; **Now, Therefore**

**THE CITY COUNCIL OF THE CITY OF INDEPENDENCE HEREBY RESOLVES
AS FOLLOWS:**

Section 1. Transfer of Jurisdiction. The City Council hereby accepts the portion of Hoffman Road within the City's urban growth boundary from Polk County, acting by and through its Board of Commissioners under the provisions of ORS 373.270(5)(a), as described in the legal description and exhibit map in attached Exhibit B, which is incorporated herein by this reference.

Section 2. Filing. City of Independence personnel are hereby directed to provide a courtesy copy of this Resolution to Polk County.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

ADOPTED by the City Council of the City of Independence, Oregon this 10th day of February 2026.

CITY OF INDEPENDENCE, OREGON

By _____
Kate Schwarzler, Mayor

ATTEST:

By _____
Myra Russell, City Recorder

EXHIBIT A

BEFORE THE BOARD OF COMMISSIONERS FOR
POLK COUNTY, OREGON

In the Matter of Surrendering)
Jurisdiction Over Various)
Roadways to the City of)
Independence)

ORDER NO. 25-09

WHEREAS, ORS 373.270(6)(a) states that the Board of Commissioners may surrender jurisdiction of any county road or portion thereof within a city to that city if its governing body initiates such action; and

WHEREAS, the governing body of the City of Independence has requested by Resolution No. 25-1624 and Resolution No. 25-1632, that Polk County surrender jurisdiction to the following: All that portion Talmadge Road as described in the City of Independence Ordinance No. 1619 dated October 22, 2024, attached as Exhibit A to this Order. Also, all those portions of Corvallis Road and unimproved 6th Street as described in the City of Independence Ordinance No. 1623 dated May 27, 2025, attached as Exhibit B to this Order.

WHEREAS, ORS 373.270(5)(a) states that the if the Board of Commissioners determines to surrender jurisdiction of any county road or portion thereof within a city to that city, the Board of Commissioners shall make an order to that effect and offer to the city to surrender jurisdiction over the county road or portion thereof to the city; and

WHEREAS, the Board of Commissioners has determined to surrender jurisdiction to the City of Independence the following: All that portion of Hoffman Road as described in the City of Independence Ordinance No. 1623 dated May 27, 2025, attached as Exhibit B to this Order.

WHEREAS, the City of Independence has annexed the above-described portions of Various Roadways to the City by passage of Ordinance # 1619 dated October 22, 2024 and Ordinance # 1623 dated May 27, 2025; and

WHEREAS, upon surrender of the above-described property by Polk County, all of the above described portions of roadways within the corporate limits of the City of Independence will be under the jurisdiction of the City; and

WHEREAS, the Board of Commissioners believes that it is in the public interest

1 to surrender jurisdiction of the above-described County roads to the City of
2 Independence,

3
4 **NOW THEREFORE**, the Polk County Board of Commissioners hereby Order
5 that:

- 6
7 1) Polk County hereby surrenders jurisdiction over that portion of Talmadge
8 Road mentioned above and further described in Exhibit A City of
9 Independence Ordinance No. 1619, to the City of Independence; and
10 2) Polk County hereby surrenders jurisdiction over those portions of
11 Corvallis Road, Hoffman Road and 6th Street mentioned above and further
12 described in Exhibit B City of Independence Ordinance No. 1623, to the
13 City of Independence; and
14 3) The City of Independence is hereafter responsible for the surrendered
15 roads as provided by ORS 373.270(7).
16
17
18
19
20

21 Dated this 13th day of August, 2025, at Dallas, Oregon.
22
23

24 BOARD OF COMMISSIONERS

25 
26
27 Craig Pope, Chair
28

29 
30
31 Lyle Mordhorst, Commissioner
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33 
34
35 Jeremy Gordon, Commissioner
36
37

38 Approved as to Form

39 
40
41 Morgan Smith, County Counsel
42
43

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
STATE OF OREGON, COUNTY OF POLK**

An Ordinance Declaring Roadways	]	
Annexed to the City of Independence,	]	Council Bill #2025-03
and Stating an Effective Date	]	

ORDINANCE NO. 1623

WHEREAS, pursuant to ORS 222.111(2) and the City’s Development Code Sections 11.002(C) and 12.005, the City of Independence (“City”) initiated the annexation of portions of various roadways identified on Exhibit A (“Subject Properties”) on February 11, 2025; and

WHEREAS, the Subject Properties are existing County roads, located within the City of Independence’s Urban Growth Boundary; and

WHEREAS, the Subject Properties are either within or contiguous to the City of Independence City boundaries, as required by ORS 222.111(1); and

WHEREAS, the Subject Properties are designated Urban Reserve on the Polk County Comprehensive Plan Map and Suburban Residential in the Polk County Zoning code; and

WHEREAS, the request is to annex the Subject Properties into the City of Independence and apply the City Comprehensive Plan designation and City Zoning of Undesignated to the Subject Properties;

WHEREAS, on February 13, 2025, the city provided notice of the annexation hearing to the Department of Land Conservation and Development; and

WHEREAS, notice of the annexation hearing was published in the local newspaper, twice, on March 12 and March 19, 2025; and

WHEREAS, on April 8, 2025 and May 13, 2025, the City Council conducted a properly noticed public hearing that met the requirements of ORS 222.120(3), at which time interested parties and the general public had an opportunity to be heard, and reviewed the record and recommendations of staff; and

WHEREAS, at the close of the public hearing, the City Council determined that the evidence and argument presented in the public hearing and on the record showed that the requested annexation of the Subject Properties complied with all applicable provisions of the City of Independence Development Code and state law, as explained in the findings contained in the Staff Report attached hereto as Exhibit B and incorporated herein by this reference;

NOW, THEREFORE, THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Annexation. The Subject Properties described in Exhibit A, attached hereto and incorporated herein by this reference, are hereby declared annexed to the City of Independence.

Section 2. Redesignation and Rezoning. The Subject Properties, with the exception of those properties that currently have City zoning, are hereby redesignated and rezoned from Polk County Urban Reserve and Suburban Residential to City Undesignated. All official maps of the City are hereby amended to conform to the changes enacted by this Ordinance.

Section 3. Findings. The City of Independence hereby adopts the above recitals, and the findings contained in the Staff Report, attached hereto as Exhibit B and incorporated herein by this reference, as the basis for this decision to annex the Subject Properties.

Section 4. Recordation. The City Recorder is hereby authorized and directed to: (1) make and submit to the Secretary of the State of Oregon, the assessor of Polk County, the County Clerk of Polk County, and the Department of Revenue, State of Oregon, a certified copy of this Ordinance; (2) provide notice of the final adoption of this annexation Ordinance to the subject parcel property owners, anyone who participated in the public hearing, and anyone who requested notice of this decision; and (3) provide notice to public utilities as directed by ORS 222.005.

Section 4. The Ordinance shall take effect 30 days after second reading and final passage, and the annexation will be effective on the same date, unless a later date is required pursuant to ORS 222.040.

READ for the first time:	<u>May 13, 2025</u>
READ for the second time:	<u>May 27, 2025</u>
APPROVED by Council:	<u>May 27, 2025</u>
SIGNED by the Mayor:	<u>May 27, 2025</u>

Kate Schwarzer
Kate Schwarzer, Mayor

ATTEST:
Myra Russell
Myra Russell, City Recorder

EXHIBIT B

A unit of land situated in the northwest one-quarter of Section 20, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being a portion of Hoffman Road lying westerly of North Gun Club Road, and more particularly described as follows:

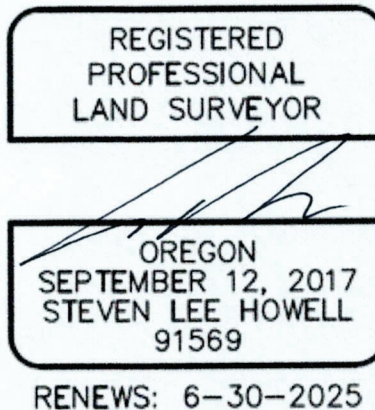
Beginning at the northeast corner of Parcel 1 of Partition Plat 2002-0030, Polk County Records, being coincident with the south line of said Hoffman Road;

thence, going northerly approximately 70 feet to the north line of said Hoffman Road, being coincident with the southeast corner of that property conveyed to Sterling Acres LLC by Instrument Number 2023-002070, Polk County Deed Records;

thence, going easterly along the north line of said Hoffman Road approximately 888 feet to the Urban Growth Boundary;

thence, going southerly along said Urban Growth Boundary approximately 70 feet to a point of curvature on the south line of said Hoffman Road, being coincident with the north line of that property conveyed to Mezdag by Instrument Number 2023-001498, Polk County Deed Records;

thence, going westerly along the south line of said Hoffman Road, approximately 894 feet to the Point of Beginning.





0' 150'
SCALE: 1" = 150'

B.P.O.E. #1950
B.168, P.717

UNITED STATES
OF AMERICA
B.137, P.320

PARCEL 2
P.P. 2011-0016

STERLING ACRES LLC
INSTR. NO.
2023-002070

888'

HOFFMAN ROAD

894'

70'

GUN CLUB ROAD

FITTERER/OLOF
INSTR. NO.
2005-003104

MESDAG
INSTR. NO.
2023-001498

MESDAG
INSTR. NO.
2023-001498

PARCEL 1
P.P. 2002-0030

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

PROPOSED ANNEXATION AREA



Page 18 of 103

SURVEYED FOR: CITY OF INDEPENDENCE



FFN SURVEYING

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POLK COUNTY, OREGON
DATE: JANUARY 31, 2025

JOB NO.
23-477

SHEET
1/1



INDEPENDENCE

Oregon's Story Begins Here

TYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2026-01) STAFF REPORT

DATE:	February 10, 2026
RECOMMENDATION:	APPROVE WITH CONDITIONS
FILE NUMBER:	AX 2026-01
APPLICANT:	Mahonia Northwest, LLC (Matt Brown)
REQUEST:	Annex 46.7 Acres East of 13 th Street and Rezone Property to Mixed Density Residential (MX)
PROPERTY:	Site Address: 6120 S. 13th Street Map Number: 8.4.29. Taxlots: 1100 and 2100
FUTURE LAND USE:	Existing: County – Urban Reserve Proposed: City – Residential
ZONING:	Existing: County – Exclusive Farm Use (EFU) Proposed: City – Mixed Density Residential (MX)
CRITERIA:	Oregon State Planning Goals and Independence Comprehensive Plan Independence Development Code (IDC) -Subchapter 11: Administration -Subchapter 12: Zone Changes and Plan Amendments -Subchapter 14: Annexation
CONTENTS:	I. Background and Process II. Agency and Public Comments III. Recommended Conditions of Approval IV. Staff Findings – Oregon State Planning Goals and Independence Comprehensive Plan V. Staff Findings – Independence Development Code
ATTACHMENTS:	A: Application for Type III/IV Land Use Action (4 pages) B: Annexation Petitions (4 pages) C: Proposed Master Plan (1 page) D: Master Plan and Annexation Approval Criteria Narrative (10 pages) E: Annexation Map and Detail (2 pages)

I. BACKGROUND AND PROCESS

This proposal seeks to annex 46.7 acres east of 13th Street (Map Number: 8.4.29. Taxlots: 1100 and 2100) into the City of Independence. With the annexation, the land would be rezoned from County – Exclusive Farm Use (EFU) to City – Mixed Density Residential (MX).

Any future subdivision of the land or project applications for the site would occur as part of a separate land use application.

II. AGENCY AND PUBLIC COMMENTS

No agency or public comments have been received as of the date of this Staff Report.

III. RECOMMENDED CONDITIONS OF APPROVAL

One condition is proposed for the Annexation and Zone Change:

- Condition 1: The applicant shall collaborate with the state on any review that may be required following the submittal of a Wetland Land Use Notification for future development on the site and comply with any Department of State Lands requirements.

With this condition, the annexation and rezone is able to be approved. All future development will additionally be required to meet City of Independence standards including but not limited to standards for Site Design Review and Subdivisions (as applicable), and the Public Works Design Standards.

IV. STAFF FINDINGS – OREGON STATE PLANNING GOALS AND INDEPENDENCE COMPREHENSIVE PLAN

Annexations and zone changes are required to meet the Oregon State Planning Goals. These goals are primarily implemented through planning documents, such as the Independence Comprehensive Plan, Transportation System Plan, and Housing Needs Analysis, as well as infrastructure plans such as water and wastewater master plans. Implementing regulations, such as the requirements of the Independence Development Code, also help to achieve these goals.

A consideration of several of the statewide planning goals is provided below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” This goal is implemented by the Citizen Involvement Element of the Comprehensive Plan, as well as Subchapter 11 of the Independence Development Code.

The proposed application has been processed in accordance with these standards. The city has offered notice of the proposed annexation and rezone by:

- Mailing the notice to properties within 250 feet of the site.
- Posting the notice on the State Department of Land Conservation and Development “PAPA” website.
- Posting the notice on the City of Independence Planning Department website and social media feeds.
- Publishing the notice in the Polk County Itemizer-Observer.

A City Council public hearing on the proposed annexation and map change will occur on February 10, 2026.

Given these items, individuals have had several opportunities to learn about the annexation and rezone and to be involved in the process. This goal has been achieved.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals looks “to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” This goal is implemented by the Land Use Element of the Independence Comprehensive Plan as well as the Independence Development Code.

The Land Use Element of the Independence Comprehensive Plan seeks “to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs” (see Goal 1). Policies in the plan seek:

- To establish and use appropriate residential land use designations for various portions of the community.
- To ensure that new residential land uses are consistent with the underlying Comprehensive Plan designations.
- To use the Southwest Independence Concept Plan and Central Talmadge Plans as ancillary documents of the Independence Comprehensive Plan to guide the future development of the areas covered by the plans.

The proposed annexation and rezone effectively achieve these policies.

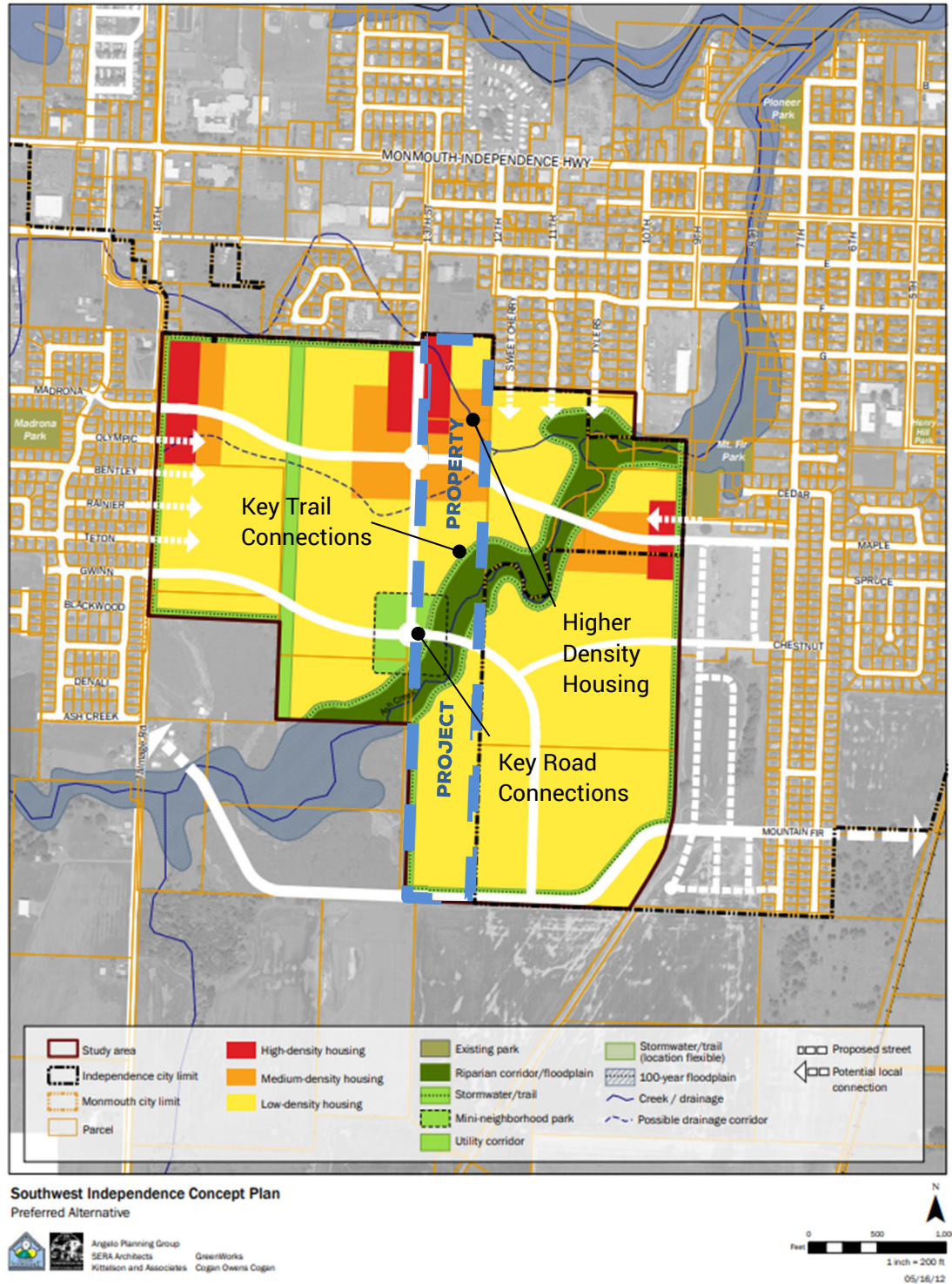
The City of Independence included the site of the proposed annexation and rezone within the Independence Urban Growth Boundary as part of the 2009 boundary expansion, after the city weighed potential directions for the community to grow. Since that time, the city has consistently prepared for the future urbanization of the site. The City planned for the property as part of the 2012 Southwest Independence Concept Plan and reevaluated the north portion of the site as part of the 2025 Central Talmadge Plan. The Independence Future Land Use map anticipated residential use on the site and the Southwest Independence Concept Plan and Housing Needs Analysis anticipated that the land would enter the City as part of the MX Zone. The Central Talmadge Plan furthered this work and presumed that the site would be zoned MX, with multifamily development on the northern portion of the site.

The master plan submitted by the applicant (see Attachment C) addresses these various policies. The submittal shows:

- Multifamily development in the northern part of the site, with lower density single-family homes and cottages located on the south of the property.
- The creation of key road connections along 13th Street, I Street and Chestnut Street (key principles of the Southwest Independence Concept and Transportation System Plans).
- The establishment of trail network along the South Fork of Ash Creek (a key concept articulated in the City of Independence Transportation System Plan, Parks and Open Space Master Plan, and Southwest Independence Concept Plan).

Figure 1 shows how these concepts are met on the project site.

FIGURE 1: SOUTHWEST INDEPENDENCE CONCEPT PLAN



While the trail and roadways incorporated within the master plan will not be created as a direct result of this annexation and rezone application (and will occur through future projects on the site), future development of the site will:

- Be required to be consistent with the master plan provided as part of this application.

- Be required to progress through a Subdivision and/or Site Design Review process, with a public notice period (and potentially a public hearing) for each of the future phases to ensure these items are achieved.

Items such as the anticipated density, road connections, bicycle and pedestrian amenities, etc. will be evaluated for consistency with the master plan submitted as part of this application as part of each of the phases.

Given these considerations, a robust land use framework has been crafted to apply to the property, and the proposed annexation and rezone fits effectively within this framework. This goal is achieved.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. Goal 5 of the Oregon State Planning Goals seeks “to protect natural resources and conserve scenic and historic areas and open spaces.” As part of this goal, local governments are intended to implement policies and programs that “protect natural resources and conserve scenic, historic, and open space resources for present and future generations.”

To implement this goal, the Independence Comprehensive Plan states that:

Independence will compile an inventory of wetlands and riparian corridors and complete the Goal 5 process when adequate information pertaining to location, quality and quantity becomes available. In the interim, an assessment of riparian and wetland resources and appropriate measures of protection shall be applied at the time of plan amendment and zone change approval (see Natural Resources, Scenic and Historic Areas and Open Spaces, Water Resources Policy 1).

Based on the requirements of OAR 660-023-0090 and 660-023-0100, however, the City still does not have “adequate information pertaining to location, quality, and quantity of wetlands,” especially those wetlands considered significant. The Goal 5 process has not been completed as a result. Given these considerations, the City is required to utilize interim steps to analyze riparian and wetland resources on the site and establish “appropriate measures” to protect the resources. To ensure these “appropriate measures” are achieved, the City plans to use a “belt and suspenders” series of related approaches to address this application.

To understand the features that constitute a locally significant wetland under the Goal 5 requirements in the context of the City of Independence, the City reviewed the Monmouth Local Wetland Inventory. This local wetland inventory, from the City’s neighbor directly to the west, considered the same stream systems, similar soils and the same relatively flat topography as Independence, and showed that the significant wetlands within the area are located almost exclusively along stream corridors – typically within the floodplain of the streams. So long as the floodplain corridors are protected, the bulk of significant wetlands will be protected as well.

The master plan proposed as part of this project seeks to safeguard wetlands consistent with this finding – largely protecting the floodplain of the South Fork of Ash Creek from development. With the protection of the floodplain from development, significant wetlands along the creek will largely be retained.

The Southwest Independence Concept Plan also emphasized the importance of protecting wetlands along the South Fork of Ash Creek. Discussing the protection of wetlands, the document stated:

*The city will encourage mitigation of wetland impacts through a combination of avoidance, on-site enhancement or restoration of existing wetlands and participation in the State of Oregon’s wetland mitigation payment-in-lieu program. Within the Concept Plan area, the **city places a particularly high priority on enhancement or restoration of wetlands adjacent to the South Fork of Ash Creek, including the designated South Fork Ash Creek open space corridor identified in “Figure 12. Approach to Natural Resources Management” on page 17. The City considers other wetland areas such as those in areas historically used for agriculture, to be of a lower priority for enhancement, restoration or avoidance.***

However, property owners will address potential impacts to wetland areas through coordination and consistency with requirement of the Oregon Department of State Lands (DSL) and Army Corps of Engineers. Approval of development will be conditional on meeting these requirements (see Southwest Independence Concept Plan, page 21; emphasis added).

The southwest plan placed a high priority on the enhancement or restoration of wetlands along the South Fork of Ash Creek and considered other previously farmed wetlands to be a lower priority for protection.

Open Space Policy 4 in the Natural Resources, Scenic and Historic Areas and Open Spaces Element of the Independence Comprehensive Plan supported this approach saying:

The City will create an open space corridor along the South Fork of Ash Creek to provide for a combination of riparian area protection, flood storage capacity, wetland preservation and enhancement, stormwater management and development of a linear park and trail (see Natural Resources, Scenic and Historic Areas and Open Spaces Element, Open Space Policy 4).

Given these considerations, the proposed master plan supports the approach articulated in the Independence Comprehensive Plan and the Southwest Independence Concept Plan – protecting the high priority wetlands adjacent to the South Fork of Ash Creek and placing less priority on those areas more disturbed by agriculture.

Federal and State Requirements – Federal and state standards provide further support of the “belt and suspenders” effort to ensure the use of “adequate measures” to protect Goal 5 resources:

Federal Emergency Management Agency – In 2009, environmental advocacy organizations sued the Federal Emergency Management Agency (FEMA) for failing to consult with the National Marine Fisheries Service on impacts to endangered species from the National Flood Insurance Program. Following a settlement on the suit, FEMA agreed to consult with the National Marine Fisheries Service on key aspects of the program.

Following several years of consultation and analysis, the National Marine Fisheries Service issued a Biological Opinion for the National Flood Insurance Program in 2016. This opinion considered several items that would ensure the continued protection of endangered or threatened species in Oregon and assumed in part that cities would implement mitigation strategies at the local level to help protect the species. With this opinion, FEMA now requires local governments to ensure that no net loss of habitat functions occurs in floodplains and uses three key proxies to gauge the retention of habitat functions – the amount of undeveloped space, the total impervious surfaces, and the number of trees.

Implementing these federal requirements related to the three proxies in the floodplain of the South Fork of Ash Creek will ensure that the floodplain and its associated riparian area and wetlands are protected as the limited development in the floodplain (trails and stormwater facilities) associated with this development occurs.

Requirement for 100-Foot Setback – Further supplementing the various requirements to protect riparian features and wetlands along the South Fork of Ash Creek are recent state standards related to required creek setbacks. In 2019, the State of Oregon established a 100-foot creek setback in riparian areas of communities that do not have an adopted Goal 5 analysis (such as Independence). This 100-foot setback is intended to address Goal 5 for middle housing development and states “if a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor” (see OAR 660-046-0010(3)(A)(iii)). While this standard is specifically intended to target the protection of riparian Goal 5 resources, in a context like Independence, the requirement also helps to protect wetlands located along stream corridors (the likely location of most significant wetlands in the city).

The proposed master plan submitted with this annexation looks to dedicate more than 100-feet adjacent to the S. Fork of Ash Creek adjacent to the middle housing development proposed on the north of the site.

Wetland Requirements Outside of Goal 5 – Finally, to ensure that specific requirements for wetlands are met, the city will require any future development on the site to provide notice of the development project to the Oregon Department of State Lands (using the Wetland Land Use Notification process) and to address any conditions that apply. The following condition reflects this requirement:

Condition 1: **The applicant shall collaborate with the state on any review that may be required following the submittal of a Wetland Land Use Notification for future development on the site and comply with any Department of State Lands requirements.**

Conclusion – With this “belt and suspenders” approach – including dedicating the floodplain to the City of Independence, ensuring that any development that occurs within the area (such as trails or stormwater facilities) is adequately mitigated to ensure no-net loss of floodplain functions, and providing a wetland notification at the time of development – Goal 5 will be met.

Goal 8: Recreational Needs. Goal 8 of the Oregon State Planning Goals seeks “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities...” The Independence Comprehensive Plan Recreation Element, Parks System Master Plan and Southwest Independence Concept Plan help to implement this goal in Independence.

The annexation, rezone, and master plan associated with this application are consistent with this recreational planning framework. The submittal shows the following lands for parks, open space and recreation:

- The floodplain of the South Fork of Ash Creek, which will be used for riparian and wetland area protection, as well as trails along the creek.
- A park dedication, which will be located near the future intersection of Chestnut and 13th Streets.
- Walkways and bike lanes for people to walk and cycle for recreation, travel, and fitness. The project would include walkways on all the roadways and include bike lanes on collector streets (I Street, 13th and Chestnut).

With these items, this goal will be achieved.

Goal 10: Housing. Goal 10 of the Oregon State Planning Goals seeks “to provide for the housing needs of citizens of the state.” Principles to achieve Goal 10, as outlined in OAR 660-015-000(10), include:

- Ensuring that adequate lands are available for development.
- Ensuring that a mix of housing types are developed on those lands.

The Housing Element of the Independence Comprehensive Plan, Housing Needs Analysis, and Housing Production Strategy help to implement these principles in Independence.

In the Independence Housing Needs Analysis, the City found that Independence had adequate land to meet its housing needs, so long as the majority of the land within the unincorporated Urban Growth Boundary was developed under the requirements of the Mixed Density Residential (MX) Zone and further steps were taken to expand the number of areas where multifamily homes could be developed. Among the recommendations within the plan included the action to “Evaluate strategies to increase development of multi-family and townhouse units in the Mixed-Density Residential (MX) zone” to ensure that sufficient multifamily units were available.

To help expand the number of areas where multifamily units could occur, the Housing Needs Analysis suggested that the City should consider whether to require a higher proportion of multifamily units in the Mixed Density Residential zone (beyond the existing 15 percent requirement), and/or whether to establish a

location standard for multifamily units. The Central Talmadge Plan responded to these considerations and stated a preference for multifamily housing on the north portion of properties in the MX zone, near the Central Plaza Shopping Center. Following the adoption of the plan, the City adopted a new standard for multi-unit housing in the Central Talmadge area as part of its annexation standards (see IDC 14.030(D)(1)).

The proposed annexation, rezone, and accompanying master plan fit well within this framework.

- The proposal seeks to enter the City as part of the Mixed Density Residential (MX) Zone. The zone is appropriate because the property is identified as Mixed Density Residential in the Southwest Independence Concept Plan and is adjacent to the Mixed Density Residential Zone on two sides.
- The proposal prioritizes the development of multifamily housing on the north portion of the site (in conformance with the Central Talmadge Plan) and seeks a range of multiple-unit housing that would exceed the 15 percent requirement articulated for the MX Zone.

Given these items, the proposed annexation, rezone, and master plan for the site meets Goal 10 as well as the City planning goals related to housing.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including the Wastewater System Plan and Water Master Plan) help to implement this goal.

The Independence Public Facility Element seeks to:

- Have land use developments extend facilities to serve development sites based on the frameworks articulated in City facility plans.
- Limit the extension of utilities to areas outside of the city limits.

The annexation and rezone application fits well within this policy framework.

The proposal would bring the 46.7-acre property into the City of Independence and allow the applicant to extend services to the site. As development occurs, the City will evaluate the various phases for consistency with adopted facilities plans as well as the Independence Public Works Design Standards.

Given these items, the goals and policies of the Public Facilities Element will be achieved.

Goal 12: Transportation. Goal 12 of the Oregon State Planning Goals seeks “to provide and encourage a safe, convenient and economic transportation system.” The Independence Transportation System Plan and the Independence Public Works Design Standards help to implement this goal in Independence.

The proposed annexation and rezone application, and associated master plan, effectively responds to these standards. Future traffic from the site was evaluated as part of the Independence Transportation System Plan (using the standards of the MX zone) and no offsite improvements were considered necessary, so long as the transportation network included major streets, such as Chestnut Street, I Street and 13th Street to help route traffic to various locations within the City. The applicant will be required to help build out these major streets as development occurs. Additionally, the applicant will be required to supply Traffic Impact Analyses as part of future phases of development to confirm the opinion of the Transportation System Plan and see if any improvements are needed (beyond the on-site local and collector street system shown in the Independence Transportation System Plan).

Further:

- Road widths suggested by the applicant are consistent with the standards required for collector and local streets.

- Non-motorized facilities shown, including the shared use paths along the South Fork of Ash Creek and the walkways and bikeways along collector streets, are consistent with City Plans.

Given these items, the proposal is consistent with Goal 12 and City planning documents. This goal is achieved.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, and the Independence Development Code help to implement this goal in Independence.

The proposed annexation and rezone application effectively supports these goals and policies. The area would accommodate an urban population with urban services, encourage the efficient use of land, and promote the development of a livable community.

Based on these considerations, the proposed annexation and rezone promotes the efficient use of urban land and has incorporated opportunities for public feedback, all while effectively balancing considerations about housing, economic development, transportation, and the natural environment. Given these findings, the proposed annexation is consistent with the Oregon State Planning Goals.

V. STAFF FINDINGS - INDEPENDENCE DEVELOPMENT CODE

Subchapter 11: Administrative Provisions

11.002 Applications and Review Procedures

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C. Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission plays an advisory role. Public notice is provided and, except as noted in subsection (4), public hearings are held before both the Planning Commission and City Council. Sections 11.025 and 11.030 list the notice and hearing requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Zone Change
2. Comprehensive Plan Map Amendment
3. Annexation and Zone Change when requested concurrent with one another. The City Council reviews such a request without review or recommendation by the Planning Commission.

The proposed annexation and rezone request is considered a Type III action under the Independence Development Code Section 11.002(C). The action requires a quasi-judicial review by the City Council, but because it combines a request for annexation with a redesignation and zone change, pursuant to 11.002.C.3, the Independence Planning Commission neither reviews nor recommends Council action. Standards for the decision are presented in Subchapter 12 (Zone Changes and Plan Amendments) and Subchapter 14 (Annexations), presented and addressed below.

Subchapter 12: Zone Changes and Plan Amendments

12.005 Initiation of a Zone Change or Plan Amendment

A zone change or plan amendment may be initiated in any one of the following ways:

- A. The City Council may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- B. The Planning Commission may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- C. A property owner may initiate such action by petition for the owner's own property.

Staff Response: Matthew Brown (of Mahonia Development) has submitted the request to annex and rezone 6130 S. 13th Street in collaboration with the owners of the property. This standard is met.

12.010 Zone Change and Plan Amendment by Petition

Any property owner may initiate a zone change or plan amendment for the property that he or she owns by submitting to the City Recorder a petition bearing the following:

...

Staff Response: The applicant has submitted the necessary documents for a plan amendment and rezone. The application seeks to designate the land as Residential on the Future Land Use Map and Mixed Density Residential (MX) on the Independence Zoning Map. This standard is met.

12.020 Action by the City Council

Upon receipt of a recommendation from the Planning Commission for any zone change or plan amendment, the City Council shall hold a public hearing. The City Council shall base its decision upon the findings, conclusions and recommendations reached by the Planning Commission unless, by a preponderance of the evidence, it finds facts and reaches conclusions different from those reached by the Planning Commission. All zone changes or plan amendments shall be based on written findings. Any zone change or plan amendment shall be by ordinance. Any denial of a request for a zone change or plan amendment shall be by resolution.

Staff Response: No Planning Commission review is required for the annexation/rezone request per IDC Section 11.002(C)(3). Written findings supporting the adopted ordinance will form the basis of the City Council's decision.

12.025 Standards for Zone Changes

No zone change shall be approved by the Planning Commission or enacted by the City council unless it conforms to the Comprehensive Plan, including the Transportation System Plan, and at least one of the following standards is met:

- A. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer appropriate and the zone change would conform to the new conditions of the neighborhood;
- C. There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.

Staff Response: Annexation of the site would create a situation where the existing zoning (County – Exclusive Farm Use) is no longer appropriate.

Previous planning conducted for southwest Independence identified the Mixed Density Residential (MX) Zone as the desired zone for the area. As stated within the Southwest Independence Concept Plan “in 2009, Independence adopted the Mixed Density Residential (MX) Zone with the intent of applying it to land in the Southwest Independence Concept Plan area as it is annexed into the city.” (see Southwest Independence Concept Plan, page 23)

Given the work completed on the Southwest Independence Concept Plan, its adoption by reference in the Independence Comprehensive Plan, and the presence of two neighboring properties with the same zoning, staff considers the MX zone to be the correct zone for the area.

12.030 Standards for Plan Amendment

No plan amendment shall be approved by the Planning Commission or enacted by the City Council unless at least one of the following standards is met:

- A. The Comprehensive Plan designation for the land for which the plan amendment is initiated is erroneous and the plan amendment would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the plan amendment is initiated have changed to such a degree that the Comprehensive Plan designation is no longer appropriate and the plan amendment would conform to the new conditions in the neighborhood;
- C. There is a public need for land use of the kind for which the plan amendment is initiated and that public need can best be met by the plan amendment.

Staff Response: Annexation of the site would additionally create a situation where the existing future land use designation (County – Urban Reserve) is no longer appropriate.

Previous planning conducted for southwest Independence and Central Talmadge identified Residential as the desired use for the area. Given the work completed on the Southwest Independence Concept Plan and the Central Talmadge Plan, and their adoption by reference in the Independence Comprehensive Plan, staff considers the Residential to be the appropriate Future Land Use Designation for the area. The designation will meet a public need that can best be met by the plan amendment.

Subchapter 14: Annexation

14.030 Master Plan Requirement for Southwest Independence Concept Plan Area

- A. **Purpose.** A master plan is required as part of the annexation of any property within the Southwest Independence Concept Plan Area. This requirement is intended to provide the City with a concept of the holistic development of the annexation area to ensure that the project meets the various standards included within this Section, while providing the applicant with a reasonable assurance that the various phases of the project are feasible.

The 2012 Southwest Independence Concept Plan establishes the overall vision and land use framework for the area in the Southwest Independence Concept Plan, which should form the basis of any Master Plan submitted. The Southwest Plan, however, has been refined in part by the 2024 Central Talmadge Plan. Where the Central Talmadge Plan addresses a site or a portion of a site, that plan shall govern.

Staff Response: The proposed annexation includes land both within the Southwest Independence Concept Plan and the Central Talmadge Plan boundaries. A master plan that offers a

framework for future development has been submitted concurrent with the application in accordance with the requirements of Subchapter 14.

B. Applicability and Procedure.

1. A Master Plan approval is required concurrent with the annexation of any property within the Southwest Independence Concept Plan boundaries (see Figure 9 in the Concept Plan).
2. A Master Plan shall include the entire subject tax lot. At the option of the applicant, a Master Plan may include adjacent tax lots under the same or different ownership. All subject property owners must be listed as applicants and provide signatures on the application form.
3. Once approved, a Master Plan does not expire. The approved Master Plan shall replace and supersede the adopted Southwest Independence Concept Plan for the subject property or properties. An approved Master Plan may be amended pursuant to Section 14.030(E).
4. Once approved, subsequent land division and development review applications shall be reviewed for consistency with the Master Plan.

Staff Response: The master plan submitted as part of the application incorporates a design framework that will guide the organization of the area proposed for annexation. If approved, staff will review future subdivisions and developments for conformity with the master plan.

C. Submittal Requirements. A Master Plan shall be drawn at a minimum scale of 1" = 100 ft and may include multiple sheets. The following information shall be shown on the plan:

1. The general location of collector streets (within a corridor width of 100 feet);
2. The general size and location of any park land;
3. The general size and location of any trail/stormwater/drainage corridors, with potential off-site connections shown;
4. Identification of the required riparian corridor setback along South Fork Ash Creek, if applicable to the subject property or properties;
5. The general location and size of areas intended for low, medium and high-density housing, along with anticipated densities for each, and a description of how any high-density housing proposed is in the following locations.
 - a. In locations shown in the Central Talmadge Plan, if applicable.
 - b. At locations that meet one of the following characteristics if the project is not located in the Central Talmadge Plan boundaries:
 - i. At gateways and along corridor and arterial streets.
 - ii. Closest to existing services and commercial areas.
 - iii. Adjacent to parks, natural areas, or other amenities.
6. An indication of how the master plan meets the overall minimum average density of 9 units per acre.
7. Anticipated phasing of development, if applicable.

Staff Response: The master plan is consistent with the submittal requirements articulated in IDC 14.030(C). The plan shows the anticipated locations of collector streets, park land, areas of low, medium and high-density residential development, and trail/stormwater/drainage corridors, and provides information about how the project

plans to meet a minimum average density of 9 units per acre. Additionally, in personal communications, the proponents of the development have stated their intention to develop the site moving from the northern portions to the south. With this information, the submittal requirements in IDC 14.030(C) have been met.

D. **Approval Criteria.** A Master Plan shall be approved as part of the annexation process if it meets the following criteria:

1. The Master Plan is generally consistent with the locations and amounts of low, medium and high-density residential development shown in Figure 9 of the Southwest Independence Concept Plan. Provided that, if the property is within both the Southwest Independence Concept Plan and the Central Talmadge Plan, the plan is consistent with Figure 33 of the Central Talmadge Plan.

Staff Response: The master plan submitted as part of this application is consistent with the locations and amounts of low, medium and high-density residential development shown in Figure 9 of the Southwest Independence Concept Plan and Figure 33 of the Central Talmadge Plan. Higher density development is concentrated in the northern portions of the site, near the Central Plaza Shopping Center and key community facilities such as Central High School and local transit routes. Given the proposed location of the higher density development, as well as the other details about the anticipated mix of housing, this approval criterion is achieved.

2. The Master Plan achieves the minimum target density of an average 9 units per net acre.

Staff Response: The master plan proposes a mixture of housing types including:

- Multifamily housing on the north end of the site.
- Cottages and townhomes between the multifamily and the South Fork of Ash Creek.
- Single-family housing and cottages south of the creek.

The overall target net density is anticipated to be approximately 16 units per acre, with the bulk of units located on the north portions of the site. This approval criterion is achieved.

3. The Master Plan demonstrates that at least 15 percent of all dwelling units will be either in multiple-family or attached single-family structures.

Staff Response: The master plan looks to include a mixture of housing types that exceeds the 15 percent requirement for multifamily and attached single-family in the zone. The proposal includes a housing mix where 47.5 percent of the overall homes are multiple family, far exceeding the 15 percent target for the zone. This approval criterion is achieved.

4. The Master Plan is consistent with the Concept Plan policies in Section 3 of the adopted Concept Plan.

Staff Response: The master plan also addresses many of the policies in the Southwest Independence Concept Plan.

The Southwest Independence Concept Plan establishes policies related to:

- Siting Residential Density
- Master Planning
- Housing Types

- School Siting
- Major Roadways
- Local Street Connections and Street Connectivity
- Cul-de-sacs
- Green Street Design
- Pedestrian Facilities
- Bicycle Facilities
- Stormwater
- Ash Creek Riparian Corridor
- Park Development
- Open Space and Natural Resources
- Wetlands
- Trails
- Intermittent Drainages

This staff report has addressed many of these items. Those not addressed are largely covered in the applicant's submitted narrative (see Attachment D). Among those not fully covered by the applicant, the following additional notes will be components that help guide City review as future development occurs.

Cul-De-Sacs – Per the requirements of the Southwest Independence Concept Plan and IDC 90.90.010(M), the City seeks a well-connected street network and only allows cul-de-sacs in a limited number of circumstances. As local streets fill in the network of the major roadways shown on the master plan submitted as part of this application, the City will take care to ensure that roadways are well-connected.

Ash Creek Riparian Corridor and Pedestrian Facilities – Additionally, the Southwest Independence Concept Plan envisions a robust pedestrian network (comprised of trails along the South Fork of Ash Creek and along major streets in the area) that serves as the foundation for the quality of life in Southwest area. To ensure that these features are not just built, but act as a focus of the development and have future homes that are oriented to provide “eyes on the street” for the features, the City will evaluate future subdivisions to ensure that the lot layouts take care to orient homes to the high-quality public spaces that are created. Features like the use of alleys may be used to help orient the fronts of homes to the features.

5. The Master Plan identifies trail/riparian/stormwater corridor easements along South Fork Ash Creek that are consistent with Figure 9 of the Concept Plan. The width of the corridor may vary from the Concept Plan depending on the results of wetland delineation and location of any wetland restoration or mitigation. At a minimum, the corridor must include the following:
 - a. The required 25-foot setback along Ash Creek as established in Subchapter 54.105;
 - b. Identified floodplain area;
 - c. Additional 40-foot wide area for stormwater management and multi-use trail (can be inside floodplain but outside any established wetland); and
 - d. Wetland areas as follows:
 - i. Any delineated wetland area that will be protected and/or restored.
 - ii. Any new wetland area created as mitigation for removal of wetlands in other areas of the site.

Staff Response: The master plan submitted as part of this application looks to protect the floodplain along the South Fork of Ash Creek, and in so doing protect the features desired in IDC 14.030(D)(5). The mapped floodplain through the site shows the width of the floodplain (measured from side to side) ranging from around 280 feet to 540 feet. Sufficient land is available within that area to incorporate the required 25-foot stream setback, an additional 40-foot-wide area for stormwater management, and space for trails on both sides of the stream.

Additionally, any wetlands to be protected or restored along the stream corridor will be incorporated in the trail/riparian/stormwater corridor.

With these features, this standard is met.

E. **Modifications to an Approved Master Plan.** Any modifications to an approved Master Plan must be approved by the City through a Type I administrative review (Planning Director decision with no public hearing). Modifications to an approved Master Plan must meet the following criteria:

...

Staff Response: Any change to the proposed master plan will be required to meet the requirements in IDC 14.030(E). Staff will ensure that this standard is met.

Informational Item

Given this review, staff concludes that the annexation proposal is approvable with Condition 1. However, Site Design Review and Subdivision standards in the Independence Development Code, as well as in the Independence Public Works Design Standards will need to be met, as future development occurs. The following note recognizes these requirements:

- All future development will be required to meet City of Independence standards including but not limited to standards for Site Design Review and Subdivisions (as applicable), and the Public Works Design Standards.



APPLICATION FOR A TYPE III OR IV PROPOSAL

City of Independence
555 S. Main St./ P.O. Box 7
Independence, OR 97351
Phone 503-838-1212 / Fax 503-606-3282

OFFICE USE ONLY

Permit #:	Date Rec:
Land Use Fee:	
Notice Fee:	\$60.00
Certified Labels (Opt.):	
Admin. Fee (10% or \$500 Max):	
Total:	

GENERAL INFORMATION

Site Address: 6120 S 13th Street	Nearest Cross Street: F Street
Tax Map: 08429	Tax Lot(s): 01100 and 02100
Site Size: 46.68 Acres	Site Dimensions: 4,100' x 500'
Project Summary (Attach Additional Sheets if Necessary): Annexation of the property located at 6120 S 13th Street into the City of Independence. See attached narrative for detailed explanation.	

PROPERTY OWNER

Name: Independence Property LLC		
Mailing Address: [REDACTED]		
City: Salem	State: OR	Zip: 97301
Phone: [REDACTED]	Cell:	Email: [REDACTED]

APPLICANT

Name: Matthew Brown		
Business Name (if Applicable): Mahonia Northwest LLC		
Mailing Address: [REDACTED]		
City: Lake Oswego	State: OR	Zip: 97034
Phone:	Cell: 503-341-3794	Email: [REDACTED]

Applicant's Interest in Property: Development Manager

SIGNATURES

THE PROPERTY OWNER(S)/APPLICANT(S) SHALL CERTIFY THAT:

- A. The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- B. If the application is granted, the Applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- C. All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true. The applicant(s) so acknowledge that any permit issued on this application may be revoked if it be found that any such statements are false.

Signature of Each Property Owner and Applicant (Husband/Wife/Contract Purchaser/etc.):

Print Name:	[REDACTED]	Date:
Edis M. Cole	[REDACTED]	8/13/25



APPLICATION FOR A
TYPE III OR IV PROPOSAL

City of Independence
555 S. Main St./ P.O. Box 7
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Mailing Address: [REDACTED]		
City: Salem	State: OR	Zip: 97301
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

APPLICANT

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Business Name (if Applicable): Mahonia Northwest LLC		
Mailing Address: [REDACTED]		
City: Lake Oswego	State: OR	Zip: 97034
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

Applicant's Interest in Property: Development Manager

SIGNATURES

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Signature of Each Property Owner and Applicant (Husband/Wife/Contract Purchaser/etc.):

Print Name:	[REDACTED]	Date:
Paul Fender	[REDACTED]	8/14/25



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TYPE III OR IV PROPOSAL

City of Independence
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Mailing Address: [REDACTED]		
City: Lake Oswego	State: OR	Zip: 97034
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

Applicant's Interest in Property: Development Manager

SIGNATURES

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- C. All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true. The applicant(s) so acknowledge that any permit issued on this application may be revoked if it be found that any such statements are false.

Signature of Each Property Owner and Applicant (Husband/Wife/Contract Purchaser/etc.):

Print Name:	[REDACTED]	Date:
Michael Buck	[REDACTED]	August 13, 2025

APPLICATION TYPE

Type III Action:	Fee: (+\$60 Notice Fee)	Type IV Action:	Fee: (+\$60 Notice Fee)
Land Use Pre-Application (Should be completed prior to submittal of application)	\$300	Land Use Pre-Application (Should be completed prior to submittal of application)	\$300
Land Use Actions*:		Land Use Actions¹:	
☒ Annexation <i>Attach petition to this application</i>	\$2,000*	☐ Comprehensive Plan Amendments/Revisions	\$300 ¹ *
☐ Comprehensive Plan Map Amendment	\$2,500*	☐ Master Plan Adoptions	¹ Private parties may request a Type IV action; however, it must be initiated by the Planning Commission or City Council
☐ Zone Change	\$2,500*	☐ Development Code Amendments	
☐ Site Design Review <i>For Larger Commercial/ Industrial Development</i>	\$500*		

**All land use application fees are a base fee amount to be paid to the City. An Agreement for Payment of Land Use Application Fees in the form attached hereto, must be executed by the property owner and submitted to the City with the application Base Fee, as a component of the City's required application fees. The Agreement shall be recorded against the subject property and run with the land. If the City's costs for processing an application exceed the Base Fee, the full cost due and payable will be the City's actual cost, including but not limited to hourly rates for planning, public works, engineering, City administration, legal, wetland and other consultants.*

NOTE: ALL FEES ARE NON-REFUNDABLE

REQUIRED SUBMITTALS

- ☐ Details necessary for the proposal as specified in the Independence Development Code.
- ☐ Plot plan of subject property - show scale, north arrow, location of all existing and proposed structures, road access to property, names of owners of each property, etc. Plot plans can be submitted on tax assessor's maps, which can be obtained from the Assessor's office in the Polk County Courthouse, Dallas, OR.
- ☐ Legal description of the property as it appears on the deed (metes and bounds). This can be obtained at the Polk County Clerk's office in the Courthouse.
- ☐ For a Zone Change, Comprehensive Plan Amendment or Urban Growth Boundary change, the names, addresses and zip codes of all the owners of record of the property(ies) to be reclassified, if not shown above.
- ☐ A certified list of names and addresses of each owner of all properties within 250' of the subject property. 2 sets of mailing labels for each property owner must also be provided. For an additional \$25, the city will provide the list and labels.

CHECK HERE FOR THIS OPTION ☒ and include \$25 to the total due with your application.

- ☐ Agreement for Payment of Land Use Application Fees (notarized).



City of Independence

555 South Main Street

PO Box 7

Independence, OR 97351

Phone: 503.838.1212 / Fax: 503.606.3282

TTY: 1.800.735.2900

ANNEXATION PETITION

ORS 222.125

We, the undersigned legal owner(s) or contract purchaser(s) of a certain parcel of land, as set forth in the attached legal description, marked as Exhibit 'A', petition the Honorable Mayor and City Council of the City of Independence for annexation of certain property to the City of Independence. We further desire that by this petition that the certain property be annexed to and be included within the corporate limits of the City of Independence, Oregon, a municipal corporation, and we do hereby consent to such annexation, without the necessity of any election being called within the area above described, and we do hereby take steps as are necessary to determine whether or not the said above described area shall be annexed.

Owner(s) or Contract Purchaser(s):

Address:

Independence Property LLC

DATED this 13th day of July AUGUST, 20 25.

I certify that the above Petition for Annexation of the territory described therein contains the names of all the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory.

Name

Lois Cole

Title

Member

Date:

8/13/25



City of Independence

555 South Main Street

PO Box 7

Independence, OR 97351

Phone: 503.838.1212 / Fax: 503.606.3282

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Owner(s) or Contract Purchaser(s):

Address:

Independence Property LLC

[REDACTED]

DATED this 13th day of July August, 20 25.

I certify that the above Petition for Annexation of the territory described therein contains the names of all the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory.

[REDACTED]

Member

Title

Date:

8/13/25



City of Independence
555 South Main Street
PO Box 7
Independence, OR 97351
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Owner(s) or Contract Purchaser(s):

Address:

Independence Property LLC

[REDACTED]

DATED this 14th day of July August, 20 25.

I certify that the above Petition for Annexation of the territory described therein contains the names of all the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory.

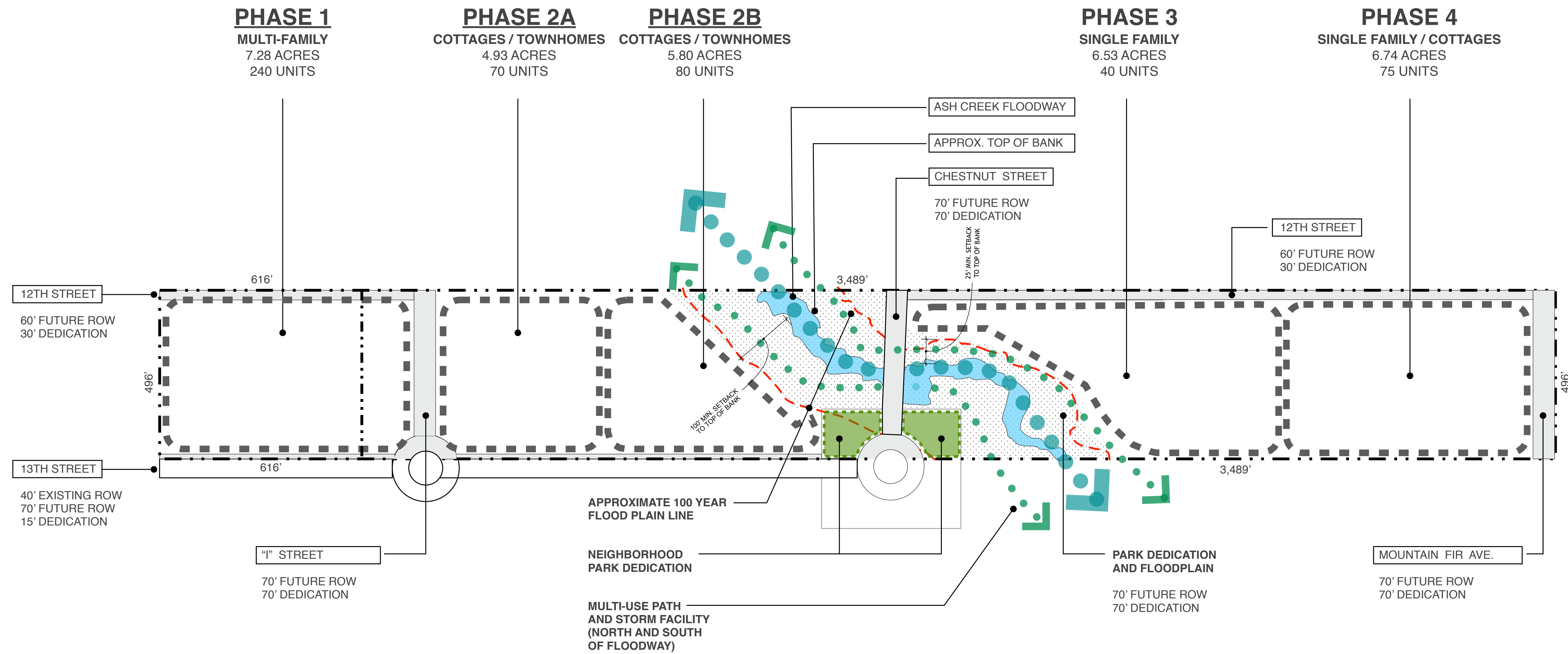
[REDACTED]
Name

Owner
Title

Date: 8/14/25

EXHIBIT A

Beginning at a point which is 1,955 feet East of the Southwest corner of the John E. Davidson DLC No. 44 in Township 8 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence North a distance of 4,105 feet to the Southwest corner of that certain tract of land conveyed to the Archdiocese of Portland in Oregon, a non-profit corporation, by deed recorded March 1, 1960 in Volume 173, Page 361, Deed Records for Polk County, Oregon; thence South 89°56' East 496.0 feet to the Southeast corner of said tract of land conveyed to the Archdiocese of Portland in Oregon, said point also being on the Westerly line of that certain tract of land conveyed to Henry N. Mattison by deed recorded April 7, 1942 In Volume 110, Page 267, Deed records for Polk County, Oregon; thence South along the West line of said Mattison tract and an extension thereof a distance of 4,105 feet, more or less, to the South line of said Davidson DLC; thence west a distance of 496 feet to the place of beginning,



PHASE: ANNEXATION

PROJECT: 13TH STREET MASTER PLAN

LOCATION: 6120 S. 13TH STREET, INDEPENDENCE, OREGON
(MAP 08429, TAX LOTS 01100 AND 02100)

MAHONIA NW
NORTHWEST COMMUNITY DEVELOPMENT
811 Sunny Hill Dr, Lake Oswego OR 97034
Independence Property LLC
PO Box 843
Salem, OR 97308

JANUARY 1, 2026

**ANNEX
MP-001**

Independence Property LLC
PO Box 843, Salem, OR 97308

Mahonia Northwest LLC
811 Sunny Hill Drive, Lake Oswego, OR 97034

Application for Annexation
Master Plan and Annexation Approval Criteria Narrative
January 5, 2026

OVERVIEW

Independence Property LLC is the owner of two parcels located along S 13th Street in Independence, OR, with a site address of 6120 S 13th Street, Independence, OR. The two parcels are more specifically described as Map and Taxlot 08429-00-02100 (7.01 Acres) and 08429-00-01100 (39.67 Acres), and together are described in the document below as the “Property.”

In total, the Property comprises 46.68 Acres, and is located along S 13th Street. The Property is adjacent to properties that are already within the City limits to the north, northwest (north of Ash Creek to the northern property line), and southeast (south of Ash Creek to the southern property line). The Property lies entirely within the urban growth boundary for Independence, and is eligible for Annexation into the City of Independence.

APPROVAL CRITERIA

The Annexation process is governed by Subchapter 14 of the Independence Development Code. Specifically, Section 14.030.D identifies five approval criteria for Annexation, each of which is addressed through the Master Plan submittal (attached as Exhibit A) and further described in the sections below.

Approval Criteria #1 - The Master Plan is generally consistent with the locations and amounts of low, medium and high density residential development shown in Figure 9 of the Southwest Independence Concept Plan.

The Master Plan shows a distribution of density across the site that is consistent with Figure 9 of the Southwest Independence Concept Plan. In general, the Concept Plan shows medium to high density on the northern portions of the property (north of Ash Creek), and lower densities to the south (south of Ash Creek). The Master Plan proposes higher density development on the northernmost phase of development, with approximately 240 multi-family garden apartments.

South of the multi-family parcel up to Ash Creek, a medium-density combination of townhome and cottage cluster development is proposed. For the parcels south of Ash

Creek, a mix of single family residential and cottage cluster development is anticipated. The diverse mix of housing types and locations of low, medium and high density housing depicted on the master plan meet the approval criteria.

Approval Criteria #2 - *The Master Plan achieves the minimum target density of an average 9 units per net acre.*

Overall, the Master Plan anticipates an overall density of 14.9 units per acre, as depicted in Table 1 below. This density calculation is based on the net developable acreage of the site, which deducts street dedications (approximately 5.14 acres) and open space dedications (7.71 acres), resulting in a net developable area of 33.83 acres. This approval criteria is satisfied due by exceeding the minimum residential density of 9 units per acre.

Table 1 – Master Plan Density Calculations

	Acres	Square Feet		
Parcel 1 - Lot 2100	7.01	305,356		
Parcel 2 - Lot 1100	39.67	1,728,025		
Total Area	46.68	2,033,381		
Less Street Dedications	5.14	223,800		
Less Open Space Dedications	10.26	335,875		
Total Dedications	15.40	559,675		
Net Developable Area	31.28	1,473,706		
Preliminary Development Program	Acres	Square Feet	Number of Units	Density/AC
Phase 1 - Multi Family	7.28	286,700	240	33.0
Phase 2A - Cottages/Townhomes	4.93	244,400	70	14.2
Phase 2B - Cottages/Townhomes	5.80	283,706	80	13.8
Phase 3 - Single Family	6.53	317,000	40	6.1
Phase 4 - Cottages	6.74	341,900	75	11.1
	31.28	1,473,706	505	16.1

Note: parcel sizes are approximate - final areas will be determined upon completion of subdivision/PUD process and final mapping of the 100-year floodplain boundary

Approval Criteria #3 - *The Master Plan demonstrates that at least 15 percent of all dwelling units will be either in multiple-family or attached single-family structures.*

Table 2 below shows that 62.4% of the total dwelling units proposed under the Master Plan will be either multi-family or single family attached dwelling units. Phase 1 is intended to be entirely multi-family apartments, while Phases 2A and 2B are anticipated to be a mix of townhome and cottage cluster development. While there may be some duplex cottages constructed, those units have not been included in this calculation. Therefore, this approval criteria is satisfied.

Table 2 – Multifamily and Attached Single Family Units

Preliminary Development Program	Acres	Square Feet	Number of Units	Multi Family or Attached Single Family Units	Percent of Total Units
Phase 1 - Multi Family	7.28	286,700	240	240	100.0%
Phase 2A - Cottages/Townhomes	4.93	244,400	70	35	50.0%
Phase 2B - Cottages/Townhomes	5.80	283,706	80	40	50.0%
Phase 3 - Single Family	6.53	317,000	40	0	0.0%
Phase 4 - Cottages	6.74	341,900	75	0	0.0%
	31.28	1,473,706	505	315	62.4%

Approval Criteria #4 - *The Master Plan is consistent with the Concept Plan policies in Section 3 of the adopted Concept Plan.*

Each of the policies below is outlined in the Southwest Independence Concept Plan. The narrative below describes how the Master Plan complies with these policies.

4.1 Land Use Policies

A. Siting Residential Density

As described above, the Master Plan depicts the location of high and medium density housing consistent with the Concept Plan; Specifically, higher density housing (multi-family garden apartments) is proposed on the northernmost portion of the Property, with medium density housing (townhomes and cottage clusters) proposed for the parcel between the higher density parcel and Ash Creek. Therefore, the Concept Plan policy is met.

B. Master Planning

Subchapter 14 of the Independence Development Code requires the submittal of a Master Plan, consistent with the Southwest Independence Concept Plan, as part of the application for Annexation. The attached Master Plan (Exhibit A) meets this requirement and will guide the future development of the Property. Therefore, the Concept Plan policy is met.

C. Housing Types

The Concept Plan anticipates that Master Plan proposals should provide a variety of housing types, including multi-family, attached single family, duplex, and single family dwelling units, achieving a minimum density of 9 dwelling units per acre. The Master Plan, as depicted in Table 1 above, includes a full spectrum of housing types,

including garden style multi-family apartments, townhomes, cottage clusters (which may include duplex units), and single family units. This unit mix achieves an overall density of 14.9 units per acre. Therefore, the Concept Plan policy is met.

D. School Siting

The Concept Plan notes that if the Central School District were to identify the need for a new school to be sited in the planning area, that the Master Plan should consider potential school sites as part of the plan submittal. As of the date of this Annexation application, the Central School District has not identified the need for a new school in the planning area. Therefore, the Concept Plan policy does not apply.

4.2 Transportation Policies

A. Major Roadways

The Concept Plan identifies a number of Major Roadways that are sited adjacent to or on the Property. Each of these streets has been depicted on Exhibit A, consistent with the street cross sections shown on Figure 14, 15, and 16 in the Concept Plan document. Specifically, the Master Plan shows the following Major Roadways that are intended to serve the site and the surrounding community:

- S 13th Street, from the northern Property line to future Chestnut Street Extension. This would include a 15' dedication which, when added to the 40' existing right-of-way and dedication of a corresponding 15' on the west side of 13th would result in a 70' right-of-way.
- Chestnut Street, connecting to a future extension on the east Property line to a new traffic circle at the intersection with S 13th Street. This would include the dedication of a 70' right-of-way (or narrower, as determined by the City), along with adequate space for a traffic circle at the intersection with S 13th Street.
- I Street, which will connect the existing Madrona Street right-of-way on the west side of the Property to the eastern Property line. This would include a 70' right-of-way dedication (or narrower, as determined by the City), along with adequate space for a traffic circle at the intersection with S 13th Street.
- Mountain Fir Avenue, running along the south property line. This would include a 70' right-of-way dedication for a future collector road connecting properties on the south side of Independence.

Each of these roadways is shown in a location, and with the proper width, to be consistent with the Concept Plan. Therefore, the Concept Plan policy is met.

B. Local Street Connections and Street Connectivity

Currently, the Property is isolated from adjacent development – there are no existing local streets that lead to or are directly adjacent to the Property, other than the streets noted above. However, at this time, there are two street connections that we are proposing to help serve the development and further connect the Property to adjacent areas:

- S 12th Street (north), from Madrona Street north to the northern Property line – We are proposing a 30' street dedication along the east property line, in anticipation of a future 60' right-of-way shared with the property directly to the east. It is still unclear as to the future connection to the north, as the most likely connection (as shown in the Concept Plan) would jog slightly east to connect with 12th Street further north in an established neighborhood.
- S 12th Street (south), from Chestnut Street Extension south to future Mountain Fir Avenue – We are proposing a 30' street dedication along the east property line, in anticipation of a future 60' right-of-way shared with the property directly to the east. This street connection is critical to serving the southern half of the Property, as this provides the only potential for a connection to the north once the Chestnut Street extension and S 13th Street are built.

We anticipate that other local street connections may be proposed or planned as the subdivision process for the Property commences and/or development of adjacent parcels is underway. The local street connections proposed in the Master Plan provide for a fully served and connected development; therefore, the Concept Plan policy is met.

C. Cul-de-sacs

The Concept Plan requires that cul-de-sacs comply with Section 96.90 of the Development Code. At this time, no cul-de-sacs are proposed. Therefore, the Concept Plan policy does not apply.

D. Green Street Design

The Concept Plan encourages green street design in order to accommodate green street features on local and collector streets as a way to minimize stormwater impacts on nearby natural areas, rivers, and streams. Through adequate right-of-way dedication as described above, the Master Plan anticipates incorporating surface stormwater management techniques, including bio-swales, stormwater planters, and other potential treatments that will both provide water quality benefits as well as a more naturalistic character for the streets and adjacent developments. Therefore, the Concept Plan policy is met.

E. Pedestrian Facilities

The Concept Plan requires the incorporation of sidewalks on all public streets or, where appropriate, a wider multi-use path. Each of the roadways described above shall have adequate right-of-way to meet this standard, and the Property Owner is in full support of a safe, comfortable, and attractive pedestrian environment that supports the Property's development and density goals. Therefore, the Concept Plan policy is met.

F. Bicycle Facilities

Figure 11 in the Concept Plan identifies Madrona Street, Chestnut Street, Mountain Fir Avenue, and S 13th Street from Chestnut Street north to the Property line as streets that must accommodate bike facilities. The proposed right-of-way widths for these streets is adequate to provide standard bike lanes, and the Property Owner is in full support of providing a bicycle network that supports the overall development and density goals for the Property. Therefore, the Concept Plan policy is met.

4.3 Public Facilities Policies

A. Stormwater

The Concept Plan encourages "natural stormwater drainage systems designed to manage and filter as much stormwater on site as reasonably possible and to incorporate natural drainage and management techniques."

The Master Plan contemplates incorporating surface stormwater management throughout the Property, including along roadways with stormwater swales and planters as well as with stormwater retention facilities located within or adjacent to the Ash Creek floodplain, including linear facilities that parallel the proposed Ash Creek multi-use paths.

The design and incorporation of these elements will further underscore the green character that the Owner intends to implement as part of its placemaking efforts on the Property. Each of these approaches is consistent with the policy outlined in the Concept Plan; therefore, the Concept Plan policy is met.

4.4 Parks, Open Space, Natural Area and Trails Policies

A. Ash Creek Riparian Corridor

The Concept Plan policy calls for the City to establish an open space corridor along the South Fork of Ash Creek. The proposed Master Plan calls for the dedication to

the City of an area roughly corresponding to the Ash Creek 100-year floodplain. *(Note: the FEMA flood insurance maps covering the Property have not been finalized through a more detailed study; the actual 100-year floodplain boundary will need to be established through further analysis during the subdivision/PUD stage of development. The Applicant has reached out to Polk County Public Works/Askh Creek Flood Control District for more detailed information on flood elevations in the Ask Creek Corridor.)*Through this dedication, the City’s goal of establishing this open space corridor can be achieved, and therefore, the Concept Plan policy is met.

B. Park Development

The Concept Plan calls for and depicts the general location of a “Mini Neighborhood Park” near the intersection of s 13th Street, Chestnut Street, and the Ash Creek corridor. While the specific location is not clearly defined in the Concept Plan, the proposed Master Plan does depict a park dedication north of Ash Creek at the intersection of S 13th Street and Chestnut Street. This park area can be combined with or incorporated into the dedication of the 100-year floodplain along Ash Creek, which would bring total open space/park dedication on the Property to approximately 10.26 acres (approximately 22.0% of the gross Property area). Therefore, the Concept Plan policy is met.

C. Open Space and Natural Resources

The Concept Plan notes that “the City will support “green” development approaches, including co-location of stormwater swales in parks and along linear trail corridors.” As noted above, the Master Plan contemplates green stormwater treatment along streets and within internal pedestrian corridors, as well as in facilities that are located within or adjacent to parks or dedicated open space (including the Ash Creek corridor and multi-use pathway). Therefore, the Concept Plan policy is met.

D. Wetlands

Consistent with Oregon Goal 5 ,The Concept Plan states that the City will encourage the mitigation of wetland impacts through a combination of means, with a priority on protecting and restoring wetland resources adjacent to Ash Creek. Further, the policy acknowledges that some wetland areas that may be present have a lower priority for mitigation, given their historic and ongoing use as actively farmed land.

The Master Plan provides full protection and avoidance of all wetland areas along the Ash Creek corridor, consistent with the Concept Plan Policy. Further, any other wetlands that may be present on the balance of the site – which continues to be farmed for grass seed production – would fall into the City’s definition for lower priority/non-significant wetland.

However, any impacts on identified wetlands, regardless of historic use, will still require compliance with State and Federal environmental regulations. Given the protection of the high value wetlands along Ash Creek and the requirement for regulatory approval for any other potential wetlands, the Master Plan complies with the Concept Plan policy.

E. Trails

As part of the dedication of the 100-year floodplain area, the Master Plan also contemplates the dedication of a public easement to accommodate a multi-use trail along the north bank of Ash Creek. The final alignment of the trail and location of the easement will be determined through further design work at the property subdivision phase.

The City has further indicated that they are planning a trail connection on the south side of Ash Creek to better connect current and future development along Ash Creek and into the City. We would anticipate that the trails on the north and south side of Ash Creek will be combined with stormwater facilities and other neighborhood open space amenities to provide an attractive connection for those traversing the neighborhood on foot.

The provision of these trail connections is consistent with the Concept Plan and complies with this Concept Plan policy.

F. Intermittent Drainages

There is currently an intermittent drainage that cuts across the northernmost parcel (Lot 2100) on the Property, from northwest to southeast. Currently, this drainage provides little to no natural resource value on the Property, and represents a significant impediment to the development of higher density housing in the City's preferred location.

The Master Plan contemplates a surface stormwater treatment facility parallel to S 13th Street and S. Madrona Street/S. I Street, effectively moving the drainage parallel to these roadways and providing an opportunity for combining green treatment into the drainage. This would also accommodate a recent stormwater improvement just west of the site, along Madrona Street, that connects into this intermittent drainage via a swale along S. 13th Street.

This treatment is consistent with the Concept Plan, and will likely require, as suggested in the Concept Plan, coordination and approval with state and possibly federal agencies prior to implementation. Therefore, the Concept Plan policy is met.

Approval Criteria #5 - *The Master Plan identifies trail/riparian/stormwater corridor easements along South Fork Ash Creek that are consistent with Figure 9 of the Concept Plan. The width of the corridor may vary from the Concept Plan depending on the results of wetland delineation and location of any wetland restoration or mitigation. At a minimum, the corridor must include the following:*

- a. The required 25-foot setback along Ash Creek as established in Subchapter 54.105;*
- b. Identified floodplain area;*
- c. Additional 40-foot wide area for stormwater management and multi-use trail (can be inside floodplain but outside any established wetland); and*
- d. Wetland areas as follows:*
 - (1) Any delineated wetland area that will be protected and/or restored*
 - (2) Any new wetland area created as mitigation for removal of wetlands in other areas of the site*

The Master Plan shows a significant open space corridor that encompasses Ash Creek along with associated riparian wetlands, the 100-year floodplain, and a multi-use path running parallel to Ash Creek. In fact, the minimum width of the proposed corridor is well in excess of the 25' setback and additional 40' wide stormwater corridor.

The Master Plan does not propose any fill or development within the 100-year floodplain other than multi-use trails and opportunities for development of stormwater treatment and retention facilities. Both of these features are consistent with the green development policies of the Concept Plan. In no event will the development of the Property result in any diminishment of flood storage capacity.

Within the Ash Creek 100-year floodplain, no wetlands have been identified to the best of Owner's knowledge (excluding areas below the ordinary high water/top of bank for Ash Creek). The ordinary high water mark of Ash Creek has been mapped, however, and that area will be fully protected and free from development through the open space dedication. The one exception to development intrusion in the Ash Creek corridor in this area is a current City project currently in design, which would construct the Chestnut Street extension across the Property, including a bridge/structure across Ash Creek.

Because the Master Plan fully protects the Ash Creek corridor, including the entirety of the 100-year flood plain and the sensitive riparian habitat therein, and the minimum development setback of 25' from ordinary high water and the additional 40' stormwater corridor fit well within the proposed open space dedication, this approval criteria is met.

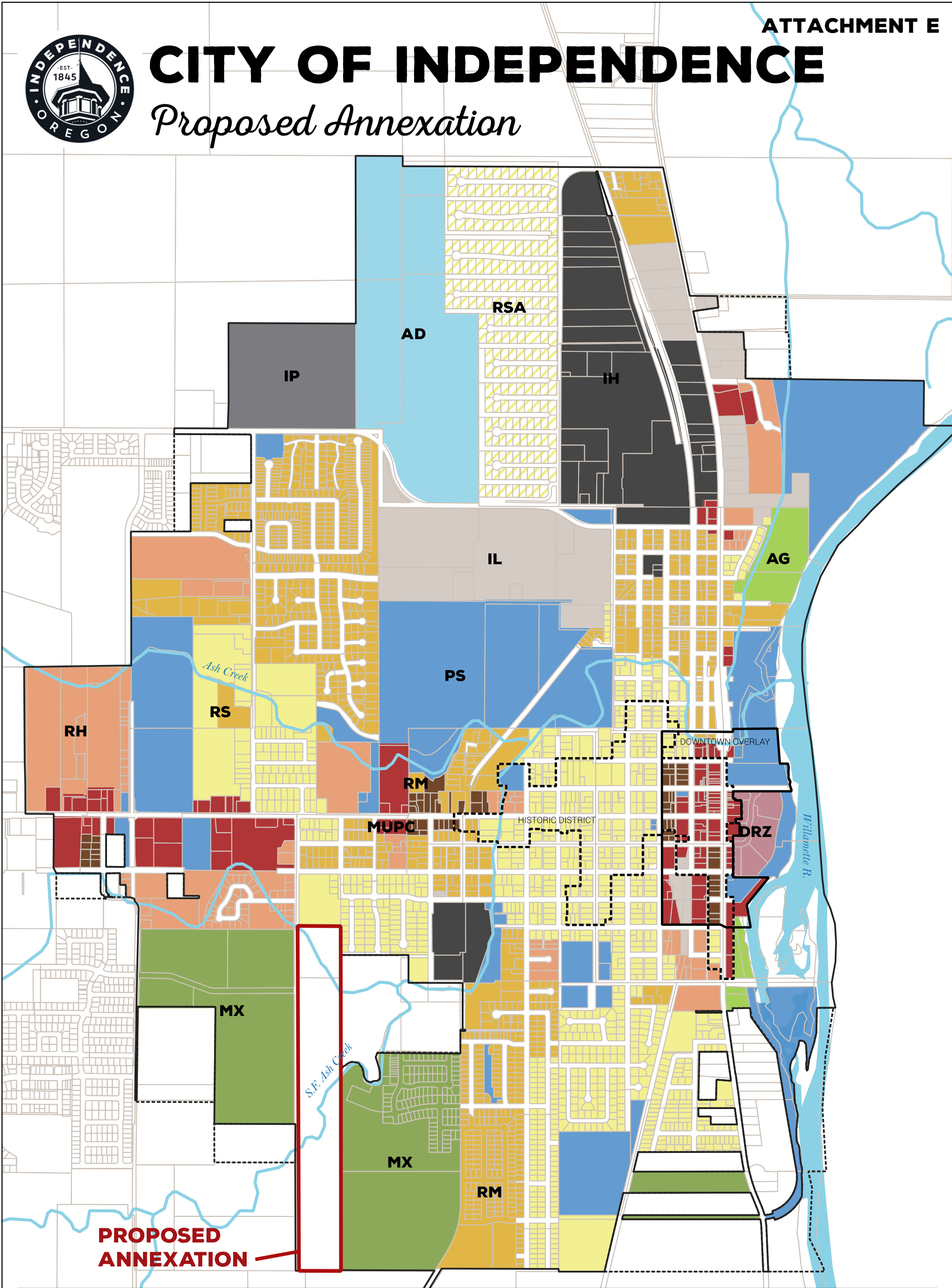
SUMMARY

The Master Plan submitted for the Property is entirely consistent with the policies of the Southwest Independence Concept Plan and meets all of the Approval Criteria outlined in Section 14.030 of the Independence Development Code. The Property Owners are looking forward to developing Independence's next great neighborhood, and urge the prompt approval of this Annexation request.



CITY OF INDEPENDENCE

Proposed Annexation



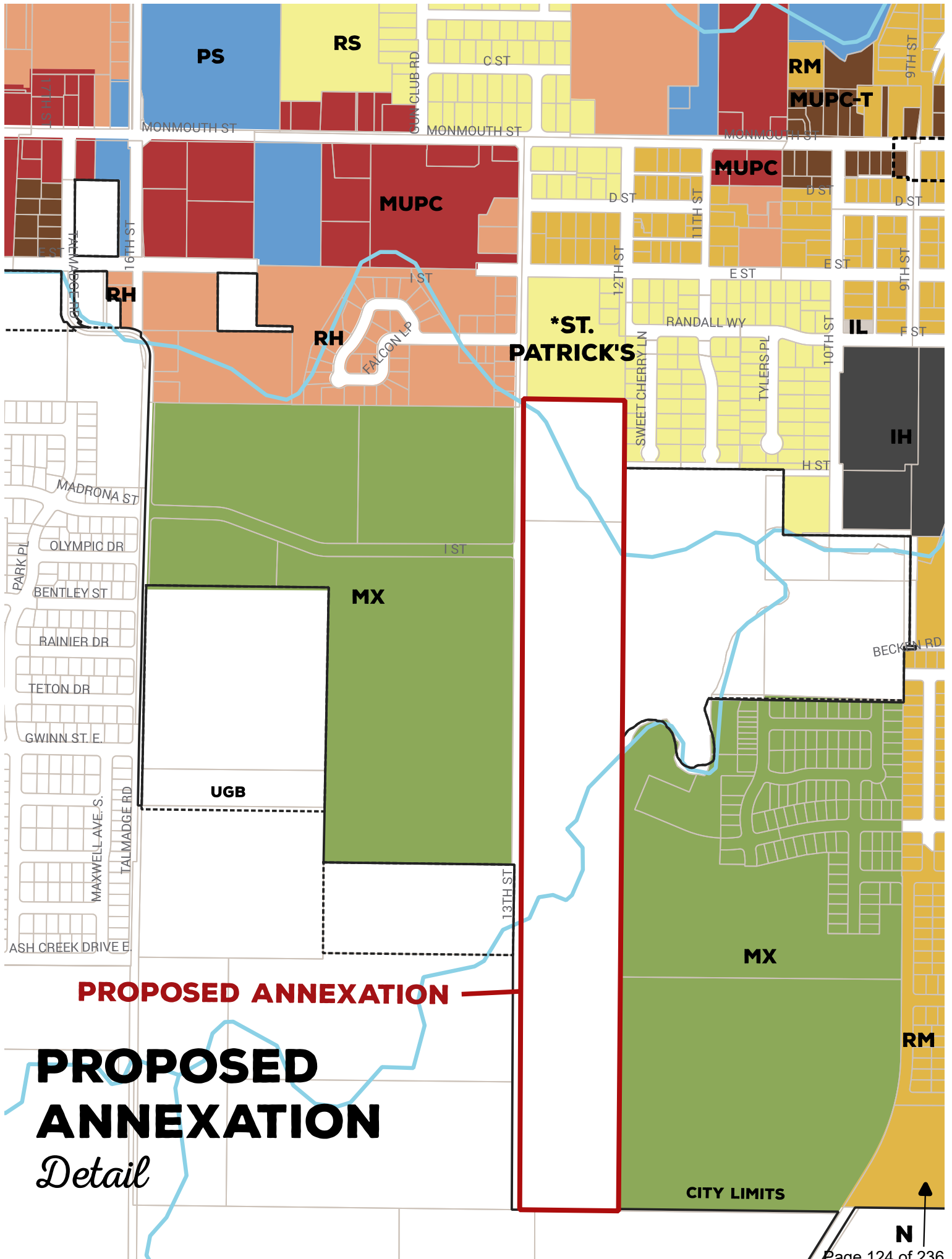
LEGEND

ZONE

- Low-Density Residential (RS)
- Medium-Density Residential (RM)
- High-Density Residential (RH)
- Residential Single-Family Airpark Overlay (RSA)
- Mixed Residential (MX)
- Mixed-Use Pedestrian Friendly Commercial (MUPC)

- MUPC-Transitional (MUPC-T)
- Downtown Riverfront Zone (DRZ)
- Light Industrial (IL)
- Heavy Industrial (IH)
- Industrial Park (IP)
- Airport District (AD)
- Agricultural (AG)

- Public Service (PS)
- City Limits
- Urban Growth Boundary
- Downtown Overlay
- Historic District





CITY OF INDEPENDENCE

MEMORANDUM

TO: Mayor and City Council
FROM: Planning Manager Fred Evander
MEETING DATE: February 10, 2026
SUBJECT: Council Bill #2026-03, to Annex, Redesignate
and Rezone 46.7 Acres along S. 13th Street

☐ Information Only

☒ Action Requested

Statement of Issue:

At the meeting of February 10, 2026, the Independence City Council will hold a public hearing to consider a request from the owners of Taxlots 1100 and 2100 of Map 8.4.29 to annex and rezone 46.7 acres along S. 13th Street. As part of the proposal, the property would be annexed, redesignated to City – Residential (from County Urban Reserve) and rezoned to City – Mixed Density Residential (MX) (from Exclusive Farm Use)

The Independence Development Code Section 11.002(C)(3) considers a request for an annexation and a rezone as a Type III quasi-judicial action, when the proposals are requested concurrently. The City Council is required to hold a public hearing before making a decision on the matter. No Planning Commission hearing is needed.

The attached ordinance would adopt the annexation and zone change. Following the hearing, the Council may act on the annexation, integrating the proposed changes into current city planning documents.

Fiscal Impact:

No direct fiscal impacts are anticipated as a result of the annexation.

Options:

The Council may:

- A. Approve CB #2026-03 as submitted
- B. Approve CB #2026-03 with amendments
- C. Take no action

Recommendation/Suggested Motion:

Staff recommend approval of Option A.

Suggested Motions:

"I move to read the proposed Ordinance, Council Bill #2026-03, the annexation and rezone of 46.7 acres along S. 13th Street, the text of which is contained in the Council packet, for the first time."

Should the motion pass unanimously, a second motion would be in order:

"I move to read the proposed Ordinance, Council Bill #2026-03 for the second time by title only."

Should the motion pass, a third motion would be in order:

"I move to adopt the proposed Ordinance, Council Bill #2026-03."

Attachment:

A. CB #2026-03 and Exhibits

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
STATE OF OREGON, COUNTY OF POLK**

Annex, Redesignate and Rezone
46.7 acres along South 13th Street
(Taxlots 1100 and 2100 of Map 8.4.29)

ORDINANCE NO. 1632

WHEREAS, on November 14, 2025, pursuant to ORS 222.111(2) and Independence Development Code (IDC) Sections 11.002(C) and 12.005(C), Matt Brown of Mahonia Northwest LLC (“Applicant”) submitted the proper application requesting annexation and redesignation/rezone of Map Number: 8.4.29; Taxlots 1100 and 2100, 46.7 acres of property along 13th Street (“Subject Property”); and

WHEREAS, the application is supported by the requisite Master Plan to ensure compliance with and supplant the Southwest Independence Concept Plan Area and 2024 Central Talmadge Plan for the Subject Property upon Council adoption; and

WHEREAS, the Subject Property is: (1) located within the City of Independence Urban Growth Boundary; and (2) designated as Urban Reserve on the Polk County Comprehensive Plan Map and Exclusive Farm Use on the Polk County Zoning Map; and

WHEREAS, the request is to: (1) annex the Subject Property into the City of Independence; and (2) apply the City Comprehensive Plan designation of Residential and the City zone of Mixed Density Residential (MX) to the Subject Property; and

WHEREAS, the Subject Property is contiguous to the City of Independence City boundary, as required by ORS 222.111(1); and

WHEREAS, the City provided notice of the annexation and redesignation/rezone hearing to the Department of Land Conservation and Development on January 5, 2026; and

WHEREAS, a notice of the hearing was published in the local newspaper, twice, on January 21 and January 28, 2026, posted on the City website, mailed to property owners of lands within 250-feet of the site, and posted in four prominent locations; and

WHEREAS, on February 10, 2026, the City Council conducted a properly noticed public hearing that met the requirements of ORS 222.120(3), at which time interested parties and the general public had an opportunity to present and be heard on the matter; and

WHEREAS, at the close of the public hearing, the City Council determined that the evidence and argument presented in the public hearing and on the record showed that the requested annexation and redesignation/rezone complied with all applicable provisions of the City of Independence Development Code and state law, as explained in the findings contained in the Staff Report attached as Exhibit B;

NOW, THEREFORE, THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Annexation. The Subject Property described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby declared annexed to the City of Independence.

Section 2. Redesignation of City-Owned Property. The Subject Property is hereby redesignated from Polk County Future Land Use – Urban Reserve to City – Future Land Use – Residential. The Independence Comprehensive Plan Future Land Use map is hereby amended to conform to the change enacted by this Ordinance.

Section 3. Rezone of City-Owned Property. The Subject Property is hereby rezoned from Polk County – Exclusive Farm Use to City – Mixed Density Residential (MX). The Independence Zoning Map is hereby amended to conform to the changes enacted by this Ordinance.

Section 4. Master Plan. Pursuant to IDC 14.030.B.3, the Master Plan attached as Exhibit C is hereby adopted as a refinement plan, to replace and supersede the adopted Southwest Independence Concept Plan Area and 2024 Central Talmadge Plan for the Subject Property

Section 5. Findings. The City of Independence hereby adopts the above recitals, and the findings contained in the Staff Report, attached hereto as Exhibit B and incorporated herein by reference, as the basis for this decision.

Section 6. Recordation. The City Recorder is hereby authorized and directed to: (1) make and submit to the Secretary of the State of Oregon, the assessor of Polk County, the County Clerk of Polk County, and the Department of Revenue, State of Oregon, a certified copy of this Ordinance; (2) provide notice of the final adoption of this annexation Ordinance to the Subject Property owners, anyone who participated in the public hearing, and anyone who requested notice of this decision; and (3) provide notice to public utilities as directed by ORS 222.005.

Section 7. The Ordinance shall take effect 30 days after second reading and final passage, and the annexation will be effective on the same date, unless a later date is required pursuant to ORS 222.040.

READ for the first time: _____
READ for the second time: _____
APPROVED by Council: _____
SIGNED by the Mayor: _____

ATTEST:

Kate Schwarzler, Mayor

Myra Russell, City Recorder

EXHIBIT A

Beginning at a point which is 1,955 feet East of the Southwest corner of the John E. Davidson DLC No. 44 in Township 8 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence North a distance of 4,105 feet to the Southwest corner of that certain tract of land conveyed to the Archdiocese of Portland in Oregon, a non-profit corporation, by deed recorded March 1, 1960 in Volume 173, Page 361, Deed Records for Polk County, Oregon; thence South 89°56' East 496.0 feet to the Southeast corner of said tract of land conveyed to the Archdiocese of Portland in Oregon, said point also being on the Westerly line of that certain tract of land conveyed to Henry N. Mattison by deed recorded April 7, 1942 In Volume 110, Page 267, Deed records for Polk County, Oregon; thence South along the West line of said Mattison tract and an extension thereof a distance of 4,105 feet, more or less, to the South line of said Davidson DLC; thence west a distance of 496 feet to the place of beginning,



INDEPENDENCE

Oregon's Story Begins Here

TYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2026-01) STAFF REPORT

DATE:	February 10, 2026
RECOMMENDATION:	APPROVE WITH CONDITIONS
FILE NUMBER:	AX 2026-01
APPLICANT:	Mahonia Northwest, LLC (Matt Brown)
REQUEST:	Annex 46.7 Acres East of 13 th Street and Rezone Property to Mixed Density Residential (MX)
PROPERTY:	Site Address: 6120 S. 13th Street Map Number: 8.4.29. Taxlots: 1100 and 2100
FUTURE LAND USE:	Existing: County – Urban Reserve Proposed: City – Residential
ZONING:	Existing: County – Exclusive Farm Use (EFU) Proposed: City – Mixed Density Residential (MX)
CRITERIA:	Oregon State Planning Goals and Independence Comprehensive Plan Independence Development Code (IDC) -Subchapter 11: Administration -Subchapter 12: Zone Changes and Plan Amendments -Subchapter 14: Annexation
CONTENTS:	I. Background and Process II. Agency and Public Comments III. Recommended Conditions of Approval IV. Staff Findings – Oregon State Planning Goals and Independence Comprehensive Plan V. Staff Findings – Independence Development Code
ATTACHMENTS:	A: Application for Type III/IV Land Use Action (4 pages) B: Annexation Petitions (4 pages) C: Proposed Master Plan (1 page) D: Master Plan and Annexation Approval Criteria Narrative (10 pages) E: Annexation Map and Detail (2 pages)

I. BACKGROUND AND PROCESS

This proposal seeks to annex 46.7 acres east of 13th Street (Map Number: 8.4.29. Taxlots: 1100 and 2100) into the City of Independence. With the annexation, the land would be rezoned from County – Exclusive Farm Use (EFU) to City – Mixed Density Residential (MX).

Any future subdivision of the land or project applications for the site would occur as part of a separate land use application.

II. AGENCY AND PUBLIC COMMENTS

No agency or public comments have been received as of the date of this Staff Report.

III. RECOMMENDED CONDITIONS OF APPROVAL

One condition is proposed for the Annexation and Zone Change:

- Condition 1: The applicant shall collaborate with the state on any review that may be required following the submittal of a Wetland Land Use Notification for future development on the site and comply with any Department of State Lands requirements.

With this condition, the annexation and rezone is able to be approved. All future development will additionally be required to meet City of Independence standards including but not limited to standards for Site Design Review and Subdivisions (as applicable), and the Public Works Design Standards.

IV. STAFF FINDINGS – OREGON STATE PLANNING GOALS AND INDEPENDENCE COMPREHENSIVE PLAN

Annexations and zone changes are required to meet the Oregon State Planning Goals. These goals are primarily implemented through planning documents, such as the Independence Comprehensive Plan, Transportation System Plan, and Housing Needs Analysis, as well as infrastructure plans such as water and wastewater master plans. Implementing regulations, such as the requirements of the Independence Development Code, also help to achieve these goals.

A consideration of several of the statewide planning goals is provided below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” This goal is implemented by the Citizen Involvement Element of the Comprehensive Plan, as well as Subchapter 11 of the Independence Development Code.

The proposed application has been processed in accordance with these standards. The city has offered notice of the proposed annexation and rezone by:

- Mailing the notice to properties within 250 feet of the site.
- Posting the notice on the State Department of Land Conservation and Development “PAPA” website.
- Posting the notice on the City of Independence Planning Department website and social media feeds.
- Publishing the notice in the Polk County Itemizer-Observer.

A City Council public hearing on the proposed annexation and map change will occur on February 10, 2026.

Given these items, individuals have had several opportunities to learn about the annexation and rezone and to be involved in the process. This goal has been achieved.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals looks “to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” This goal is implemented by the Land Use Element of the Independence Comprehensive Plan as well as the Independence Development Code.

The Land Use Element of the Independence Comprehensive Plan seeks “to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs” (see Goal 1). Policies in the plan seek:

- To establish and use appropriate residential land use designations for various portions of the community.
- To ensure that new residential land uses are consistent with the underlying Comprehensive Plan designations.
- To use the Southwest Independence Concept Plan and Central Talmadge Plans as ancillary documents of the Independence Comprehensive Plan to guide the future development of the areas covered by the plans.

The proposed annexation and rezone effectively achieve these policies.

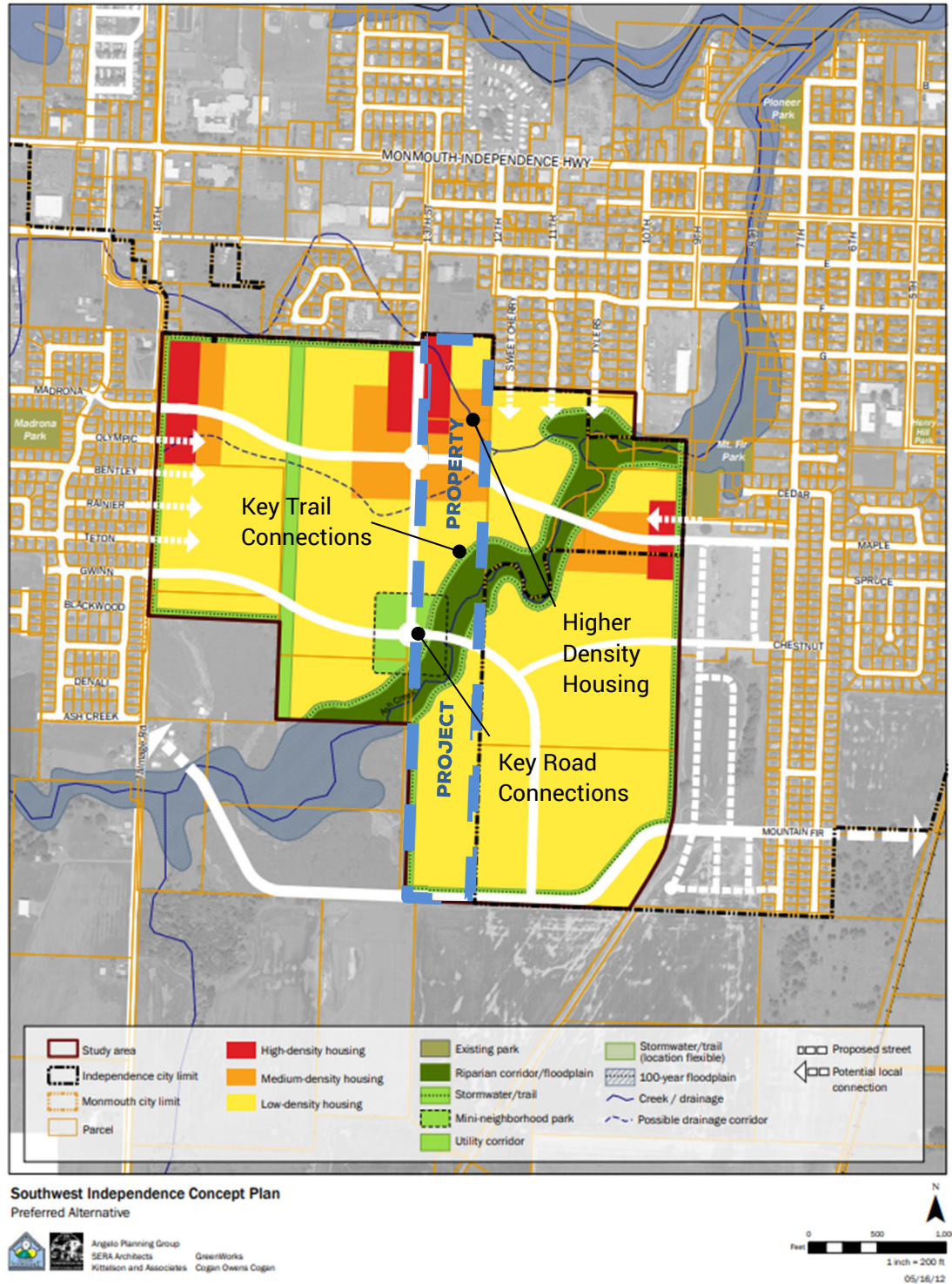
The City of Independence included the site of the proposed annexation and rezone within the Independence Urban Growth Boundary as part of the 2009 boundary expansion, after the city weighed potential directions for the community to grow. Since that time, the city has consistently prepared for the future urbanization of the site. The City planned for the property as part of the 2012 Southwest Independence Concept Plan and reevaluated the north portion of the site as part of the 2025 Central Talmadge Plan. The Independence Future Land Use map anticipated residential use on the site and the Southwest Independence Concept Plan and Housing Needs Analysis anticipated that the land would enter the City as part of the MX Zone. The Central Talmadge Plan furthered this work and presumed that the site would be zoned MX, with multifamily development on the northern portion of the site.

The master plan submitted by the applicant (see Attachment C) addresses these various policies. The submittal shows:

- Multifamily development in the northern part of the site, with lower density single-family homes and cottages located on the south of the property.
- The creation of key road connections along 13th Street, I Street and Chestnut Street (key principles of the Southwest Independence Concept and Transportation System Plans).
- The establishment of trail network along the South Fork of Ash Creek (a key concept articulated in the City of Independence Transportation System Plan, Parks and Open Space Master Plan, and Southwest Independence Concept Plan).

Figure 1 shows how these concepts are met on the project site.

FIGURE 1: SOUTHWEST INDEPENDENCE CONCEPT PLAN



While the trail and roadways incorporated within the master plan will not be created as a direct result of this annexation and rezone application (and will occur through future projects on the site), future development of the site will:

- Be required to be consistent with the master plan provided as part of this application.

- Be required to progress through a Subdivision and/or Site Design Review process, with a public notice period (and potentially a public hearing) for each of the future phases to ensure these items are achieved.

Items such as the anticipated density, road connections, bicycle and pedestrian amenities, etc. will be evaluated for consistency with the master plan submitted as part of this application as part of each of the phases.

Given these considerations, a robust land use framework has been crafted to apply to the property, and the proposed annexation and rezone fits effectively within this framework. This goal is achieved.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. Goal 5 of the Oregon State Planning Goals seeks “to protect natural resources and conserve scenic and historic areas and open spaces.” As part of this goal, local governments are intended to implement policies and programs that “protect natural resources and conserve scenic, historic, and open space resources for present and future generations.”

To implement this goal, the Independence Comprehensive Plan states that:

Independence will compile an inventory of wetlands and riparian corridors and complete the Goal 5 process when adequate information pertaining to location, quality and quantity becomes available. In the interim, an assessment of riparian and wetland resources and appropriate measures of protection shall be applied at the time of plan amendment and zone change approval (see Natural Resources, Scenic and Historic Areas and Open Spaces, Water Resources Policy 1).

Based on the requirements of OAR 660-023-0090 and 660-023-0100, however, the City still does not have “adequate information pertaining to location, quality, and quantity of wetlands,” especially those wetlands considered significant. The Goal 5 process has not been completed as a result. Given these considerations, the City is required to utilize interim steps to analyze riparian and wetland resources on the site and establish “appropriate measures” to protect the resources. To ensure these “appropriate measures” are achieved, the City plans to use a “belt and suspenders” series of related approaches to address this application.

To understand the features that constitute a locally significant wetland under the Goal 5 requirements in the context of the City of Independence, the City reviewed the Monmouth Local Wetland Inventory. This local wetland inventory, from the City’s neighbor directly to the west, considered the same stream systems, similar soils and the same relatively flat topography as Independence, and showed that the significant wetlands within the area are located almost exclusively along stream corridors – typically within the floodplain of the streams. So long as the floodplain corridors are protected, the bulk of significant wetlands will be protected as well.

The master plan proposed as part of this project seeks to safeguard wetlands consistent with this finding – largely protecting the floodplain of the South Fork of Ash Creek from development. With the protection of the floodplain from development, significant wetlands along the creek will largely be retained.

The Southwest Independence Concept Plan also emphasized the importance of protecting wetlands along the South Fork of Ash Creek. Discussing the protection of wetlands, the document stated:

*The city will encourage mitigation of wetland impacts through a combination of avoidance, on-site enhancement or restoration of existing wetlands and participation in the State of Oregon’s wetland mitigation payment-in-lieu program. Within the Concept Plan area, the **city places a particularly high priority on enhancement or restoration of wetlands adjacent to the South Fork of Ash Creek, including the designated South Fork Ash Creek open space corridor identified in “Figure 12. Approach to Natural Resources Management” on page 17. The City considers other wetland areas such as those in areas historically used for agriculture, to be of a lower priority for enhancement, restoration or avoidance.***

However, property owners will address potential impacts to wetland areas through coordination and consistency with requirement of the Oregon Department of State Lands (DSL) and Army Corps of Engineers. Approval of development will be conditional on meeting these requirements (see Southwest Independence Concept Plan, page 21; emphasis added).

The southwest plan placed a high priority on the enhancement or restoration of wetlands along the South Fork of Ash Creek and considered other previously farmed wetlands to be a lower priority for protection.

Open Space Policy 4 in the Natural Resources, Scenic and Historic Areas and Open Spaces Element of the Independence Comprehensive Plan supported this approach saying:

The City will create an open space corridor along the South Fork of Ash Creek to provide for a combination of riparian area protection, flood storage capacity, wetland preservation and enhancement, stormwater management and development of a linear park and trail (see Natural Resources, Scenic and Historic Areas and Open Spaces Element, Open Space Policy 4).

Given these considerations, the proposed master plan supports the approach articulated in the Independence Comprehensive Plan and the Southwest Independence Concept Plan – protecting the high priority wetlands adjacent to the South Fork of Ash Creek and placing less priority on those areas more disturbed by agriculture.

Federal and State Requirements – Federal and state standards provide further support of the “belt and suspenders” effort to ensure the use of “adequate measures” to protect Goal 5 resources:

Federal Emergency Management Agency – In 2009, environmental advocacy organizations sued the Federal Emergency Management Agency (FEMA) for failing to consult with the National Marine Fisheries Service on impacts to endangered species from the National Flood Insurance Program. Following a settlement on the suit, FEMA agreed to consult with the National Marine Fisheries Service on key aspects of the program.

Following several years of consultation and analysis, the National Marine Fisheries Service issued a Biological Opinion for the National Flood Insurance Program in 2016. This opinion considered several items that would ensure the continued protection of endangered or threatened species in Oregon and assumed in part that cities would implement mitigation strategies at the local level to help protect the species. With this opinion, FEMA now requires local governments to ensure that no net loss of habitat functions occurs in floodplains and uses three key proxies to gauge the retention of habitat functions – the amount of undeveloped space, the total impervious surfaces, and the number of trees.

Implementing these federal requirements related to the three proxies in the floodplain of the South Fork of Ash Creek will ensure that the floodplain and its associated riparian area and wetlands are protected as the limited development in the floodplain (trails and stormwater facilities) associated with this development occurs.

Requirement for 100-Foot Setback – Further supplementing the various requirements to protect riparian features and wetlands along the South Fork of Ash Creek are recent state standards related to required creek setbacks. In 2019, the State of Oregon established a 100-foot creek setback in riparian areas of communities that do not have an adopted Goal 5 analysis (such as Independence). This 100-foot setback is intended to address Goal 5 for middle housing development and states “if a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor” (see OAR 660-046-0010(3)(A)(iii)). While this standard is specifically intended to target the protection of riparian Goal 5 resources, in a context like Independence, the requirement also helps to protect wetlands located along stream corridors (the likely location of most significant wetlands in the city).

The proposed master plan submitted with this annexation looks to dedicate more than 100-feet adjacent to the S. Fork of Ash Creek adjacent to the middle housing development proposed on the north of the site.

Wetland Requirements Outside of Goal 5 – Finally, to ensure that specific requirements for wetlands are met, the city will require any future development on the site to provide notice of the development project to the Oregon Department of State Lands (using the Wetland Land Use Notification process) and to address any conditions that apply. The following condition reflects this requirement:

Condition 1: **The applicant shall collaborate with the state on any review that may be required following the submittal of a Wetland Land Use Notification for future development on the site and comply with any Department of State Lands requirements.**

Conclusion – With this “belt and suspenders” approach – including dedicating the floodplain to the City of Independence, ensuring that any development that occurs within the area (such as trails or stormwater facilities) is adequately mitigated to ensure no-net loss of floodplain functions, and providing a wetland notification at the time of development – Goal 5 will be met.

Goal 8: Recreational Needs. Goal 8 of the Oregon State Planning Goals seeks “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities...” The Independence Comprehensive Plan Recreation Element, Parks System Master Plan and Southwest Independence Concept Plan help to implement this goal in Independence.

The annexation, rezone, and master plan associated with this application are consistent with this recreational planning framework. The submittal shows the following lands for parks, open space and recreation:

- The floodplain of the South Fork of Ash Creek, which will be used for riparian and wetland area protection, as well as trails along the creek.
- A park dedication, which will be located near the future intersection of Chestnut and 13th Streets.
- Walkways and bike lanes for people to walk and cycle for recreation, travel, and fitness. The project would include walkways on all the roadways and include bike lanes on collector streets (I Street, 13th and Chestnut).

With these items, this goal will be achieved.

Goal 10: Housing. Goal 10 of the Oregon State Planning Goals seeks “to provide for the housing needs of citizens of the state.” Principles to achieve Goal 10, as outlined in OAR 660-015-000(10), include:

- Ensuring that adequate lands are available for development.
- Ensuring that a mix of housing types are developed on those lands.

The Housing Element of the Independence Comprehensive Plan, Housing Needs Analysis, and Housing Production Strategy help to implement these principles in Independence.

In the Independence Housing Needs Analysis, the City found that Independence had adequate land to meet its housing needs, so long as the majority of the land within the unincorporated Urban Growth Boundary was developed under the requirements of the Mixed Density Residential (MX) Zone and further steps were taken to expand the number of areas where multifamily homes could be developed. Among the recommendations within the plan included the action to “Evaluate strategies to increase development of multi-family and townhouse units in the Mixed-Density Residential (MX) zone” to ensure that sufficient multifamily units were available.

To help expand the number of areas where multifamily units could occur, the Housing Needs Analysis suggested that the City should consider whether to require a higher proportion of multifamily units in the Mixed Density Residential zone (beyond the existing 15 percent requirement), and/or whether to establish a

location standard for multifamily units. The Central Talmadge Plan responded to these considerations and stated a preference for multifamily housing on the north portion of properties in the MX zone, near the Central Plaza Shopping Center. Following the adoption of the plan, the City adopted a new standard for multi-unit housing in the Central Talmadge area as part of its annexation standards (see IDC 14.030(D)(1)).

The proposed annexation, rezone, and accompanying master plan fit well within this framework.

- The proposal seeks to enter the City as part of the Mixed Density Residential (MX) Zone. The zone is appropriate because the property is identified as Mixed Density Residential in the Southwest Independence Concept Plan and is adjacent to the Mixed Density Residential Zone on two sides.
- The proposal prioritizes the development of multifamily housing on the north portion of the site (in conformance with the Central Talmadge Plan) and seeks a range of multiple-unit housing that would exceed the 15 percent requirement articulated for the MX Zone.

Given these items, the proposed annexation, rezone, and master plan for the site meets Goal 10 as well as the City planning goals related to housing.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including the Wastewater System Plan and Water Master Plan) help to implement this goal.

The Independence Public Facility Element seeks to:

- Have land use developments extend facilities to serve development sites based on the frameworks articulated in City facility plans.
- Limit the extension of utilities to areas outside of the city limits.

The annexation and rezone application fits well within this policy framework.

The proposal would bring the 46.7-acre property into the City of Independence and allow the applicant to extend services to the site. As development occurs, the City will evaluate the various phases for consistency with adopted facilities plans as well as the Independence Public Works Design Standards.

Given these items, the goals and policies of the Public Facilities Element will be achieved.

Goal 12: Transportation. Goal 12 of the Oregon State Planning Goals seeks “to provide and encourage a safe, convenient and economic transportation system.” The Independence Transportation System Plan and the Independence Public Works Design Standards help to implement this goal in Independence.

The proposed annexation and rezone application, and associated master plan, effectively responds to these standards. Future traffic from the site was evaluated as part of the Independence Transportation System Plan (using the standards of the MX zone) and no offsite improvements were considered necessary, so long as the transportation network included major streets, such as Chestnut Street, I Street and 13th Street to help route traffic to various locations within the City. The applicant will be required to help build out these major streets as development occurs. Additionally, the applicant will be required to supply Traffic Impact Analyses as part of future phases of development to confirm the opinion of the Transportation System Plan and see if any improvements are needed (beyond the on-site local and collector street system shown in the Independence Transportation System Plan).

Further:

- Road widths suggested by the applicant are consistent with the standards required for collector and local streets.

- Non-motorized facilities shown, including the shared use paths along the South Fork of Ash Creek and the walkways and bikeways along collector streets, are consistent with City Plans.

Given these items, the proposal is consistent with Goal 12 and City planning documents. This goal is achieved.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, and the Independence Development Code help to implement this goal in Independence.

The proposed annexation and rezone application effectively supports these goals and policies. The area would accommodate an urban population with urban services, encourage the efficient use of land, and promote the development of a livable community.

Based on these considerations, the proposed annexation and rezone promotes the efficient use of urban land and has incorporated opportunities for public feedback, all while effectively balancing considerations about housing, economic development, transportation, and the natural environment. Given these findings, the proposed annexation is consistent with the Oregon State Planning Goals.

V. STAFF FINDINGS - INDEPENDENCE DEVELOPMENT CODE

Subchapter 11: Administrative Provisions

11.002 Applications and Review Procedures

...

C. Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission plays an advisory role. Public notice is provided and, except as noted in subsection (4), public hearings are held before both the Planning Commission and City Council. Sections 11.025 and 11.030 list the notice and hearing requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Zone Change
2. Comprehensive Plan Map Amendment
3. Annexation and Zone Change when requested concurrent with one another. The City Council reviews such a request without review or recommendation by the Planning Commission.

The proposed annexation and rezone request is considered a Type III action under the Independence Development Code Section 11.002(C). The action requires a quasi-judicial review by the City Council, but because it combines a request for annexation with a redesignation and zone change, pursuant to 11.002.C.3, the Independence Planning Commission neither reviews nor recommends Council action. Standards for the decision are presented in Subchapter 12 (Zone Changes and Plan Amendments) and Subchapter 14 (Annexations), presented and addressed below.

Subchapter 12: Zone Changes and Plan Amendments

12.005 Initiation of a Zone Change or Plan Amendment

A zone change or plan amendment may be initiated in any one of the following ways:

- A. The City Council may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- B. The Planning Commission may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- C. A property owner may initiate such action by petition for the owner's own property.

Staff Response: Matthew Brown (of Mahonia Development) has submitted the request to annex and rezone 6130 S. 13th Street in collaboration with the owners of the property. This standard is met.

12.010 Zone Change and Plan Amendment by Petition

Any property owner may initiate a zone change or plan amendment for the property that he or she owns by submitting to the City Recorder a petition bearing the following:

...

Staff Response: The applicant has submitted the necessary documents for a plan amendment and rezone. The application seeks to designate the land as Residential on the Future Land Use Map and Mixed Density Residential (MX) on the Independence Zoning Map. This standard is met.

12.020 Action by the City Council

Upon receipt of a recommendation from the Planning Commission for any zone change or plan amendment, the City Council shall hold a public hearing. The City Council shall base its decision upon the findings, conclusions and recommendations reached by the Planning Commission unless, by a preponderance of the evidence, it finds facts and reaches conclusions different from those reached by the Planning Commission. All zone changes or plan amendments shall be based on written findings. Any zone change or plan amendment shall be by ordinance. Any denial of a request for a zone change or plan amendment shall be by resolution.

Staff Response: No Planning Commission review is required for the annexation/rezone request per IDC Section 11.002(C)(3). Written findings supporting the adopted ordinance will form the basis of the City Council's decision.

12.025 Standards for Zone Changes

No zone change shall be approved by the Planning Commission or enacted by the City council unless it conforms to the Comprehensive Plan, including the Transportation System Plan, and at least one of the following standards is met:

- A. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer appropriate and the zone change would conform to the new conditions of the neighborhood;
- C. There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.

Staff Response: Annexation of the site would create a situation where the existing zoning (County – Exclusive Farm Use) is no longer appropriate.

Previous planning conducted for southwest Independence identified the Mixed Density Residential (MX) Zone as the desired zone for the area. As stated within the Southwest Independence Concept Plan “in 2009, Independence adopted the Mixed Density Residential (MX) Zone with the intent of applying it to land in the Southwest Independence Concept Plan area as it is annexed into the city.” (see Southwest Independence Concept Plan, page 23)

Given the work completed on the Southwest Independence Concept Plan, its adoption by reference in the Independence Comprehensive Plan, and the presence of two neighboring properties with the same zoning, staff considers the MX zone to be the correct zone for the area.

12.030 Standards for Plan Amendment

No plan amendment shall be approved by the Planning Commission or enacted by the City Council unless at least one of the following standards is met:

- A. The Comprehensive Plan designation for the land for which the plan amendment is initiated is erroneous and the plan amendment would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the plan amendment is initiated have changed to such a degree that the Comprehensive Plan designation is no longer appropriate and the plan amendment would conform to the new conditions in the neighborhood;
- C. There is a public need for land use of the kind for which the plan amendment is initiated and that public need can best be met by the plan amendment.

Staff Response: Annexation of the site would additionally create a situation where the existing future land use designation (County – Urban Reserve) is no longer appropriate.

Previous planning conducted for southwest Independence and Central Talmadge identified Residential as the desired use for the area. Given the work completed on the Southwest Independence Concept Plan and the Central Talmadge Plan, and their adoption by reference in the Independence Comprehensive Plan, staff considers the Residential to be the appropriate Future Land Use Designation for the area. The designation will meet a public need that can best be met by the plan amendment.

Subchapter 14: Annexation

14.030 Master Plan Requirement for Southwest Independence Concept Plan Area

- A. **Purpose.** A master plan is required as part of the annexation of any property within the Southwest Independence Concept Plan Area. This requirement is intended to provide the City with a concept of the holistic development of the annexation area to ensure that the project meets the various standards included within this Section, while providing the applicant with a reasonable assurance that the various phases of the project are feasible.

The 2012 Southwest Independence Concept Plan establishes the overall vision and land use framework for the area in the Southwest Independence Concept Plan, which should form the basis of any Master Plan submitted. The Southwest Plan, however, has been refined in part by the 2024 Central Talmadge Plan. Where the Central Talmadge Plan addresses a site or a portion of a site, that plan shall govern.

Staff Response: The proposed annexation includes land both within the Southwest Independence Concept Plan and the Central Talmadge Plan boundaries. A master plan that offers a

framework for future development has been submitted concurrent with the application in accordance with the requirements of Subchapter 14.

B. Applicability and Procedure.

1. A Master Plan approval is required concurrent with the annexation of any property within the Southwest Independence Concept Plan boundaries (see Figure 9 in the Concept Plan).
2. A Master Plan shall include the entire subject tax lot. At the option of the applicant, a Master Plan may include adjacent tax lots under the same or different ownership. All subject property owners must be listed as applicants and provide signatures on the application form.
3. Once approved, a Master Plan does not expire. The approved Master Plan shall replace and supersede the adopted Southwest Independence Concept Plan for the subject property or properties. An approved Master Plan may be amended pursuant to Section 14.030(E).
4. Once approved, subsequent land division and development review applications shall be reviewed for consistency with the Master Plan.

Staff Response: The master plan submitted as part of the application incorporates a design framework that will guide the organization of the area proposed for annexation. If approved, staff will review future subdivisions and developments for conformity with the master plan.

C. Submittal Requirements. A Master Plan shall be drawn at a minimum scale of 1" = 100 ft and may include multiple sheets. The following information shall be shown on the plan:

1. The general location of collector streets (within a corridor width of 100 feet);
2. The general size and location of any park land;
3. The general size and location of any trail/stormwater/drainage corridors, with potential off-site connections shown;
4. Identification of the required riparian corridor setback along South Fork Ash Creek, if applicable to the subject property or properties;
5. The general location and size of areas intended for low, medium and high-density housing, along with anticipated densities for each, and a description of how any high-density housing proposed is in the following locations.
 - a. In locations shown in the Central Talmadge Plan, if applicable.
 - b. At locations that meet one of the following characteristics if the project is not located in the Central Talmadge Plan boundaries:
 - i. At gateways and along corridor and arterial streets.
 - ii. Closest to existing services and commercial areas.
 - iii. Adjacent to parks, natural areas, or other amenities.
6. An indication of how the master plan meets the overall minimum average density of 9 units per acre.
7. Anticipated phasing of development, if applicable.

Staff Response: The master plan is consistent with the submittal requirements articulated in IDC 14.030(C). The plan shows the anticipated locations of collector streets, park land, areas of low, medium and high-density residential development, and trail/stormwater/drainage corridors, and provides information about how the project

plans to meet a minimum average density of 9 units per acre. Additionally, in personal communications, the proponents of the development have stated their intention to develop the site moving from the northern portions to the south. With this information, the submittal requirements in IDC 14.030(C) have been met.

D. **Approval Criteria.** A Master Plan shall be approved as part of the annexation process if it meets the following criteria:

1. The Master Plan is generally consistent with the locations and amounts of low, medium and high-density residential development shown in Figure 9 of the Southwest Independence Concept Plan. Provided that, if the property is within both the Southwest Independence Concept Plan and the Central Talmadge Plan, the plan is consistent with Figure 33 of the Central Talmadge Plan.

Staff Response: The master plan submitted as part of this application is consistent with the locations and amounts of low, medium and high-density residential development shown in Figure 9 of the Southwest Independence Concept Plan and Figure 33 of the Central Talmadge Plan. Higher density development is concentrated in the northern portions of the site, near the Central Plaza Shopping Center and key community facilities such as Central High School and local transit routes. Given the proposed location of the higher density development, as well as the other details about the anticipated mix of housing, this approval criterion is achieved.

2. The Master Plan achieves the minimum target density of an average 9 units per net acre.

Staff Response: The master plan proposes a mixture of housing types including:

- Multifamily housing on the north end of the site.
- Cottages and townhomes between the multifamily and the South Fork of Ash Creek.
- Single-family housing and cottages south of the creek.

The overall target net density is anticipated to be approximately 16 units per acre, with the bulk of units located on the north portions of the site. This approval criterion is achieved.

3. The Master Plan demonstrates that at least 15 percent of all dwelling units will be either in multiple-family or attached single-family structures.

Staff Response: The master plan looks to include a mixture of housing types that exceeds the 15 percent requirement for multifamily and attached single-family in the zone. The proposal includes a housing mix where 47.5 percent of the overall homes are multiple family, far exceeding the 15 percent target for the zone. This approval criterion is achieved.

4. The Master Plan is consistent with the Concept Plan policies in Section 3 of the adopted Concept Plan.

Staff Response: The master plan also addresses many of the policies in the Southwest Independence Concept Plan.

The Southwest Independence Concept Plan establishes policies related to:

- Siting Residential Density
- Master Planning
- Housing Types

- School Siting
- Major Roadways
- Local Street Connections and Street Connectivity
- Cul-de-sacs
- Green Street Design
- Pedestrian Facilities
- Bicycle Facilities
- Stormwater
- Ash Creek Riparian Corridor
- Park Development
- Open Space and Natural Resources
- Wetlands
- Trails
- Intermittent Drainages

This staff report has addressed many of these items. Those not addressed are largely covered in the applicant's submitted narrative (see Attachment D). Among those not fully covered by the applicant, the following additional notes will be components that help guide City review as future development occurs.

Cul-De-Sacs – Per the requirements of the Southwest Independence Concept Plan and IDC 90.90.010(M), the City seeks a well-connected street network and only allows cul-de-sacs in a limited number of circumstances. As local streets fill in the network of the major roadways shown on the master plan submitted as part of this application, the City will take care to ensure that roadways are well-connected.

Ash Creek Riparian Corridor and Pedestrian Facilities – Additionally, the Southwest Independence Concept Plan envisions a robust pedestrian network (comprised of trails along the South Fork of Ash Creek and along major streets in the area) that serves as the foundation for the quality of life in Southwest area. To ensure that these features are not just built, but act as a focus of the development and have future homes that are oriented to provide “eyes on the street” for the features, the City will evaluate future subdivisions to ensure that the lot layouts take care to orient homes to the high-quality public spaces that are created. Features like the use of alleys may be used to help orient the fronts of homes to the features.

5. The Master Plan identifies trail/riparian/stormwater corridor easements along South Fork Ash Creek that are consistent with Figure 9 of the Concept Plan. The width of the corridor may vary from the Concept Plan depending on the results of wetland delineation and location of any wetland restoration or mitigation. At a minimum, the corridor must include the following:
 - a. The required 25-foot setback along Ash Creek as established in Subchapter 54.105;
 - b. Identified floodplain area;
 - c. Additional 40-foot wide area for stormwater management and multi-use trail (can be inside floodplain but outside any established wetland); and
 - d. Wetland areas as follows:
 - i. Any delineated wetland area that will be protected and/or restored.
 - ii. Any new wetland area created as mitigation for removal of wetlands in other areas of the site.

Staff Response: The master plan submitted as part of this application looks to protect the floodplain along the South Fork of Ash Creek, and in so doing protect the features desired in IDC 14.030(D)(5). The mapped floodplain through the site shows the width of the floodplain (measured from side to side) ranging from around 280 feet to 540 feet. Sufficient land is available within that area to incorporate the required 25-foot stream setback, an additional 40-foot-wide area for stormwater management, and space for trails on both sides of the stream.

Additionally, any wetlands to be protected or restored along the stream corridor will be incorporated in the trail/riparian/stormwater corridor.

With these features, this standard is met.

E. Modifications to an Approved Master Plan. Any modifications to an approved Master Plan must be approved by the City through a Type I administrative review (Planning Director decision with no public hearing). Modifications to an approved Master Plan must meet the following criteria:

...

Staff Response: Any change to the proposed master plan will be required to meet the requirements in IDC 14.030(E). Staff will ensure that this standard is met.

Informational Item

Given this review, staff concludes that the annexation proposal is approvable with Condition 1. However, Site Design Review and Subdivision standards in the Independence Development Code, as well as in the Independence Public Works Design Standards will need to be met, as future development occurs. The following note recognizes these requirements:

- All future development will be required to meet City of Independence standards including but not limited to standards for Site Design Review and Subdivisions (as applicable), and the Public Works Design Standards.



APPLICATION FOR A TYPE III OR IV PROPOSAL

City of Independence
555 S. Main St./ P.O. Box 7
Independence, OR 97351
Phone 503-838-1212 / Fax 503-606-3282

OFFICE USE ONLY

Permit #:	Date Rec:
Land Use Fee:	
Notice Fee:	\$60.00
Certified Labels (Opt.):	
Admin. Fee (10% or \$500 Max):	
Total:	

GENERAL INFORMATION

Site Address: 6120 S 13th Street	Nearest Cross Street: F Street
Tax Map: 08429	Tax Lot(s): 01100 and 02100
Site Size: 46.68 Acres	Site Dimensions: 4,100' x 500'
Project Summary (Attach Additional Sheets if Necessary): Annexation of the property located at 6120 S 13th Street into the City of Independence. See attached narrative for detailed explanation.	

PROPERTY OWNER

Name: Independence Property LLC		
Mailing Address: [REDACTED]		
City: Salem	State: OR	Zip: 97301
Phone: [REDACTED]	Cell:	Email: [REDACTED]

APPLICANT

Name: Matthew Brown		
Business Name (if Applicable): Mahonia Northwest LLC		
Mailing Address: [REDACTED]		
City: Lake Oswego	State: OR	Zip: 97034
Phone:	Cell: 503-341-3794	Email: [REDACTED]

Applicant's Interest in Property: Development Manager

SIGNATURES

THE PROPERTY OWNER(S)/APPLICANT(S) SHALL CERTIFY THAT:

- A. The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- B. If the application is granted, the Applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- C. All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true. The applicant(s) so acknowledge that any permit issued on this application may be revoked if it be found that any such statements are false.

Signature of Each Property Owner and Applicant (Husband/Wife/Contract Purchaser/etc.):

Print Name:	[REDACTED]	Date:
Edis M. Cole	[REDACTED]	8/13/25



APPLICATION FOR A
TYPE III OR IV PROPOSAL

City of Independence
555 S. Main St./ P.O. Box 7
Independence, OR 97351
Phone 503-838-1212 / Fax 503-606-3282

OFFICE USE ONLY

Permit #:	Date Rec:
Land Use Fee:	
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Certified Labels (Opt.):	
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Total:	

GENERAL INFORMATION

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Tax Map: 08429	Tax Lot(s): 01100 and 02100
Site Size: 46.68 Acres	Site Dimensions: 4,100' x 500'
Project Summary (Attach Additional Sheets if Necessary): Annexation of the property located at 6120 S 13th Street into the City of Independence. See attached narrative for detailed explanation.	

PROPERTY OWNER

Name: Independence Property LLC		
Mailing Address: [REDACTED]		
City: Salem	State: OR	Zip: 97301
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

APPLICANT

Name: Matthew Brown		
Business Name (if Applicable): Mahonia Northwest LLC		
Mailing Address: [REDACTED]		
City: Lake Oswego	State: OR	Zip: 97034
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

Applicant's Interest in Property: Development Manager

SIGNATURES

THE PROPERTY OWNER(S)/APPLICANT(S) SHALL CERTIFY THAT:

- A. The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- B. If the application is granted, the Applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- C. All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true. The applicant(s) so acknowledge that any permit issued on this application may be revoked if it be found that any such statements are false.

Signature of Each Property Owner and Applicant (Husband/Wife/Contract Purchaser/etc.):

Print Name:	[REDACTED]	Date:
Paul Fender	[REDACTED]	8/14/25



APPLICATION FOR A
TYPE III OR IV PROPOSAL

City of Independence
555 S. Main St./ P.O. Box 7
Independence, OR 97351
Phone 503-838-1212 / Fax 503-606-3282

OFFICE USE ONLY

Permit #:	Date Rec:
Land Use Fee:	
Notice Fee:	\$60.00
Certified Labels (Opt.):	
Admin. Fee (10% or \$500 Max):	
Total:	

GENERAL INFORMATION

Site Address: 6120 S 13th Street	Nearest Cross Street: F Street
Tax Map: 08429	Tax Lot(s): 01100 and 02100
Site Size: 46.68 Acres	Site Dimensions: 4,100' x 500'
Project Summary (Attach Additional Sheets if Necessary): Annexation of the property located at 6120 S 13th Street into the City of Independence. See attached narrative for detailed explanation.	

PROPERTY OWNER

Name: Independence Property LLC		
Mailing Address: [REDACTED]		
City: Salem	State: OR	Zip: 97301
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

APPLICANT

Name: Matthew Brown		
Business Name (if Applicable): Mahonia Northwest LLC		
Mailing Address: [REDACTED]		
City: Lake Oswego	State: OR	Zip: 97034
Phone: [REDACTED]	Cell: [REDACTED]	Email: [REDACTED]

Applicant's Interest in Property: Development Manager

SIGNATURES

THE PROPERTY OWNER(S)/APPLICANT(S) SHALL CERTIFY THAT:

- A. The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- B. If the application is granted, the Applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- C. All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true. The applicant(s) so acknowledge that any permit issued on this application may be revoked if it be found that any such statements are false.

Signature of Each Property Owner and Applicant (Husband/Wife/Contract Purchaser/etc.):

Print Name:	[REDACTED]	Date:
Michael Buck	[REDACTED]	August 13, 2025

APPLICATION TYPE

Type III Action:	Fee: (+\$60 Notice Fee)	Type IV Action:	Fee: (+\$60 Notice Fee)
Land Use Pre-Application (Should be completed prior to submittal of application)	\$300	Land Use Pre-Application (Should be completed prior to submittal of application)	\$300
Land Use Actions*:		Land Use Actions¹:	
☒ Annexation <i>Attach petition to this application</i>	\$2,000*	☐ Comprehensive Plan Amendments/Revisions	\$300 ¹ *
☐ Comprehensive Plan Map Amendment	\$2,500*	☐ Master Plan Adoptions	¹ Private parties may request a Type IV action; however, it must be initiated by the Planning Commission or City Council
☐ Zone Change	\$2,500*	☐ Development Code Amendments	
☐ Site Design Review <i>For Larger Commercial/ Industrial Development</i>	\$500*		

**All land use application fees are a base fee amount to be paid to the City. An Agreement for Payment of Land Use Application Fees in the form attached hereto, must be executed by the property owner and submitted to the City with the application Base Fee, as a component of the City's required application fees. The Agreement shall be recorded against the subject property and run with the land. If the City's costs for processing an application exceed the Base Fee, the full cost due and payable will be the City's actual cost, including but not limited to hourly rates for planning, public works, engineering, City administration, legal, wetland and other consultants.*

NOTE: ALL FEES ARE NON-REFUNDABLE

REQUIRED SUBMITTALS

- ☐ Details necessary for the proposal as specified in the Independence Development Code.
- ☐ Plot plan of subject property - show scale, north arrow, location of all existing and proposed structures, road access to property, names of owners of each property, etc. Plot plans can be submitted on tax assessor's maps, which can be obtained from the Assessor's office in the Polk County Courthouse, Dallas, OR.
- ☐ Legal description of the property as it appears on the deed (metes and bounds). This can be obtained at the Polk County Clerk's office in the Courthouse.
- ☐ For a Zone Change, Comprehensive Plan Amendment or Urban Growth Boundary change, the names, addresses and zip codes of all the owners of record of the property(ies) to be reclassified, if not shown above.
- ☐ A certified list of names and addresses of each owner of all properties within 250' of the subject property. 2 sets of mailing labels for each property owner must also be provided. For an additional \$25, the city will provide the list and labels.

CHECK HERE FOR THIS OPTION ☒ and include \$25 to the total due with your application.

- ☐ Agreement for Payment of Land Use Application Fees (notarized).



City of Independence
 555 South Main Street
 PO Box 7
 Independence, OR 97351
 Phone: 503.838.1212 / Fax: 503.606.3282
 TTY: 1.800.735.2900

ANNEXATION PETITION

ORS 222.125

We, the undersigned legal owner(s) or contract purchaser(s) of a certain parcel of land, as set forth in the attached legal description, marked as Exhibit 'A', petition the Honorable Mayor and City Council of the City of Independence for annexation of certain property to the City of Independence. We further desire that by this petition that the certain property be annexed to and be included within the corporate limits of the City of Independence, Oregon, a municipal corporation, and we do hereby consent to such annexation, without the necessity of any election being called within the area above described, and we do hereby take steps as are necessary to determine whether or not the said above described area shall be annexed.

Owner(s) or Contract Purchaser(s):

Address:

Independence Property LLC

_____	_____
_____	_____
_____	_____
_____	_____

DATED this 13th day of July AUGUST, 20 25.

I certify that the above Petition for Annexation of the territory described therein contains the names of all the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory.

Name

Lois Cole

Title

Member

Date:

8/13/25



City of Independence

555 South Main Street

PO Box 7

Independence, OR 97351

Phone: 503.838.1212 / Fax: 503.606.3282

TTY: 1.800.735.2900

ANNEXATION PETITION

ORS 222.125

We, the undersigned legal owner(s) or contract purchaser(s) of a certain parcel of land, as set forth in the attached legal description, marked as Exhibit 'A', petition the Honorable Mayor and City Council of the City of Independence for annexation of certain property to the City of Independence. We further desire that by this petition that the certain property be annexed to and be included within the corporate limits of the City of Independence, Oregon, a municipal corporation, and we do hereby consent to such annexation, without the necessity of any election being called within the area above described, and we do hereby take steps as are necessary to determine whether or not the said above described area shall be annexed.

Owner(s) or Contract Purchaser(s):

Address:

Independence Property LLC

[REDACTED]

DATED this 13th day of July August, 20 25.

I certify that the above Petition for Annexation of the territory described therein contains the names of all the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory.

[REDACTED]

Member

Title

Date:

8/13/25



City of Independence
555 South Main Street
PO Box 7
Independence, OR 97351
Phone: 503.838.1212 / Fax: 503.606.3282
TTY: 1.800.735.2900

ANNEXATION PETITION

ORS 222.125

We, the undersigned legal owner(s) or contract purchaser(s) of a certain parcel of land, as set forth in the attached legal description, marked as Exhibit 'A', petition the Honorable Mayor and City Council of the City of Independence for annexation of certain property to the City of Independence. We further desire that by this petition that the certain property be annexed to and be included within the corporate limits of the City of Independence, Oregon, a municipal corporation, and we do hereby consent to such annexation, without the necessity of any election being called within the area above described, and we do hereby take steps as are necessary to determine whether or not the said above described area shall be annexed.

Owner(s) or Contract Purchaser(s):

Address:

Independence Property LLC

[REDACTED]

DATED this 14th day of July August, 2025.

I certify that the above Petition for Annexation of the territory described therein contains the names of all the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory.

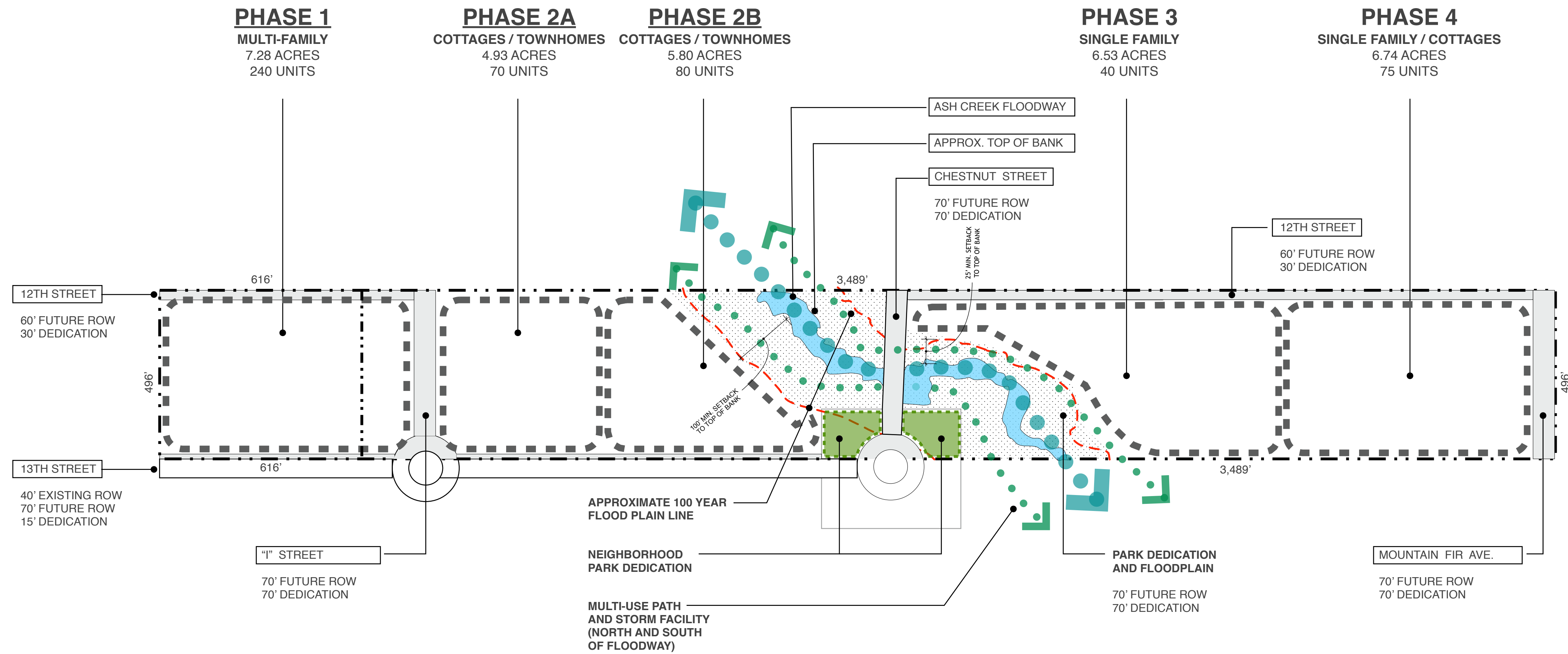
[REDACTED]
Name

Owner
Title

Date: 8/14/25

EXHIBIT A

Beginning at a point which is 1,955 feet East of the Southwest corner of the John E. Davidson DLC No. 44 in Township 8 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence North a distance of 4,105 feet to the Southwest corner of that certain tract of land conveyed to the Archdiocese of Portland in Oregon, a non-profit corporation, by deed recorded March 1, 1960 in Volume 173, Page 361, Deed Records for Polk County, Oregon; thence South 89°56' East 496.0 feet to the Southeast corner of said tract of land conveyed to the Archdiocese of Portland in Oregon, said point also being on the Westerly line of that certain tract of land conveyed to Henry N. Mattison by deed recorded April 7, 1942 In Volume 110, Page 267, Deed records for Polk County, Oregon; thence South along the West line of said Mattison tract and an extension thereof a distance of 4,105 feet, more or less, to the South line of said Davidson DLC; thence west a distance of 496 feet to the place of beginning,



PHASE: ANNEXATION

PROJECT: 13TH STREET MASTER PLAN
LOCATION: 6120 S. 13TH STREET, INDEPENDENCE, OREGON
(MAP 08429, TAX LOTS 01100 AND 02100)

MAHONIA NW
NORTHWEST COMMUNITY DEVELOPMENT
811 Sunny Hill Dr, Lake Oswego OR 97034
Independence Property LLC
PO Box 843
Salem, OR 97308

JANUARY 1, 2026

**ANNEX
MP-001**

Independence Property LLC
PO Box 843, Salem, OR 97308

Mahonia Northwest LLC
811 Sunny Hill Drive, Lake Oswego, OR 97034

Application for Annexation
Master Plan and Annexation Approval Criteria Narrative
January 5, 2026

OVERVIEW

Independence Property LLC is the owner of two parcels located along S 13th Street in Independence, OR, with a site address of 6120 S 13th Street, Independence, OR. The two parcels are more specifically described as Map and Taxlot 08429-00-02100 (7.01 Acres) and 08429-00-01100 (39.67 Acres), and together are described in the document below as the “Property.”

In total, the Property comprises 46.68 Acres, and is located along S 13th Street. The Property is adjacent to properties that are already within the City limits to the north, northwest (north of Ash Creek to the northern property line), and southeast (south of Ash Creek to the southern property line). The Property lies entirely within the urban growth boundary for Independence, and is eligible for Annexation into the City of Independence.

APPROVAL CRITERIA

The Annexation process is governed by Subchapter 14 of the Independence Development Code. Specifically, Section 14.030.D identifies five approval criteria for Annexation, each of which is addressed through the Master Plan submittal (attached as Exhibit A) and further described in the sections below.

Approval Criteria #1 - The Master Plan is generally consistent with the locations and amounts of low, medium and high density residential development shown in Figure 9 of the Southwest Independence Concept Plan.

The Master Plan shows a distribution of density across the site that is consistent with Figure 9 of the Southwest Independence Concept Plan. In general, the Concept Plan shows medium to high density on the northern portions of the property (north of Ash Creek), and lower densities to the south (south of Ash Creek). The Master Plan proposes higher density development on the northernmost phase of development, with approximately 240 multi-family garden apartments.

South of the multi-family parcel up to Ash Creek, a medium-density combination of townhome and cottage cluster development is proposed. For the parcels south of Ash

Creek, a mix of single family residential and cottage cluster development is anticipated. The diverse mix of housing types and locations of low, medium and high density housing depicted on the master plan meet the approval criteria.

Approval Criteria #2 - *The Master Plan achieves the minimum target density of an average 9 units per net acre.*

Overall, the Master Plan anticipates an overall density of 14.9 units per acre, as depicted in Table 1 below. This density calculation is based on the net developable acreage of the site, which deducts street dedications (approximately 5.14 acres) and open space dedications (7.71 acres), resulting in a net developable area of 33.83 acres. This approval criteria is satisfied due by exceeding the minimum residential density of 9 units per acre.

Table 1 – Master Plan Density Calculations

	Acres	Square Feet		
Parcel 1 - Lot 2100	7.01	305,356		
Parcel 2 - Lot 1100	39.67	1,728,025		
Total Area	46.68	2,033,381		
Less Street Dedications	5.14	223,800		
Less Open Space Dedications	10.26	335,875		
Total Dedications	15.40	559,675		
Net Developable Area	31.28	1,473,706		
Preliminary Development Program	Acres	Square Feet	Number of Units	Density/AC
Phase 1 - Multi Family	7.28	286,700	240	33.0
Phase 2A - Cottages/Townhomes	4.93	244,400	70	14.2
Phase 2B - Cottages/Townhomes	5.80	283,706	80	13.8
Phase 3 - Single Family	6.53	317,000	40	6.1
Phase 4 - Cottages	6.74	341,900	75	11.1
	31.28	1,473,706	505	16.1

Note: parcel sizes are approximate - final areas will be determined upon completion of subdivision/PUD process and final mapping of the 100-year floodplain boundary

Approval Criteria #3 - *The Master Plan demonstrates that at least 15 percent of all dwelling units will be either in multiple-family or attached single-family structures.*

Table 2 below shows that 62.4% of the total dwelling units proposed under the Master Plan will be either multi-family or single family attached dwelling units. Phase 1 is intended to be entirely multi-family apartments, while Phases 2A and 2B are anticipated to be a mix of townhome and cottage cluster development. While there may be some duplex cottages constructed, those units have not been included in this calculation. Therefore, this approval criteria is satisfied.

Table 2 – Multifamily and Attached Single Family Units

Preliminary Development Program	Acres	Square Feet	Number of Units	Multi Family or Attached Single Family Units	Percent of Total Units
Phase 1 - Multi Family	7.28	286,700	240	240	100.0%
Phase 2A - Cottages/Townhomes	4.93	244,400	70	35	50.0%
Phase 2B - Cottages/Townhomes	5.80	283,706	80	40	50.0%
Phase 3 - Single Family	6.53	317,000	40	0	0.0%
Phase 4 - Cottages	6.74	341,900	75	0	0.0%
	31.28	1,473,706	505	315	62.4%

Approval Criteria #4 - *The Master Plan is consistent with the Concept Plan policies in Section 3 of the adopted Concept Plan.*

Each of the policies below is outlined in the Southwest Independence Concept Plan. The narrative below describes how the Master Plan complies with these policies.

4.1 Land Use Policies

A. Siting Residential Density

As described above, the Master Plan depicts the location of high and medium density housing consistent with the Concept Plan; Specifically, higher density housing (multi-family garden apartments) is proposed on the northernmost portion of the Property, with medium density housing (townhomes and cottage clusters) proposed for the parcel between the higher density parcel and Ash Creek. Therefore, the Concept Plan policy is met.

B. Master Planning

Subchapter 14 of the Independence Development Code requires the submittal of a Master Plan, consistent with the Southwest Independence Concept Plan, as part of the application for Annexation. The attached Master Plan (Exhibit A) meets this requirement and will guide the future development of the Property. Therefore, the Concept Plan policy is met.

C. Housing Types

The Concept Plan anticipates that Master Plan proposals should provide a variety of housing types, including multi-family, attached single family, duplex, and single family dwelling units, achieving a minimum density of 9 dwelling units per acre. The Master Plan, as depicted in Table 1 above, includes a full spectrum of housing types,

including garden style multi-family apartments, townhomes, cottage clusters (which may include duplex units), and single family units. This unit mix achieves an overall density of 14.9 units per acre. Therefore, the Concept Plan policy is met.

D. School Siting

The Concept Plan notes that if the Central School District were to identify the need for a new school to be sited in the planning area, that the Master Plan should consider potential school sites as part of the plan submittal. As of the date of this Annexation application, the Central School District has not identified the need for a new school in the planning area. Therefore, the Concept Plan policy does not apply.

4.2 Transportation Policies

A. Major Roadways

The Concept Plan identifies a number of Major Roadways that are sited adjacent to or on the Property. Each of these streets has been depicted on Exhibit A, consistent with the street cross sections shown on Figure 14, 15, and 16 in the Concept Plan document. Specifically, the Master Plan shows the following Major Roadways that are intended to serve the site and the surrounding community:

- S 13th Street, from the northern Property line to future Chestnut Street Extension. This would include a 15' dedication which, when added to the 40' existing right-of-way and dedication of a corresponding 15' on the west side of 13th would result in a 70' right-of-way.
- Chestnut Street, connecting to a future extension on the east Property line to a new traffic circle at the intersection with S 13th Street. This would include the dedication of a 70' right-of-way (or narrower, as determined by the City), along with adequate space for a traffic circle at the intersection with S 13th Street.
- I Street, which will connect the existing Madrona Street right-of-way on the west side of the Property to the eastern Property line. This would include a 70' right-of-way dedication (or narrower, as determined by the City), along with adequate space for a traffic circle at the intersection with S 13th Street.
- Mountain Fir Avenue, running along the south property line. This would include a 70' right-of-way dedication for a future collector road connecting properties on the south side of Independence.

Each of these roadways is shown in a location, and with the proper width, to be consistent with the Concept Plan. Therefore, the Concept Plan policy is met.

B. Local Street Connections and Street Connectivity

Currently, the Property is isolated from adjacent development – there are no existing local streets that lead to or are directly adjacent to the Property, other than the streets noted above. However, at this time, there are two street connections that we are proposing to help serve the development and further connect the Property to adjacent areas:

- S 12th Street (north), from Madrona Street north to the northern Property line – We are proposing a 30' street dedication along the east property line, in anticipation of a future 60' right-of-way shared with the property directly to the east. It is still unclear as to the future connection to the north, as the most likely connection (as shown in the Concept Plan) would jog slightly east to connect with 12th Street further north in an established neighborhood.
- S 12th Street (south), from Chestnut Street Extension south to future Mountain Fir Avenue – We are proposing a 30' street dedication along the east property line, in anticipation of a future 60' right-of-way shared with the property directly to the east. This street connection is critical to serving the southern half of the Property, as this provides the only potential for a connection to the north once the Chestnut Street extension and S 13th Street are built.

We anticipate that other local street connections may be proposed or planned as the subdivision process for the Property commences and/or development of adjacent parcels is underway. The local street connections proposed in the Master Plan provide for a fully served and connected development; therefore, the Concept Plan policy is met.

C. Cul-de-sacs

The Concept Plan requires that cul-de-sacs comply with Section 96.90 of the Development Code. At this time, no cul-de-sacs are proposed. Therefore, the Concept Plan policy does not apply.

D. Green Street Design

The Concept Plan encourages green street design in order to accommodate green street features on local and collector streets as a way to minimize stormwater impacts on nearby natural areas, rivers, and streams. Through adequate right-of-way dedication as described above, the Master Plan anticipates incorporating surface stormwater management techniques, including bio-swales, stormwater planters, and other potential treatments that will both provide water quality benefits as well as a more naturalistic character for the streets and adjacent developments. Therefore, the Concept Plan policy is met.

E. Pedestrian Facilities

The Concept Plan requires the incorporation of sidewalks on all public streets or, where appropriate, a wider multi-use path. Each of the roadways described above shall have adequate right-of-way to meet this standard, and the Property Owner is in full support of a safe, comfortable, and attractive pedestrian environment that supports the Property's development and density goals. Therefore, the Concept Plan policy is met.

F. Bicycle Facilities

Figure 11 in the Concept Plan identifies Madrona Street, Chestnut Street, Mountain Fir Avenue, and S 13th Street from Chestnut Street north to the Property line as streets that must accommodate bike facilities. The proposed right-of-way widths for these streets is adequate to provide standard bike lanes, and the Property Owner is in full support of providing a bicycle network that supports the overall development and density goals for the Property. Therefore, the Concept Plan policy is met.

4.3 Public Facilities Policies

A. Stormwater

The Concept Plan encourages "natural stormwater drainage systems designed to manage and filter as much stormwater on site as reasonably possible and to incorporate natural drainage and management techniques."

The Master Plan contemplates incorporating surface stormwater management throughout the Property, including along roadways with stormwater swales and planters as well as with stormwater retention facilities located within or adjacent to the Ash Creek floodplain, including linear facilities that parallel the proposed Ash Creek multi-use paths.

The design and incorporation of these elements will further underscore the green character that the Owner intends to implement as part of its placemaking efforts on the Property. Each of these approaches is consistent with the policy outlined in the Concept Plan; therefore, the Concept Plan policy is met.

4.4 Parks, Open Space, Natural Area and Trails Policies

A. Ash Creek Riparian Corridor

The Concept Plan policy calls for the City to establish an open space corridor along the South Fork of Ash Creek. The proposed Master Plan calls for the dedication to

the City of an area roughly corresponding to the Ash Creek 100-year floodplain. *(Note: the FEMA flood insurance maps covering the Property have not been finalized through a more detailed study; the actual 100-year floodplain boundary will need to be established through further analysis during the subdivision/PUD stage of development. The Applicant has reached out to Polk County Public Works/Askh Creek Flood Control District for more detailed information on flood elevations in the Ask Creek Corridor.)*Through this dedication, the City’s goal of establishing this open space corridor can be achieved, and therefore, the Concept Plan policy is met.

B. Park Development

The Concept Plan calls for and depicts the general location of a “Mini Neighborhood Park” near the intersection of s 13th Street, Chestnut Street, and the Ash Creek corridor. While the specific location is not clearly defined in the Concept Plan, the proposed Master Plan does depict a park dedication north of Ash Creek at the intersection of S 13th Street and Chestnut Street. This park area can be combined with or incorporated into the dedication of the 100-year floodplain along Ash Creek, which would bring total open space/park dedication on the Property to approximately 10.26 acres (approximately 22.0% of the gross Property area). Therefore, the Concept Plan policy is met.

C. Open Space and Natural Resources

The Concept Plan notes that “the City will support “green” development approaches, including co-location of stormwater swales in parks and along linear trail corridors.” As noted above, the Master Plan contemplates green stormwater treatment along streets and within internal pedestrian corridors, as well as in facilities that are located within or adjacent to parks or dedicated open space (including the Ash Creek corridor and multi-use pathway). Therefore, the Concept Plan policy is met.

D. Wetlands

Consistent with Oregon Goal 5 ,The Concept Plan states that the City will encourage the mitigation of wetland impacts through a combination of means, with a priority on protecting and restoring wetland resources adjacent to Ash Creek. Further, the policy acknowledges that some wetland areas that may be present have a lower priority for mitigation, given their historic and ongoing use as actively farmed land.

The Master Plan provides full protection and avoidance of all wetland areas along the Ash Creek corridor, consistent with the Concept Plan Policy. Further, any other wetlands that may be present on the balance of the site – which continues to be farmed for grass seed production – would fall into the City’s definition for lower priority/non-significant wetland.

However, any impacts on identified wetlands, regardless of historic use, will still require compliance with State and Federal environmental regulations. Given the protection of the high value wetlands along Ash Creek and the requirement for regulatory approval for any other potential wetlands, the Master Plan complies with the Concept Plan policy.

E. Trails

As part of the dedication of the 100-year floodplain area, the Master Plan also contemplates the dedication of a public easement to accommodate a multi-use trail along the north bank of Ash Creek. The final alignment of the trail and location of the easement will be determined through further design work at the property subdivision phase.

The City has further indicated that they are planning a trail connection on the south side of Ash Creek to better connect current and future development along Ash Creek and into the City. We would anticipate that the trails on the north and south side of Ash Creek will be combined with stormwater facilities and other neighborhood open space amenities to provide an attractive connection for those traversing the neighborhood on foot.

The provision of these trail connections is consistent with the Concept Plan and complies with this Concept Plan policy.

F. Intermittent Drainages

There is currently an intermittent drainage that cuts across the northernmost parcel (Lot 2100) on the Property, from northwest to southeast. Currently, this drainage provides little to no natural resource value on the Property, and represents a significant impediment to the development of higher density housing in the City's preferred location.

The Master Plan contemplates a surface stormwater treatment facility parallel to S 13th Street and S. Madrona Street/S. I Street, effectively moving the drainage parallel to these roadways and providing an opportunity for combining green treatment into the drainage. This would also accommodate a recent stormwater improvement just west of the site, along Madrona Street, that connects into this intermittent drainage via a swale along S. 13th Street.

This treatment is consistent with the Concept Plan, and will likely require, as suggested in the Concept Plan, coordination and approval with state and possibly federal agencies prior to implementation. Therefore, the Concept Plan policy is met.

Approval Criteria #5 - *The Master Plan identifies trail/riparian/stormwater corridor easements along South Fork Ash Creek that are consistent with Figure 9 of the Concept Plan. The width of the corridor may vary from the Concept Plan depending on the results of wetland delineation and location of any wetland restoration or mitigation. At a minimum, the corridor must include the following:*

- a. The required 25-foot setback along Ash Creek as established in Subchapter 54.105;*
- b. Identified floodplain area;*
- c. Additional 40-foot wide area for stormwater management and multi-use trail (can be inside floodplain but outside any established wetland); and*
- d. Wetland areas as follows:*
 - (1) Any delineated wetland area that will be protected and/or restored*
 - (2) Any new wetland area created as mitigation for removal of wetlands in other areas of the site*

The Master Plan shows a significant open space corridor that encompasses Ash Creek along with associated riparian wetlands, the 100-year floodplain, and a multi-use path running parallel to Ash Creek. In fact, the minimum width of the proposed corridor is well in excess of the 25' setback and additional 40' wide stormwater corridor.

The Master Plan does not propose any fill or development within the 100-year floodplain other than multi-use trails and opportunities for development of stormwater treatment and retention facilities. Both of these features are consistent with the green development policies of the Concept Plan. In no event will the development of the Property result in any diminishment of flood storage capacity.

Within the Ash Creek 100-year floodplain, no wetlands have been identified to the best of Owner's knowledge (excluding areas below the ordinary high water/top of bank for Ash Creek). The ordinary high water mark of Ash Creek has been mapped, however, and that area will be fully protected and free from development through the open space dedication. The one exception to development intrusion in the Ash Creek corridor in this area is a current City project currently in design, which would construct the Chestnut Street extension across the Property, including a bridge/structure across Ash Creek.

Because the Master Plan fully protects the Ash Creek corridor, including the entirety of the 100-year flood plain and the sensitive riparian habitat therein, and the minimum development setback of 25' from ordinary high water and the additional 40' stormwater corridor fit well within the proposed open space dedication, this approval criteria is met.

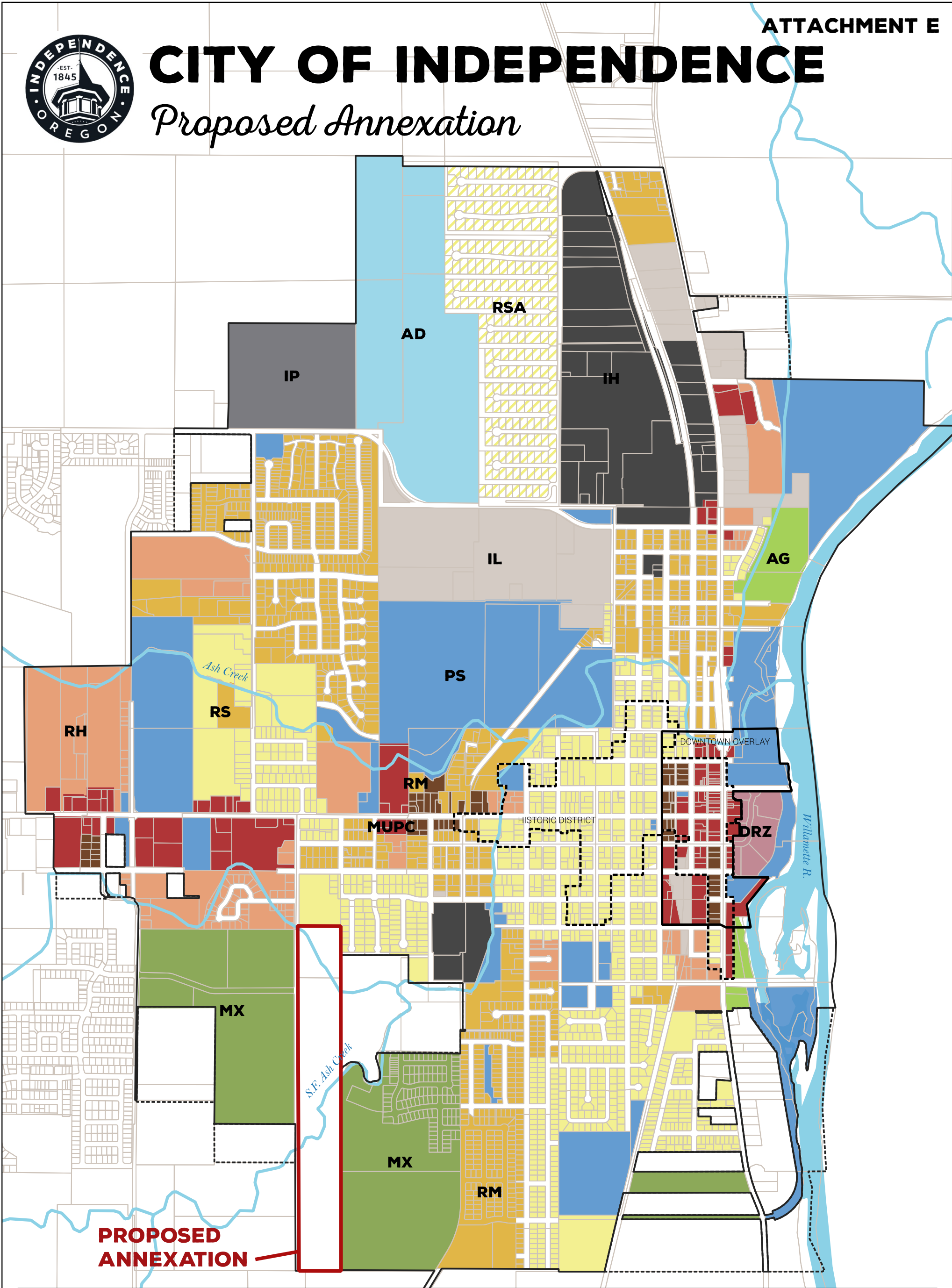
SUMMARY

The Master Plan submitted for the Property is entirely consistent with the policies of the Southwest Independence Concept Plan and meets all of the Approval Criteria outlined in Section 14.030 of the Independence Development Code. The Property Owners are looking forward to developing Independence's next great neighborhood, and urge the prompt approval of this Annexation request.



CITY OF INDEPENDENCE

Proposed Annexation



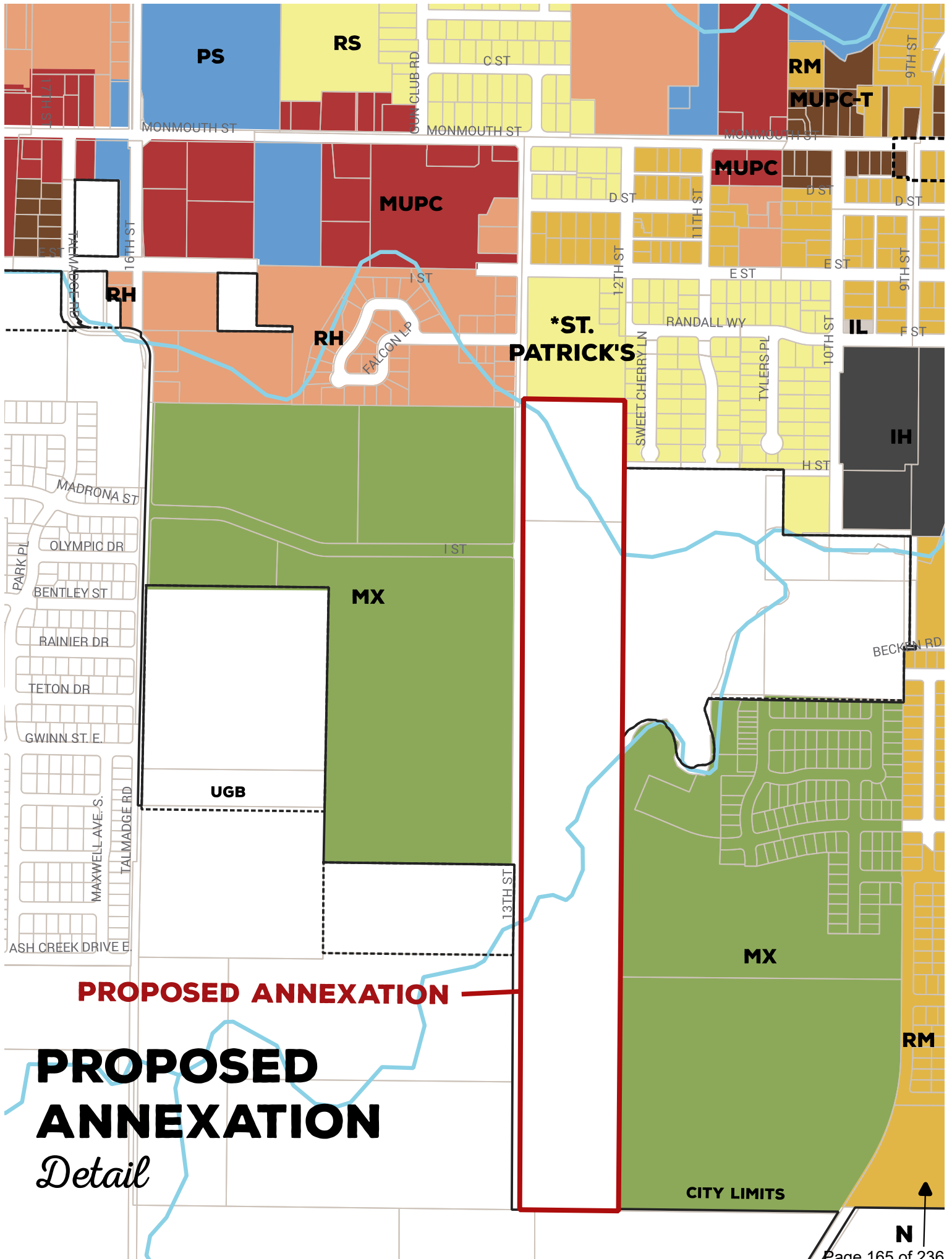
LEGEND

ZONE

- Low-Density Residential (RS)
- Medium-Density Residential (RM)
- High-Density Residential (RH)
- Residential Single-Family Airpark Overlay (RSA)
- Mixed Residential (MX)
- Mixed-Use Pedestrian Friendly Commercial (MUPC)

- MUPC-Transitional (MUPC-T)
- Downtown Riverfront Zone (DRZ)
- Light Industrial (IL)
- Heavy Industrial (IH)
- Industrial Park (IP)
- Airport District (AD)
- Agricultural (AG)

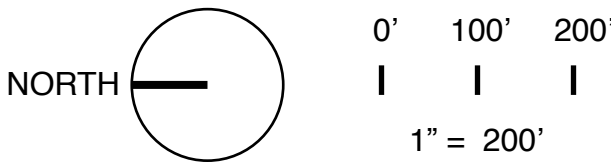
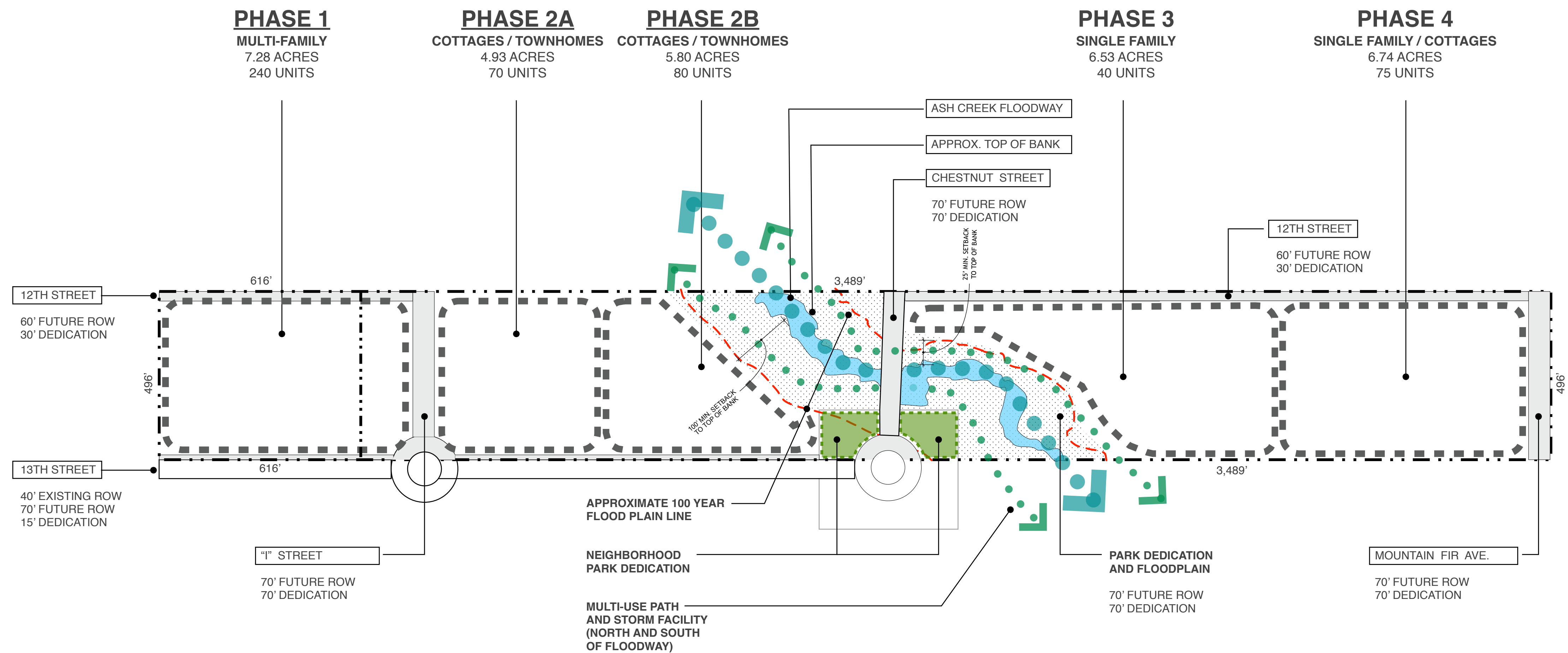
- Public Service (PS)
- City Limits
- Urban Growth Boundary
- Downtown Overlay
- Historic District



PROPOSED ANNEXATION

**PROPOSED
ANNEXATION**
Detail

N



PHASE: ANNEXATION

PROJECT: 13TH STREET MASTER PLAN
LOCATION: 6120 S. 13TH STREET, INDEPENDENCE, OREGON
(MAP 08429, TAX LOTS 01100 AND 02100)

MAHONIA NW
NORTHWEST COMMUNITY DEVELOPMENT
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JANUARY 1, 2026

**ANNEX
MP-001**



INDEPENDENCE

Oregon's Story Begins Here

CHANGES TO FENCE STANDARDS (FILE NO. LA | 2026-01) STAFF REPORT

MEETING DATE: February 10, 2026

RECOMMENDATION: **APPROVAL**

FILE NUMBER: LA | 2026-01

RE: Public Hearing – Potential Change to the Requirements for Fences Associated with Governmental Uses

CRITERIA: Oregon State Planning Goals
Independence Comprehensive Plan
Independence Development Code (IDC)
-Subchapter 10: General Provisions
-Subchapter 11: Administrative Provisions

CONTENTS:

- I. Summary
- II. What is the Problem?
- III. What is Proposed?
- IV. What Considerations went into Staff's Original Recommendation?
- V. What Considerations went into The Planning Commission's Recommendation?
- VI. What Questions are Raised by the Planning Commission Recommendation?
- VII. Staff Recommendation
- VIII. Staff Findings - Oregon State Planning and Independence Comprehensive Plan Goals
- IX. Staff Findings – Independence Development Code

ATTACHMENTS :

- A. Proposed Code Change (2 pages)
- B. Public Comment from Clyne, dated 2025 December 16 (2 pages)

I. SUMMARY

At the meeting of February 10, 2026, the Independence City Council will discuss a potential change to the fence standards in the City of Independence.

Staff Proposal: Staff proposed that the Planning Commission should recommend the approval of a change to City fence standards that allows governmental uses and structures to be surrounded by fences that were six feet tall and topped with barbed wire.

Planning Commission Recommendation: The Planning Commission largely agreed with the staff proposal but recommended a requirement that a public use adjacent to three or more existing residential parcels can only use barbed wire if it is on a second fence that is setback 15-feet from the property line..

II. WHAT IS THE PROBLEM?

The City of Independence recently embarked on an initiative to ensure that its critical infrastructure facilities were secure from acts of vandalism or terrorism. To discourage access to these properties, the City installed barbed wire fences around key facilities that either did not have barbed wire or were not fenced at all. These properties included the wastewater treatment plant and the south wellfield and water tank located along River Oak Road. Existing six foot tall fences at these facilities were topped with barbed wire. Properties lacking fencing were secured with new six-foot-tall fences that were topped with barbed wire.

Two neighbors of the south wellfield property objected to the placement of barbed wire around the facility, among other things because the wire was added to an existing fence in a residential zone and was less than eight feet above the ground.

Given the complaint, the City reviewed its existing fence standards in Independence Development Code (IDC) Section 74.020 and the fences surrounding several similar governmental uses. Staff's review revealed that:

- The current code does not effectively address fences for government uses. The IDC allows barbed wire fences in commercial and industrial zones and requires them to be at least eight feet high. No standards exist for any kind of fence in the Public Service or Airport Development zones. Governmental facilities and uses are allowed in Residential zones, but they are required to meet the fence standards for residential uses – 3.5 feet tall in the front yard unless the fence is see-through. No chain link or barbed wire is allowed in residential zones. Additionally, some City facilities are located in rights of way which have no zoning and therefore no fence standards.
- Construction of an eight-foot-tall fence to ensure the barbed wire is at least eight feet from the ground is difficult, particularly on an existing six-foot-tall fence. To make the change, an individual would need to conduct an engineering analysis and either add onto the fencing and fence posts or entirely remove and replace the fencing and posts (at a potentially significant cost). A detailed explanation of that process is offered below.
- Requiring all barbed wire fences surrounding governmental uses to be eight feet tall would make several government fences with barbed wire at six feet non-conforming. Uses with barbed wire fencing at six feet, and the zone where they are located, include the following:
 - The airport (operated by the Oregon Department of Aviation), located in the Airport Development District.
 - Polk Well 1, just south of the Independence Sports Park, located in the Public Services Zone.
 - The River Drive Well, located in the Low-Density Residential Zone and sharing a property line with the Light Industrial Zone and the Agricultural Zone.
 - The Riverview Park Pump Station, located in the Public Services Zone and sharing a property line with the Mixed-Use Pedestrian Friendly Commercial Zone.
 - The Oak Street Pump Station, located in un-zoned City right-of-way
 - The 9th Street Pump Station, located in un-zoned City right-of-way and bordering residential property in the Medium-Density Residential zone.
 - The Monmouth Street Reservoir, located in the Public Services Zone and sharing a property line with the Residential High-Density Zone and the Hazel Glen Manufactured Home Park.

- The City of Monmouth well and water tank site, located in the Public Services Zone along 4th Street and bordering the Low-Density Residential Zone along its northern extent.¹

Within the City as a whole, the City of Independence contains only a few eight-foot-tall fences. A few examples of eight-foot-tall fences with barbed wire include:

- Polk Wells 2 and 3, just south of the Independence Sports Park.
- A portion of the City Shops at 160 F Street.
- The fence for Mobility Solutions at 155 E Street.
- The industrial building 905 N. Main.
- Portions of G&R Auto Wreckers at 4695 Independence Highway.
- Portions of the Pick a Part at 1074 Monmouth Street.

Fences shorter than eight feet with barbed wire also exist for commercial and industrial uses including:

- The industrial property at 10th and F Street (900 F Street).
- The Robert Lloyd Sheet Metal Complex at 4485 Independence Highway.
- The old Oregon Alder Property off both Hoffman Road and Stryker Road.
- The industrial property at 4770 Independence Highway.
- The industrial property at 900 N Main.
- The storage units at 885 N Main, which border the Greystone Apartments on two sides.
- The storage units at 590 Hoffman Road.
- Portions of the storage units at 350 N. Ash.
- The Pacific Power Substation along Monmouth Street, which borders the Hazel Glen Manufactured Home Park.
- The Century Link building at Talmadge Road and Monmouth Street.

III. WHAT IS PROPOSED?

Given these findings, and the fact that the City will continue to build new infrastructure facilities (including a new drinking water facility which is underway), City staff propose to create a new fence standard for public service uses, regardless of the zone where the use is located. The proposed new fence standard would allow a six-foot-tall fence with barbed wire.

The proposed language read:

Government Service Structures or Uses. Notwithstanding the standards above, fences enclosing municipal or government service structures or uses, including, but not limited to, a reservoir, water tower, pump station, airport, bus terminal or station, fire station, transformer station or substation, may be constructed of chain link. The fences, for which there is no height limitation, must be at least six (6) feet tall if topped with barbed wire.

This language was intended to address the issue at the south wellfield, as well as the lack of standards for fences associated with public uses. As noted above, the Public Service Zone lacks a fence standard, and the standard in the residential zone (which currently requires a maximum 3'6" fence in the front yard, unless the fence is non-site obscuring and does not allow chain link) is not adequate to protect government facilities. It should be noted that barbed wire is not the same as razor wire, which is typically strung on top of fences in coils while barbed wire is strung in straight lines.

The Planning Commission generally agreed with the intention of staff's proposal but recommended a 15-foot setback for barbed wire fences when the property is adjacent to at least three residential parcels. The proposed language added the following sentence to staff's original recommendation:

¹ This list and lists to follow do not include all fences. Staff has taken care to look for barbed wire fences throughout the City but recognizes that some fences may have been overlooked.

...provided that where a barbed wire topped fence abuts three or more existing residential parcels, a second fence that contains the barbed wire shall be set back at least 15 feet from the property line.

IV. WHAT CONSIDERATIONS WENT INTO STAFF'S PROPOSAL?

Fundamental considerations that staff weighed regarding how best to proceed included questions related to safety, visual impact, and the ease and cost of completion. These issues are explored below:

Safety of Facilities – The fundamental reason that the City seeks to install barbed wire fences around its facilities is to protect City infrastructure, including multimillion dollar facilities such as the wastewater treatment plant, the south wellfield, and the 9th Street Pump Station.

While impacts to the facilities may seem theoretical, any vandalism and related failure of a public/governmental facility could significantly impact the public health, safety and welfare of the community including the ability to provide clean water to residents or to handle or treat wastewater. For instance:

- If the inflow of the wastewater treatment plant was damaged, the City would not be able to treat wastewater. Sewer pipes would back up and, if the problem was not addressed quickly, raw sewage would eventually spill from low points in the system, creating a public health hazard.
- If one of the several pump stations in town was damaged, a sizable portion of the City would not be able to transmit wastewater to the wastewater treatment plant. Failure of a pump station would cause sewer pipes to back up and, if the problem was not addressed quickly, would result in raw sewage spilling from low points in the system, causing a public health hazard.
- If a water reservoir were damaged, the City may not be able to provide sufficient water pressure to serve certain portions of the community and/or have sufficient pressure to fight fires.

All these examples would also incur potentially significant costs for repair and cleanup. Given the importance of these and other public facilities, taking precautions, even as simple as adding barbed wire, is prudent.

Some individuals have suggested the installation of security cameras as a potential alternative to the installation of a barbed wire fence. Widespread use of cameras, however, is not practical in many instances. The south wellfield, for instance (just one of the many city facilities with fences), has five different wells, each of which are in different buildings, a pump station, and a 1.5-million-gallon reservoir with an approximately 319-foot circumference. Adequately filming the area would require at least 7 cameras, though given the size of the reservoir, more would likely be necessary. Additionally, even if filming did occur, the feeds would not be monitored.

Cameras would only be useful if something happened to a facility, and culprits were sought after the damage was done. The cameras would not serve as a preventive security tool. Given the potential impact to health, safety and general welfare, this use of cameras is not as effective a deterrent as the installation of barbed wire, which would physically discourage people from entering. The use of cameras should occur in conjunction with physical barriers, not instead of them.

The airport, which is operated by the Oregon Department of Aviation, offers another illustration of the usefulness of fences compared with cameras. The fence line at the airport is more than 5,000 feet long and is primarily intended to keep people and animals away from the runway. Using a camera to achieve a similar result would not be effective.

Safety for Animals/Children – In discussions about fencing, individuals have also expressed a concern over the safety to animals and people from a six-foot-tall fence topped with barbed wire. While this danger seems valid in theory, six-foot-tall fences with barbed wire on top are not necessarily dangerous. In fact, in reviewing the codes of other cities, several cities allow barbed wire at six feet including Dallas

(in industrial areas), Canby, Salem (with a warning sign placed every 15 feet), Eugene, and Springfield.² Eugene prohibits barbed wire along a sidewalk or public way unless the barbed wire is intended to protect a hazardous area or facility and Springfield and Canby do not allow barbed wire to extend over a street or sidewalk. If six-foot-tall fences with barbed wire on top were inherently dangerous, it is likely that more cities would either prohibit them or require higher fences.

In fact, the City of Independence has several fences with barbed wire on top of a six-foot-tall fence and has never had a report of a child or animal injured on a City fence (or on any privately-owned barbed wire fence). Several six-foot-tall fences with barbed wire are present near known wildlife corridors and residential developments in Independence. Despite this fact, an informal poll of current and recently retired City staff found that no one recalls any child or animal ever being stuck in barbed wire or issuing a complaint for being harmed by barbed wire.

Visual Impact – Submitted comments and testimony about the proposed fence standards have argued that barbed wire obscures neighboring property views. However, any increase in the height of a fence or additional fencing obstructs the view to some degree, and barbed wire likely obstructs views less than other available options. As shown in Figure 1, barbed wire includes three parallel lines of wire, while chain link involves a grid of wires (of a similar diameter) that covers a greater proportion of the same space. Slats in chain link and cedar fencing are even more visually obstructive. The use of chain link or any another type of fencing would have more of an impact than barbed wire on the view.

FIGURE 1 COMPARING THE VIEW OF BARBED WIRE AND CHAIN LINK



Difficulty of Adding Height to a Fence – Finally, replacing a six-foot fence with an eight-foot fence is difficult, expensive, and often requires the complete replacement of the posts and chain link. While fence-height extenders exist, the use of the extenders requires an applicant to submit an engineering analysis to evaluate whether new hinge points would be created on the fence and whether the original

² Staff has reviewed several fence codes and practices as part of this report. Multiple other cities do not allow barbed wire fences at all according to their codes but have barbed wire on top of six-foot-tall fences on various properties in those same cities.

concrete footings would be able support the added height (any fence over seven feet in height requires a similar engineering analysis related to the possibility of wind throw). Because of the difficulties in avoiding the creation of hinge points and determining how much concrete was used for the fence posts, the installation of an entirely new fence would likely be necessary.

Conclusion – Given these considerations, staff recommended amending the City's Development Code to allow public agencies to add barbed wire to six-foot-tall fences (particularly for fences that currently exist) to protect governmental facilities.

V. WHAT CONSIDERATIONS WENT INTO THE PLANNING COMMISSION'S RECOMMENDATION?

The Planning Commission considered these perspectives as well as statements from community members to determine how best to create a requirement for fences around governmental uses.

To balance the need to protect governmental facilities with neighboring residential properties, the Commission recommended that a 15-foot setback be established for a fence with barbed wire when the fence was adjacent to at least three existing residential parcels. The Planning Commission anticipated the installation of a second fence to accommodate the barbed wire.

In making this recommendation, the Commission established the threshold of three residential parcels for the standard because they realized that some City facilities such as pump stations were quite small and may not allow the City the ability to meet the 15-foot setback. The Commission passed the motion with a vote of 3 to 2.

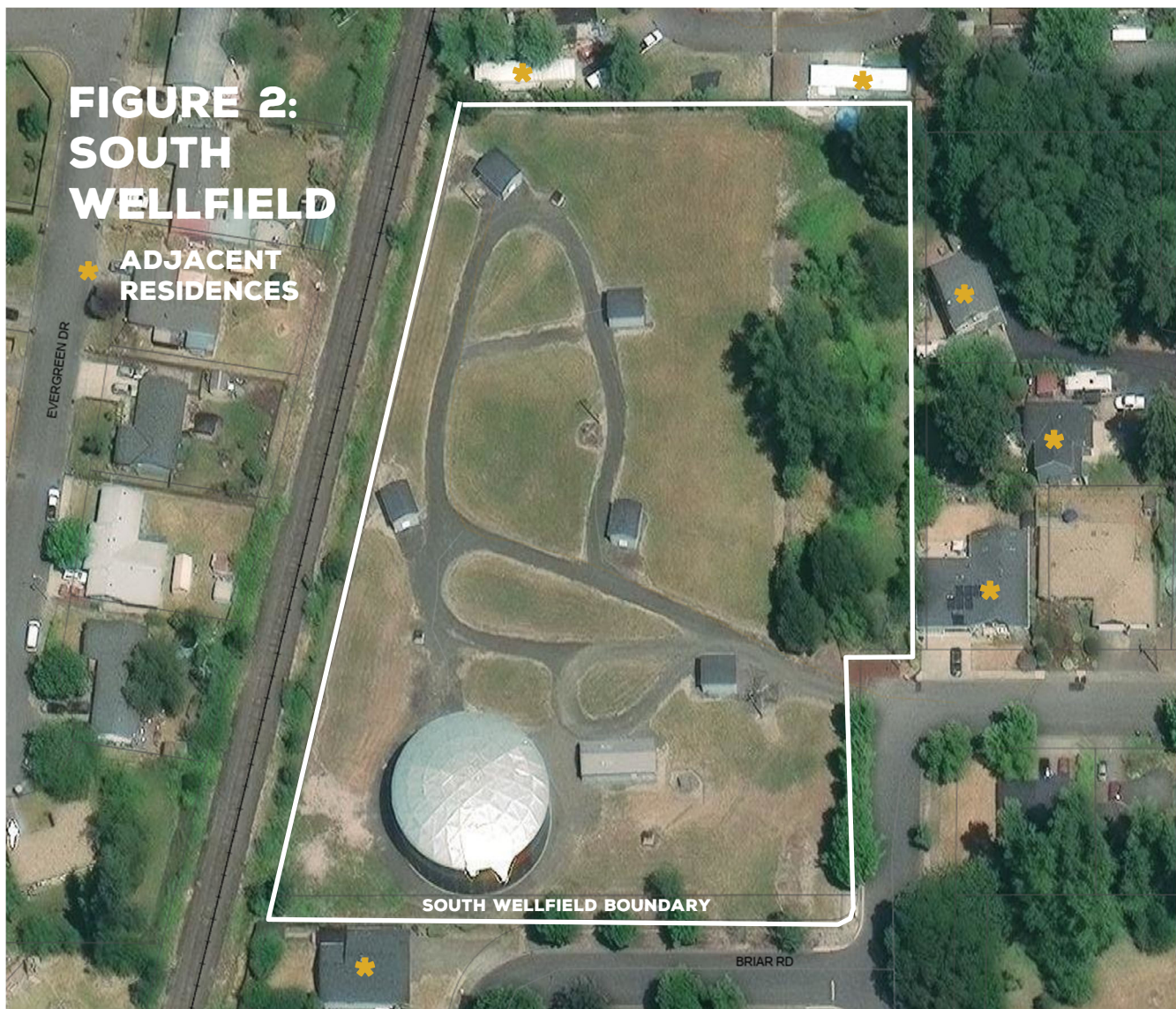
VI. WHAT QUESTIONS ARE RAISED BY THE PLANNING COMMISSION RECOMMENDATION?

This recommendation raises a few questions that should be addressed before the City Council adopts the code. These questions include:

How would the required setback address parcels (as proposed by the Planning Commission) vs residential units? The language proposed by the Planning Commission referenced residential parcels but ignored situations where a fence may abut a multifamily structure or a use such as a manufactured home park (which have many residential units but are only one parcel). Several multifamily properties are currently adjacent to City facilities with 6 foot barbed wire fences on their perimeter.

What is considered abutting? And does the required setback relate to the entire fence line? The language proposed by the Planning Commission sought a 15-foot setback and a second fence line when a governmental use abutted three or more residential parcels. However, as proposed, the language was not clear about how the proposal would relate to a site such as the south wellfield. As seen in Figure 2, the wellfield has three residences on its east side, is adjacent to the Independence Mobile Home Park on its north side and is adjacent to one parcel on its south. All told the roughly 1,680-foot fence line abuts a total of six residential structures. Given this configuration, would the 15-foot setback apply to the entire site? Or would it only apply on sides that are adjacent to three or more residential properties?

Should the distance that a home is located from the fence be considered in the determination of what is abutting? The Planning Commission language suggested that a second six-foot-tall fence, topped with barbed wire and set back 15 feet from the property line, would be required when a governmental use was adjacent to three residential parcels. However, no requirements were established to address circumstances where the homes on the parcels were not located anywhere near the property line – for example adjacent to the property where the City's new drinking water facility will be constructed. If the homes on the residential parcels were a significant distance from the fence line, would the standard still apply?



How would the non-conforming use standards affect existing fences on property lines? The language proposed by the Planning Commission sought to allow a 6-foot-tall fence with barbed wire along a property line so long as there was less than three adjacent residential properties. The Planning Commission's recommended language would cause a variety of existing public uses, such as the water reservoir on Monmouth Street (which is surrounded by a 6' barbed wire fence and is adjacent to several manufactured homes in Hazel Glen Mobile Home Park), to be nonconforming. The City's nonconforming use standards would not allow the City to repair or replace the fence in the future without coming into conformance with the code. In the case of the reservoir on Monmouth Street, achieving the additional required setback would not be possible, since the tank is less than 15 feet from the current fence. The Pacific Power substation next door would be similarly affected.

As the community continues to develop, new residential properties will be platted adjacent to public facilities. If the City were to construct a barbed wire fence around the perimeter of its planned new drinking water facility, planned residential developments will eventually create multiple new residential lots adjacent to the facility. The new residential development would cause the City facility to be out of compliance with the City's code and would make the existing fence a non-conforming use. A similar situation might be created in southwest Independence, where a sewer pump station must be constructed

to serve planned residential developments. In both of these cases, it would be costly and potentially impossible for the City to meet the 15 foot setback requirement if the fences needed to be repaired for some reason.

Does the recommendation's requirement of two fences create excessive cost? In the creation of the proposed standard, the Planning Commission largely focused on the situation at the south wellfield, where barbed wire was added onto an existing six-foot-tall fence. Responding to the situation, the drafted language required a second fence to be installed (since a fence previously existed on the property line). However, if the City or another governmental use sought to install an entirely new fence at a property adjacent to at least three residential parcels, it would be significantly more expensive to construct two fences as the recommended language appears to propose.

VII. STAFF RECOMMENDATION

Staff recommends that the City Council proceed with the original recommended code change. A standard is needed for fences surrounding governmental uses so that the City and other public entities can secure their critical infrastructure. The Planning Commission's recommendation for a 15 foot setback when adjacent to three or more residential parcels is well intentioned but would be challenging and expensive to implement while creating a potentially problematic situation at current and future public facilities.

Findings for the revisions to the fence standards, regardless of the approach selected by the City Council, are presented below.

IX. STAFF FINDINGS - OREGON STATE PLANNING GOALS AND INDEPENDENCE COMPREHENSIVE PLAN GOALS

Updates to the Independence Development Code are required to meet the Oregon State Planning Goals. Among these goals include provisions related to Citizen Involvement (Goal 1), Land Use Planning (Goal 2), Public Facilities (Goal 11), and Urbanization (Goal 14). Combined these goals seek to “accommodate urban population and urban employment inside urban growth boundaries” and “ensure efficient use of land” (see Goal 14), while assuring that citizens are involved in the planning process and considerations related to public facilities are made. The Independence Comprehensive Plan, public facilities plans, and Independence Development Code help to implement the Oregon State Planning Goals in Independence.

The proposed fence standards appropriately fit into this planning framework.

Key findings related to the proposed changes are addressed below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” The Citizen Involvement Element of the Comprehensive Plan and Subchapter 11 of the Independence Development Code help to implement this goal.

To provide notice of the proposed changes, the City offered notice on its website, newsletter and Facebook page, posted notice on the Department of Land Conservation and Development “PAPA” website, and published notice in the Polk County Itemizer-Observer. The Planning Commission also discussed the proposed changes in a work session on December 1, 2025, and held a public hearing on the changes on January 5.

The Independence City Council will hold a public hearing on the proposal on February 10th.

Given these methods, individuals have had and will have several opportunities to learn about the proposed code change and to be involved in the process. The proposed amendment addresses and meets Goal 1.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals seeks “to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The Land Use Element of the Independence Comprehensive Plan, which seeks “to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs,” and the Independence Development Code help to implement this goal.

The draft fence standards fit appropriately within this planning framework. The amendments look to effectively use the various land use designations in Independence (see Land Use Policies 2 through 4) and “update and revise land use designations when necessary to accommodate demonstrated need for changing circumstances” (see Land Use Policy 1). The standards seek to establish a set of fence standards for governmental service uses that could apply for all properties owned by the City and similar governmental agencies.

Existing fence standards and zoning designations in Independence do not effectively regulate government facilities. With the existing standards, the fence requirements for public service uses vary depending on the underlying zone:

- Fences for governmental uses in public service zones have no standards.
- Fences for governmental uses in industrial/commercial zones can have chain link and are required to be at least eight in height if barbed wire is used.
- Fences for governmental use in residential zones are not allowed to use chain link and are required to be 3.5 feet tall in the front yard unless constructed of a non-site obscuring material. No barbed wire is allowed in residential zones.

The approach does not provide a consistent set of standards for government uses or effectively promote the protection of important governmental facilities.

Additionally, with the underlying zoning acting as the basis for the fence requirements, the standards are unclear about what happens when a transition in zones occur. For instance, the 9th Street pump station is located on an un-zoned former rail right-of-way that is bound on two sides by residential zoning. With the existing standards, it is not clear how to address the transition between the undesignated right-of-way and the residential zone (i.e. is the fence required to be 7-foot cedar or can it be chain link). The proposed revision would address this uncertainty by clarifying that the standards apply to the entire governmental use that is enclosed by the fence. The proposed amendment addresses and meets Goal 2.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including the Wastewater System Plan and Water Master Plan) help to implement this goal.

The proposed allowance of barbed wire on the top six-foot-tall fences supports the City’s capital facilities efforts by ensuring that taxpayer investments are well protected and that water and sewer infrastructure is functional. The proposed amendment addresses and meets Goal 11.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, city facility plans and the Independence Development Code implement this goal.

The various plans and policies in Independence seek to provide urban services (including water and sewer) within the City limits and limit the extension of utility services outside of the community. Key to the success of the services and this vision of growth inside City limits is the assurance that the facilities are well protected and able to continue to function. Well-functioning water and sewer systems are foundational to the quality of life in Independence and the ability for future urbanization to occur.

The proposed amendment addresses and meets Goal 14.

Based on this evaluation, the proposed changes effectively balance considerations about citizen involvement, public facilities, and urbanization. While the City Council may elect to make further revisions to the code, the proposed code changes generally achieve the Oregon State Planning Goals.

X. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

Beyond the Oregon State Planning Goals and the Comprehensive Plan, the proposed changes are required to conform with the standards of the Independence Development Code.

Subchapter 10: General Provisions

...

10.040 Amendment of Development Code

Any amendment of the text of this development code shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding the proposed amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning Commission's action on the proposed amendment. Notice shall also be provided to state land use agencies in accordance with statutory requirements. This is a Type IV action – See 11.002 (D).

Staff Response: The Independence Planning Commission considered the proposed changes during a public hearing on January 5, 2025. The City Council will consider the changes on February 10, 2026. The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting of February 10. Given the process, this standard will be met.

...

Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

...

D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 11.025 and 11.030 list the notice and hearing requirements.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

Staff Response: Staff has reviewed the changes as a Type IV – Legislative Review. Staff and the Independence Planning Commission initiated the changes to consider how best to

address fence requirements for government facilities. Given the process, this standard will be met.

11.015 General Provisions

In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

...

Staff Response: Staff has taken proper steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the amendments, and keeping a file related to the proposal. This standard is met.

11.025 Notice of Public Hearings

...

B. Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development in conformance with DLCD rules prior to the first evidentiary hearing by the City for any legislative action.

Staff Response: Staff sent notice of the changes to the Oregon Department of Land Conservation and Development on November 24, 2025, and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the public hearing in the Polk County Itemizer-Observer on December 24, 2025. Comments received were included and addressed within this Staff Report. This standard is met.

PROPOSED CHANGE TO IDC 74.020

74.020 Specific Standards for Accessory Uses

A. Fences.

1. Standards for Zones and Uses

a. Residential Zones.

- i. Height. In the RS, RM and MX zones, fences in the front yard shall not exceed 3 ½ feet in height unless the fence is constructed of a non sight-obscuring material. Side, rear and non sight-obscuring front yard fences shall not exceed seven (7) in height.

- ii. Materials.

- A. Fences shall be made of wood, brick, vinyl or wrought iron.
- B. Chain link fences shall be prohibited, unless 50 percent of the residential lots on the same block or cul-de-sac have chain link at the time of application submittal. In those instances, chain link may be used in a similar location on the lot as the other properties on the block/cul-de-sac (i.e. along a front, side or rear property line, if the existing fences are found in those locations on the other properties). No new chain link shall be allowed in the Independence Historic District.



Fences. [1] Fences should be made of wood brick or wrought iron. [2] Front yard fences should not exceed 3 1/2 so as not to inhibit surveillance.

b. Commercial and Industrial Zones.

Fences enclosing commercial or industrial uses, for which there is no height limitation, must be at least eight (8) feet high if topped with barbed wire or other injurious material.

c. Government Service Structures or Uses. Notwithstanding the standards

above, fences enclosing municipal or government service structures or uses, including, but not limited to, a reservoir, water tower, pump station, airport, bus terminal or station, fire station, transformer station or sub-station, may be constructed of chain link. The fences, for which there is no height limitation, must be at least six (6) feet tall if topped with barbed wire.

C.

2. Vision Clearance Standards for All Fences. All fences which are located within vision clearance areas at street and alley intersections shall not exceed 3 ½ feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring.
3. Standards for Materials. All fences shall be constructed of such material as to be compatible with the surrounding area. No sheet metal, metal roofing, plywood, broken or splintered material, pallets, barbed wire, pig wire, woven wire or farm fence wire shall be used, unless otherwise allowed by this code. Stained or discolored fence material shall be painted. All fencing shall be constructed so that the finished side shall face outward. All fences shall be maintained so as to be in an upright, self-standing condition and repaired with the same or similar materials used in the existing fence.
4. Required to Meet State and Local Codes. The construction of the fence shall meet all State and local codes. Fees and plans showing the location, materials and design of all fences shall be submitted to the city for a permit prior to construction.

B. Swimming Pools.

1. A swimming pool may be located within a rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by a fence not less than 48" in height with a self-closing, self-locking gate not less than 48" from the edge of the pool.



*Public Works Department
PO Box 7
555 S. Main Street
Independence, OR 97351
Phone: (503) 838-1212
Fax: (503) 606-3282*

INTEROFFICE MEMORANDUM

DATE: February 3, 2026
TO: Fred Evander, Community Planner
CC: Kenna West, City Manager
Shawn Irvine, Assistant City Manager
FROM: Gerald Fisher, Public Works Director
RE: *Security Requirements for Public Water Facilities*

Fred,

In response to recent event surrounding the installation of fencing and barbed wire around the south water treatment facility, I am providing the following information related to security requirements around public water facilities.

Federal security requirements for public water facilities, often guided by EPA best practices and DoD standards (UFC 4-022-03), require an intruder-resistant perimeter fence, usually at least 6 feet high and topped with three strands of barbed wire. Fences should be placed at least 10 feet from tanks, feature locked gates, and include warning signs.

Key Federal and General Security Standards

- Fence Structure: Minimum 6-foot high, intruder-resistant fence, such as chain link.
- Barbed Wire: At least three strands of barbed wire at the top are recommended to increase security.
- Clear Zone: Fencing should be positioned at least 10 feet away from the tanks, with cleared space around it to prevent hiding spots.
- Signage: "No Trespassing" and warning signs are required, often in both English and Spanish.
- Access Control: All gates must be locked. In high-security areas, vehicle access may be restricted by bollards or heavy-duty barriers.
- Materials: Fence posts and hardware should adhere to Federal Specification RR-F-191K/GEN, often requiring concrete footings for stability.
- Inspection: Regular checks for tampering, structural integrity, and proper, locked function of gates are advised.

Regulatory Context

- Safe Drinking Water Act (SDWA): Defines "tampering" as a federal offense. Federal law requires signs to be posted, such as "Warning, Tampering With This Facility is a Federal Offense".
- State Primacy: Under the SDWA, the EPA allows states to set their own standards as long as they are at least as stringent as federal ones. Most states adopt the American Water Works Association (AWWA) standards.

State of Oregon Guidelines – 2006 Guidelines for the Physical Security of Water Utilities

Recommends the use of appropriate perimeter fences and gates, adequate perimeter and area lighting, and hardened locks often provide sufficient deterrence from all but the most motivated vandals.

Protective approaches against the base level of criminal threat with limited hand tools are focused on deterrence and delay. Visual barriers act as a deterrent to prevent the detection of assets by an opportunistic criminal. Prevention or delay of the removal of equipment and other targets can result from physical separation from public areas, adequate lighting, and physical barriers such as fences, protected heavy duty locks, high-quality doors and strikes, cabinets, and similar features. Multiple layers of protection provide additional delay to the adversary in completing his objective.

A saboteur is typically motivated by political, doctrinal, or religious causes, although revenge may also be a motivation. These individuals primarily use stealth to achieve their objectives, but they can be armed and willing to injure or kill others if threatened. The saboteur is bent on damage or destruction of the utility's facilities or generating a lack of public confidence in the utility's ability to protect the public. The difference between a base and enhanced level of threat from a saboteur is defined by the capabilities and methods. The base saboteur threat often possesses simple tools and attempts to either contaminate the water system by introducing a toxic compound or damage the facility components to prevent its operation. The security approach for defeating this threat is to detect the intruders, quickly assess that the intruders are a threat, and delay them until a response force interrupts their actions. Additional physical delay features are required to adequately impede an enhanced saboteur threat with more sophisticated tools and weapons, which can include explosives, and the ability to not only contaminate the water but also to destroy critical facilities.

The state standard is a higher standard than federal standards which is allowed under federal code. In addition to the south water treatment plant, we also have chain link fencing with barbed wire around the wastewater plant, north water treatment, all Polk Wells, Monmouth Street reservoir, Riverview lift station, Williams Street lift station, Oak Street lift station (on Main Street), and the Albert Street lift station (on Log Cabin Street). These measures were put in place years ago with the exception of two locations; the fencing around the wastewater treatment plant site which was finished last year and the addition of barbed wire at the south water treatment plant last year.

Public Works followed guidelines for protecting the community's drinking water system and wastewater system from vandalism and sabotage and to also protect the community from potential state violations related to damage to lift stations and sanitary sewer overflows. There is more work that needs to be done but that work will happen in the future as funding allows. Thanks and let me know if you have any questions.



CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council
FROM: Assistant City Manager Shawn Irvine
MEETING DATE: February 10, 2026
SUBJECT: Legislative Amendment (LA) 2026-01, Change to the
Requirements for Fences Associated with
Governmental Uses

☐ Information Only

☒ Action Requested

Statement of Issue:

At the City Council meeting on February 10, 2026, the Council will hold a public hearing to consider a change to the Independence fencing standards, allowing barbed wire on top of six-foot-tall chain link fences for governmental uses.

Background:

The City of Independence recently embarked on an initiative to ensure that its critical infrastructure facilities were more secure from acts of vandalism or terrorism. To discourage access to these properties, the City installed barbed wire fences around key facilities that either did not have barbed wire or were not fenced at all. These properties included the wastewater treatment plant and the south wellfield and water tank located along River Oak Road. Existing six-foot-tall fences were topped with barbed wire. Properties lacking fencing were secured with new six-foot-tall fences that were topped with barbed wire.

Two neighbors of the south wellfield property objected to the placement of barbed wire around the facility, among other things because the barbed wire was added to an existing fence in a residential zone and was less than eight feet above the ground.

Given the complaint, the City reviewed its existing fence standards in Independence Development Code (IDC) Section 74.020 and studied the fences surrounding several similar governmental uses. Staff's review found that the current code does not effectively address fences for government uses. The IDC allows barbed wire fences in commercial and industrial zones but requires them to be at least eight feet high. No standards exist for any kind of fence in the Public Service or Airport Development zones. Residential zones require fences for governmental facilities to meet the standards for residential uses – 3.5 feet tall in the front yard unless the fence is see-through. No chain link or barbed wire is allowed in residential zones.

The language adopted by this Council Bill would establish standards for fences associated with governmental uses.

The attached staff report presents the proposed code change and provides a thorough examination of the issue. The Planning Commission reviewed the proposed code change at a work session December 1, 2025 and then approved recommended changes to the City Council on January 5, 2026. The Planning Commission's recommended language differs from the original staff recommendation, and this difference is described in the staff report. As explained in the staff report, City Staff believe the language that was originally proposed is the most effective solution to the issue, and that language is represented in the attached Council Bill.

Fiscal Impact:

No direct fiscal impacts would occur because of the adoption of the code change.

Options:

The Council may:

- A. Approve CB #2026-01 as submitted
- B. Approve CB #2026-01 with amendments
- C. Take no action

Recommendation/Suggested Motion:

Staff recommend Council choose Option A.

Suggested Motions:

"I move to read the proposed Ordinance, Council Bill #2026-01 to adopt LA 2026-01 in full as the text is contained in the Council packet, for the first time."

Should the motion pass unanimously, a second motion would be in order:

"I move to read the proposed Ordinance, Council Bill #2026-01 for the second time by title only."

Should the motion pass, a third motion would be in order:

"I move to adopt the proposed Ordinance, Council Bill #2026-01."

Attachment:

- A. CB #2026-01 and Exhibits

Reviewed and approved by City Manager Kenna West

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
STATE OF OREGON, COUNTY OF POLK**

An Ordinance Amending Independence Development Code,	]	
Section 74.020, Specific Standards for Accessory Uses,	]	CB-2026-01
To Establish Standards for Fences associated with Governmental	]	
Facilities; and Declaring an Effective Date	]	

ORDINANCE NO. 1630

WHEREAS, the City of Independence has no standards that effectively regulate the fencing of governmental facilities, including facilities such as water and wastewater infrastructure; **AND**

WHEREAS, vandalism to or damage of water or wastewater facilities could cause significant impacts to the public health, safety and general welfare of residents of the City, including but not limited to the inability to effectively provide water to residents, the inability to treat wastewater from uses, and/or the exposure of individuals to hazardous chemicals; **AND**

WHEREAS, notice about potential revisions to the fence standards was provided on the Oregon Department of Land Conservation “PAPA” website on November 24, 2025; **AND**

WHEREAS, the Planning Commission considered revisions to the fence standards at their meeting of December 4, 2025; **AND**

WHEREAS, on December 24, 2025, the City of Independence published notice in the local newspaper about hearings to be held by the Independence Planning Commission (“Commission”) and the Independence City Council (“Council”); **AND**

WHEREAS, on January 5, 2026, the Planning Commission conducted a properly noticed public hearing to consider the proposed amendments to the Independence Development Code (“Code”), at which time interested parties and members of the general public had an opportunity to be heard; **AND**

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the proposed amendments; **AND**

WHEREAS, on February 10, 2026, the Council conducted a properly noticed public hearing regarding the proposed Code amendments, at which time interested parties and members of the public had an opportunity to be heard, and reviewed the record and recommendations of the Commission and City Staff; **AND**

WHEREAS, on February 10, 2026, following the close of the public hearing and after due deliberation, the City Council found that the proposed amendments to the Code

complied with applicable provisions of the City of Independence Comprehensive Plan and the Independence Development Code, as shown in the findings contained in the Staff Report attached as Exhibit A.

NOW THEREFORE, THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Independence hereby adopts the above recitals and the findings contained in the Staff Report, attached hereto as Exhibit A and incorporated herein by this reference, in support of the amendments to the Independence Development Code.

Section 2. Section 74.020 of the Independence Development Code is hereby amended as provided in Exhibit B.

Section 3. All unamended provisions of the Code shall remain unchanged and in full force and effect.

Section 4. Severability. The sections, subsections, paragraphs, and clauses of this ordinance and the attached code provisions are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 5. Codification. Provisions of this Ordinance shall be incorporated into the Independence Development Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boiler plate provisions of this Ordinance need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 6. Effective Date. This ordinance will take effect thirty (30) days after the date of passage and signature by the Mayor.

First Reading to the Council, this _____ day of _____, 2026
Second Reading to the Council, this _____ day of _____, 2026
Adopted, this _____ day of _____, 2026
Signed by the Mayor, this _____ day of _____, 2026

ATTEST:

KATE SCHWARZLER, MAYOR

Myra Russell, City Recorder



INDEPENDENCE

Oregon's Story Begins Here

CHANGES TO FENCE STANDARDS (FILE NO. LA | 2026-01) STAFF REPORT

MEETING DATE:	February 10, 2026
RECOMMENDATION:	APPROVAL
FILE NUMBER:	LA 2026-01
RE:	Public Hearing – Potential Change to the Requirements for Fences Associated with Governmental Uses
CRITERIA:	Oregon State Planning Goals Independence Comprehensive Plan Independence Development Code (IDC) -Subchapter 10: General Provisions -Subchapter 11: Administrative Provisions
CONTENTS:	I. Summary II. What is the Problem? III. What is Proposed? IV. What Considerations went into Staff's Original Recommendation? V. What Considerations went into The Planning Commission's Recommendation? VI. What Questions are Raised by the Planning Commission Recommendation? VII. Staff Recommendation VIII. Staff Findings - Oregon State Planning and Independence Comprehensive Plan Goals IX. Staff Findings – Independence Development Code
ATTACHMENTS :	A. Proposed Code Change (2 pages) B. Public Comment from Clyne, dated 2025 December 16 (2 pages)

I. SUMMARY

At the meeting of February 10, 2026, the Independence City Council will discuss a potential change to the fence standards in the City of Independence.

Staff Proposal: Staff proposed that the Planning Commission should recommend the approval of a change to City fence standards that allows governmental uses and structures to be surrounded by fences that were six feet tall and topped with barbed wire.

Planning Commission Recommendation: The Planning Commission largely agreed with the staff proposal but recommended a requirement that a public use adjacent to three or more existing residential parcels can only use barbed wire if it is on a second fence that is setback 15-feet from the property line..

II. WHAT IS THE PROBLEM?

The City of Independence recently embarked on an initiative to ensure that its critical infrastructure facilities were secure from acts of vandalism or terrorism. To discourage access to these properties, the City installed barbed wire fences around key facilities that either did not have barbed wire or were not fenced at all. These properties included the wastewater treatment plant and the south wellfield and water tank located along River Oak Road. Existing six foot tall fences at these facilities were topped with barbed wire. Properties lacking fencing were secured with new six-foot-tall fences that were topped with barbed wire.

Two neighbors of the south wellfield property objected to the placement of barbed wire around the facility, among other things because the wire was added to an existing fence in a residential zone and was less than eight feet above the ground.

Given the complaint, the City reviewed its existing fence standards in Independence Development Code (IDC) Section 74.020 and the fences surrounding several similar governmental uses. Staff's review revealed that:

- The current code does not effectively address fences for government uses. The IDC allows barbed wire fences in commercial and industrial zones and requires them to be at least eight feet high. No standards exist for any kind of fence in the Public Service or Airport Development zones. Governmental facilities and uses are allowed in Residential zones, but they are required to meet the fence standards for residential uses – 3.5 feet tall in the front yard unless the fence is see-through. No chain link or barbed wire is allowed in residential zones. Additionally, some City facilities are located in rights of way which have no zoning and therefore no fence standards.
- Construction of an eight-foot-tall fence to ensure the barbed wire is at least eight feet from the ground is difficult, particularly on an existing six-foot-tall fence. To make the change, an individual would need to conduct an engineering analysis and either add onto the fencing and fence posts or entirely remove and replace the fencing and posts (at a potentially significant cost). A detailed explanation of that process is offered below.
- Requiring all barbed wire fences surrounding governmental uses to be eight feet tall would make several government fences with barbed wire at six feet non-conforming. Uses with barbed wire fencing at six feet, and the zone where they are located, include the following:
 - The airport (operated by the Oregon Department of Aviation), located in the Airport Development District.
 - Polk Well 1, just south of the Independence Sports Park, located in the Public Services Zone.
 - The River Drive Well, located in the Low-Density Residential Zone and sharing a property line with the Light Industrial Zone and the Agricultural Zone.
 - The Riverview Park Pump Station, located in the Public Services Zone and sharing a property line with the Mixed-Use Pedestrian Friendly Commercial Zone.
 - The Oak Street Pump Station, located in un-zoned City right-of-way
 - The 9th Street Pump Station, located in un-zoned City right-of-way and bordering residential property in the Medium-Density Residential zone.
 - The Monmouth Street Reservoir, located in the Public Services Zone and sharing a property line with the Residential High-Density Zone and the Hazel Glen Manufactured Home Park.

- The City of Monmouth well and water tank site, located in the Public Services Zone along 4th Street and bordering the Low-Density Residential Zone along its northern extent.¹

Within the City as a whole, the City of Independence contains only a few eight-foot-tall fences. A few examples of eight-foot-tall fences with barbed wire include:

- Polk Wells 2 and 3, just south of the Independence Sports Park.
- A portion of the City Shops at 160 F Street.
- The fence for Mobility Solutions at 155 E Street.
- The industrial building 905 N. Main.
- Portions of G&R Auto Wreckers at 4695 Independence Highway.
- Portions of the Pick a Part at 1074 Monmouth Street.

Fences shorter than eight feet with barbed wire also exist for commercial and industrial uses including:

- The industrial property at 10th and F Street (900 F Street).
- The Robert Lloyd Sheet Metal Complex at 4485 Independence Highway.
- The old Oregon Alder Property off both Hoffman Road and Stryker Road.
- The industrial property at 4770 Independence Highway.
- The industrial property at 900 N Main.
- The storage units at 885 N Main, which border the Greystone Apartments on two sides.
- The storage units at 590 Hoffman Road.
- Portions of the storage units at 350 N. Ash.
- The Pacific Power Substation along Monmouth Street, which borders the Hazel Glen Manufactured Home Park.
- The Century Link building at Talmadge Road and Monmouth Street.

III. WHAT IS PROPOSED?

Given these findings, and the fact that the City will continue to build new infrastructure facilities (including a new drinking water facility which is underway), City staff propose to create a new fence standard for public service uses, regardless of the zone where the use is located. The proposed new fence standard would allow a six-foot-tall fence with barbed wire.

The proposed language read:

Government Service Structures or Uses. Notwithstanding the standards above, fences enclosing municipal or government service structures or uses, including, but not limited to, a reservoir, water tower, pump station, airport, bus terminal or station, fire station, transformer station or substation, may be constructed of chain link. The fences, for which there is no height limitation, must be at least six (6) feet tall if topped with barbed wire.

This language was intended to address the issue at the south wellfield, as well as the lack of standards for fences associated with public uses. As noted above, the Public Service Zone lacks a fence standard, and the standard in the residential zone (which currently requires a maximum 3'6" fence in the front yard, unless the fence is non-site obscuring and does not allow chain link) is not adequate to protect government facilities. It should be noted that barbed wire is not the same as razor wire, which is typically strung on top of fences in coils while barbed wire is strung in straight lines.

The Planning Commission generally agreed with the intention of staff's proposal but recommended a 15-foot setback for barbed wire fences when the property is adjacent to at least three residential parcels. The proposed language added the following sentence to staff's original recommendation:

¹ This list and lists to follow do not include all fences. Staff has taken care to look for barbed wire fences throughout the City but recognizes that some fences may have been overlooked.

...provided that where a barbed wire topped fence abuts three or more existing residential parcels, a second fence that contains the barbed wire shall be set back at least 15 feet from the property line.

IV. WHAT CONSIDERATIONS WENT INTO STAFF'S PROPOSAL?

Fundamental considerations that staff weighed regarding how best to proceed included questions related to safety, visual impact, and the ease and cost of completion. These issues are explored below:

Safety of Facilities – The fundamental reason that the City seeks to install barbed wire fences around its facilities is to protect City infrastructure, including multimillion dollar facilities such as the wastewater treatment plant, the south wellfield, and the 9th Street Pump Station.

While impacts to the facilities may seem theoretical, any vandalism and related failure of a public/governmental facility could significantly impact the public health, safety and welfare of the community including the ability to provide clean water to residents or to handle or treat wastewater. For instance:

- If the inflow of the wastewater treatment plant was damaged, the City would not be able to treat wastewater. Sewer pipes would back up and, if the problem was not addressed quickly, raw sewage would eventually spill from low points in the system, creating a public health hazard.
- If one of the several pump stations in town was damaged, a sizable portion of the City would not be able to transmit wastewater to the wastewater treatment plant. Failure of a pump station would cause sewer pipes to back up and, if the problem was not addressed quickly, would result in raw sewage spilling from low points in the system, causing a public health hazard.
- If a water reservoir were damaged, the City may not be able to provide sufficient water pressure to serve certain portions of the community and/or have sufficient pressure to fight fires.

All these examples would also incur potentially significant costs for repair and cleanup. Given the importance of these and other public facilities, taking precautions, even as simple as adding barbed wire, is prudent.

Some individuals have suggested the installation of security cameras as a potential alternative to the installation of a barbed wire fence. Widespread use of cameras, however, is not practical in many instances. The south wellfield, for instance (just one of the many city facilities with fences), has five different wells, each of which are in different buildings, a pump station, and a 1.5-million-gallon reservoir with an approximately 319-foot circumference. Adequately filming the area would require at least 7 cameras, though given the size of the reservoir, more would likely be necessary. Additionally, even if filming did occur, the feeds would not be monitored.

Cameras would only be useful if something happened to a facility, and culprits were sought after the damage was done. The cameras would not serve as a preventive security tool. Given the potential impact to health, safety and general welfare, this use of cameras is not as effective a deterrent as the installation of barbed wire, which would physically discourage people from entering. The use of cameras should occur in conjunction with physical barriers, not instead of them.

The airport, which is operated by the Oregon Department of Aviation, offers another illustration of the usefulness of fences compared with cameras. The fence line at the airport is more than 5,000 feet long and is primarily intended to keep people and animals away from the runway. Using a camera to achieve a similar result would not be effective.

Safety for Animals/Children – In discussions about fencing, individuals have also expressed a concern over the safety to animals and people from a six-foot-tall fence topped with barbed wire. While this danger seems valid in theory, six-foot-tall fences with barbed wire on top are not necessarily dangerous. In fact, in reviewing the codes of other cities, several cities allow barbed wire at six feet including Dallas

(in industrial areas), Canby, Salem (with a warning sign placed every 15 feet), Eugene, and Springfield.² Eugene prohibits barbed wire along a sidewalk or public way unless the barbed wire is intended to protect a hazardous area or facility and Springfield and Canby do not allow barbed wire to extend over a street or sidewalk. If six-foot-tall fences with barbed wire on top were inherently dangerous, it is likely that more cities would either prohibit them or require higher fences.

In fact, the City of Independence has several fences with barbed wire on top of a six-foot-tall fence and has never had a report of a child or animal injured on a City fence (or on any privately-owned barbed wire fence). Several six-foot-tall fences with barbed wire are present near known wildlife corridors and residential developments in Independence. Despite this fact, an informal poll of current and recently retired City staff found that no one recalls any child or animal ever being stuck in barbed wire or issuing a complaint for being harmed by barbed wire.

Visual Impact – Submitted comments and testimony about the proposed fence standards have argued that barbed wire obscures neighboring property views. However, any increase in the height of a fence or additional fencing obstructs the view to some degree, and barbed wire likely obstructs views less than other available options. As shown in Figure 1, barbed wire includes three parallel lines of wire, while chain link involves a grid of wires (of a similar diameter) that covers a greater proportion of the same space. Slats in chain link and cedar fencing are even more visually obstructive. The use of chain link or any another type of fencing would have more of an impact than barbed wire on the view.

FIGURE 1 COMPARING THE VIEW OF BARBED WIRE AND CHAIN LINK



Difficulty of Adding Height to a Fence – Finally, replacing a six-foot fence with an eight-foot fence is difficult, expensive, and often requires the complete replacement of the posts and chain link. While fence-height extenders exist, the use of the extenders requires an applicant to submit an engineering analysis to evaluate whether new hinge points would be created on the fence and whether the original

² Staff has reviewed several fence codes and practices as part of this report. Multiple other cities do not allow barbed wire fences at all according to their codes but have barbed wire on top of six-foot-tall fences on various properties in those same cities.

concrete footings would be able support the added height (any fence over seven feet in height requires a similar engineering analysis related to the possibility of wind throw). Because of the difficulties in avoiding the creation of hinge points and determining how much concrete was used for the fence posts, the installation of an entirely new fence would likely be necessary.

Conclusion – Given these considerations, staff recommended amending the City's Development Code to allow public agencies to add barbed wire to six-foot-tall fences (particularly for fences that currently exist) to protect governmental facilities.

V. WHAT CONSIDERATIONS WENT INTO THE PLANNING COMMISSION'S RECOMMENDATION?

The Planning Commission considered these perspectives as well as statements from community members to determine how best to create a requirement for fences around governmental uses.

To balance the need to protect governmental facilities with neighboring residential properties, the Commission recommended that a 15-foot setback be established for a fence with barbed wire when the fence was adjacent to at least three existing residential parcels. The Planning Commission anticipated the installation of a second fence to accommodate the barbed wire.

In making this recommendation, the Commission established the threshold of three residential parcels for the standard because they realized that some City facilities such as pump stations were quite small and may not allow the City the ability to meet the 15-foot setback. The Commission passed the motion with a vote of 3 to 2.

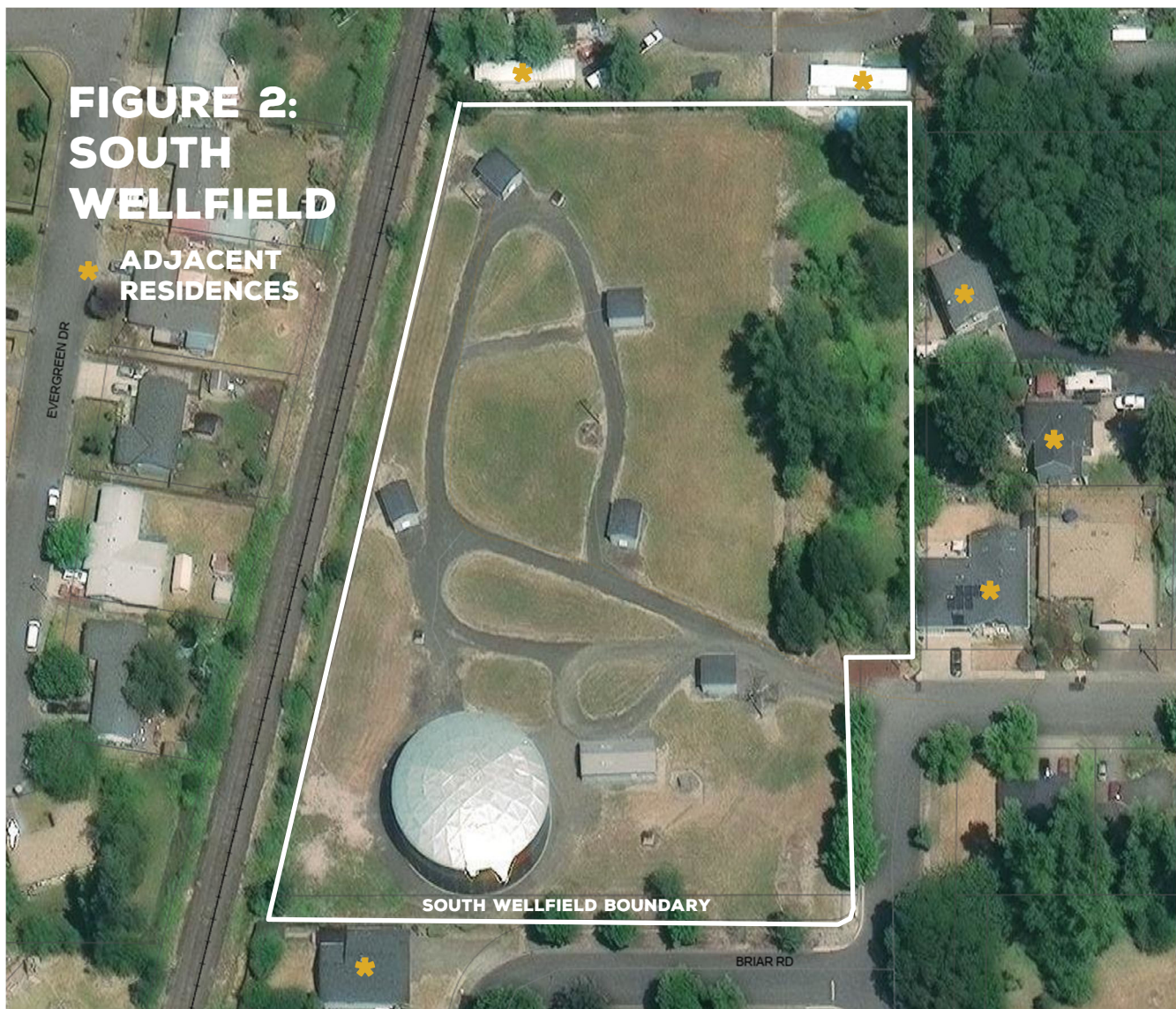
VI. WHAT QUESTIONS ARE RAISED BY THE PLANNING COMMISSION RECOMMENDATION?

This recommendation raises a few questions that should be addressed before the City Council adopts the code. These questions include:

How would the required setback address parcels (as proposed by the Planning Commission) vs residential units? The language proposed by the Planning Commission referenced residential parcels but ignored situations where a fence may abut a multifamily structure or a use such as a manufactured home park (which have many residential units but are only one parcel). Several multifamily properties are currently adjacent to City facilities with 6 foot barbed wire fences on their perimeter.

What is considered abutting? And does the required setback relate to the entire fence line? The language proposed by the Planning Commission sought a 15-foot setback and a second fence line when a governmental use abutted three or more residential parcels. However, as proposed, the language was not clear about how the proposal would relate to a site such as the south wellfield. As seen in Figure 2, the wellfield has three residences on its east side, is adjacent to the Independence Mobile Home Park on its north side and is adjacent to one parcel on its south. All told the roughly 1,680-foot fence line abuts a total of six residential structures. Given this configuration, would the 15-foot setback apply to the entire site? Or would it only apply on sides that are adjacent to three or more residential properties?

Should the distance that a home is located from the fence be considered in the determination of what is abutting? The Planning Commission language suggested that a second six-foot-tall fence, topped with barbed wire and set back 15 feet from the property line, would be required when a governmental use was adjacent to three residential parcels. However, no requirements were established to address circumstances where the homes on the parcels were not located anywhere near the property line – for example adjacent to the property where the City's new drinking water facility will be constructed. If the homes on the residential parcels were a significant distance from the fence line, would the standard still apply?



How would the non-conforming use standards affect existing fences on property lines? The language proposed by the Planning Commission sought to allow a 6-foot-tall fence with barbed wire along a property line so long as there was less than three adjacent residential properties. The Planning Commission's recommended language would cause a variety of existing public uses, such as the water reservoir on Monmouth Street (which is surrounded by a 6' barbed wire fence and is adjacent to several manufactured homes in Hazel Glen Mobile Home Park), to be nonconforming. The City's nonconforming use standards would not allow the City to repair or replace the fence in the future without coming into conformance with the code. In the case of the reservoir on Monmouth Street, achieving the additional required setback would not be possible, since the tank is less than 15 feet from the current fence. The Pacific Power substation next door would be similarly affected.

As the community continues to develop, new residential properties will be platted adjacent to public facilities. If the City were to construct a barbed wire fence around the perimeter of its planned new drinking water facility, planned residential developments will eventually create multiple new residential lots adjacent to the facility. The new residential development would cause the City facility to be out of compliance with the City's code and would make the existing fence a non-conforming use. A similar situation might be created in southwest Independence, where a sewer pump station must be constructed

to serve planned residential developments. In both of these cases, it would be costly and potentially impossible for the City to meet the 15 foot setback requirement if the fences needed to be repaired for some reason.

Does the recommendation's requirement of two fences create excessive cost? In the creation of the proposed standard, the Planning Commission largely focused on the situation at the south wellfield, where barbed wire was added onto an existing six-foot-tall fence. Responding to the situation, the drafted language required a second fence to be installed (since a fence previously existed on the property line). However, if the City or another governmental use sought to install an entirely new fence at a property adjacent to at least three residential parcels, it would be significantly more expensive to construct two fences as the recommended language appears to propose.

VII. STAFF RECOMMENDATION

Staff recommends that the City Council proceed with the original recommended code change. A standard is needed for fences surrounding governmental uses so that the City and other public entities can secure their critical infrastructure. The Planning Commission's recommendation for a 15 foot setback when adjacent to three or more residential parcels is well intentioned but would be challenging and expensive to implement while creating a potentially problematic situation at current and future public facilities.

Findings for the revisions to the fence standards, regardless of the approach selected by the City Council, are presented below.

IX. STAFF FINDINGS - OREGON STATE PLANNING GOALS AND INDEPENDENCE COMPREHENSIVE PLAN GOALS

Updates to the Independence Development Code are required to meet the Oregon State Planning Goals. Among these goals include provisions related to Citizen Involvement (Goal 1), Land Use Planning (Goal 2), Public Facilities (Goal 11), and Urbanization (Goal 14). Combined these goals seek to “accommodate urban population and urban employment inside urban growth boundaries” and “ensure efficient use of land” (see Goal 14), while assuring that citizens are involved in the planning process and considerations related to public facilities are made. The Independence Comprehensive Plan, public facilities plans, and Independence Development Code help to implement the Oregon State Planning Goals in Independence.

The proposed fence standards appropriately fit into this planning framework.

Key findings related to the proposed changes are addressed below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” The Citizen Involvement Element of the Comprehensive Plan and Subchapter 11 of the Independence Development Code help to implement this goal.

To provide notice of the proposed changes, the City offered notice on its website, newsletter and Facebook page, posted notice on the Department of Land Conservation and Development “PAPA” website, and published notice in the Polk County Itemizer-Observer. The Planning Commission also discussed the proposed changes in a work session on December 1, 2025, and held a public hearing on the changes on January 5.

The Independence City Council will hold a public hearing on the proposal on February 10th.

Given these methods, individuals have had and will have several opportunities to learn about the proposed code change and to be involved in the process. The proposed amendment addresses and meets Goal 1.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals seeks “to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The Land Use Element of the Independence Comprehensive Plan, which seeks “to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs,” and the Independence Development Code help to implement this goal.

The draft fence standards fit appropriately within this planning framework. The amendments look to effectively use the various land use designations in Independence (see Land Use Policies 2 through 4) and “update and revise land use designations when necessary to accommodate demonstrated need for changing circumstances” (see Land Use Policy 1). The standards seek to establish a set of fence standards for governmental service uses that could apply for all properties owned by the City and similar governmental agencies.

Existing fence standards and zoning designations in Independence do not effectively regulate government facilities. With the existing standards, the fence requirements for public service uses vary depending on the underlying zone:

- Fences for governmental uses in public service zones have no standards.
- Fences for governmental uses in industrial/commercial zones can have chain link and are required to be at least eight in height if barbed wire is used.
- Fences for governmental use in residential zones are not allowed to use chain link and are required to be 3.5 feet tall in the front yard unless constructed of a non-site obscuring material. No barbed wire is allowed in residential zones.

The approach does not provide a consistent set of standards for government uses or effectively promote the protection of important governmental facilities.

Additionally, with the underlying zoning acting as the basis for the fence requirements, the standards are unclear about what happens when a transition in zones occur. For instance, the 9th Street pump station is located on an un-zoned former rail right-of-way that is bound on two sides by residential zoning. With the existing standards, it is not clear how to address the transition between the undesignated right-of-way and the residential zone (i.e. is the fence required to be 7-foot cedar or can it be chain link). The proposed revision would address this uncertainty by clarifying that the standards apply to the entire governmental use that is enclosed by the fence. The proposed amendment addresses and meets Goal 2.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including the Wastewater System Plan and Water Master Plan) help to implement this goal.

The proposed allowance of barbed wire on the top six-foot-tall fences supports the City’s capital facilities efforts by ensuring that taxpayer investments are well protected and that water and sewer infrastructure is functional. The proposed amendment addresses and meets Goal 11.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, city facility plans and the Independence Development Code implement this goal.

The various plans and policies in Independence seek to provide urban services (including water and sewer) within the City limits and limit the extension of utility services outside of the community. Key to the success of the services and this vision of growth inside City limits is the assurance that the facilities are well protected and able to continue to function. Well-functioning water and sewer systems are foundational to the quality of life in Independence and the ability for future urbanization to occur.

The proposed amendment addresses and meets Goal 14.

Based on this evaluation, the proposed changes effectively balance considerations about citizen involvement, public facilities, and urbanization. While the City Council may elect to make further revisions to the code, the proposed code changes generally achieve the Oregon State Planning Goals.

X. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

Beyond the Oregon State Planning Goals and the Comprehensive Plan, the proposed changes are required to conform with the standards of the Independence Development Code.

Subchapter 10: General Provisions

...

10.040 Amendment of Development Code

Any amendment of the text of this development code shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding the proposed amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning Commission's action on the proposed amendment. Notice shall also be provided to state land use agencies in accordance with statutory requirements. This is a Type IV action – See 11.002 (D).

Staff Response: The Independence Planning Commission considered the proposed changes during a public hearing on January 5, 2025. The City Council will consider the changes on February 10, 2026. The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting of February 10. Given the process, this standard will be met.

...

Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

...

D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 11.025 and 11.030 list the notice and hearing requirements.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

Staff Response: Staff has reviewed the changes as a Type IV – Legislative Review. Staff and the Independence Planning Commission initiated the changes to consider how best to

address fence requirements for government facilities. Given the process, this standard will be met.

11.015 General Provisions

In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

...

Staff Response: Staff has taken proper steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the amendments, and keeping a file related to the proposal. This standard is met.

11.025 Notice of Public Hearings

...

B. Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development in conformance with DLCD rules prior to the first evidentiary hearing by the City for any legislative action.

Staff Response: Staff sent notice of the changes to the Oregon Department of Land Conservation and Development on November 24, 2025, and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the public hearing in the Polk County Itemizer-Observer on December 24, 2025. Comments received were included and addressed within this Staff Report. This standard is met.

PROPOSED CHANGE TO IDC 74.020

74.020 Specific Standards for Accessory Uses

A. Fences.

1. Standards for Zones and Uses

a. Residential Zones.

- i. Height. In the RS, RM and MX zones, fences in the front yard shall not exceed 3 ½ feet in height unless the fence is constructed of a non sight-obscuring material. Side, rear and non sight-obscuring front yard fences shall not exceed seven (7) in height.

- ii. Materials.

- A. Fences shall be made of wood, brick, vinyl or wrought iron.
- B. Chain link fences shall be prohibited, unless 50 percent of the residential lots on the same block or cul-de-sac have chain link at the time of application submittal. In those instances, chain link may be used in a similar location on the lot as the other properties on the block/cul-de-sac (i.e. along a front, side or rear property line, if the existing fences are found in those locations on the other properties). No new chain link shall be allowed in the Independence Historic District.



Fences. [1] Fences should be made of wood brick or wrought iron. [2] Front yard fences should not exceed 3 1/2 so as not to inhibit surveillance.

b. Commercial and Industrial Zones.

Fences enclosing commercial or industrial uses, for which there is no height limitation, must be at least eight (8) feet high if topped with barbed wire or other injurious material.

c. Government Service Structures or Uses. Notwithstanding the standards

above, fences enclosing municipal or government service structures or uses, including, but not limited to, a reservoir, water tower, pump station, airport, bus terminal or station, fire station, transformer station or sub-station, may be constructed of chain link. The fences, for which there is no height limitation, must be at least six (6) feet tall if topped with barbed wire.

C.

2. Vision Clearance Standards for All Fences. All fences which are located within vision clearance areas at street and alley intersections shall not exceed 3 ½ feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring.
3. Standards for Materials. All fences shall be constructed of such material as to be compatible with the surrounding area. No sheet metal, metal roofing, plywood, broken or splintered material, pallets, barbed wire, pig wire, woven wire or farm fence wire shall be used, unless otherwise allowed by this code. Stained or discolored fence material shall be painted. All fencing shall be constructed so that the finished side shall face outward. All fences shall be maintained so as to be in an upright, self-standing condition and repaired with the same or similar materials used in the existing fence.
4. Required to Meet State and Local Codes. The construction of the fence shall meet all State and local codes. Fees and plans showing the location, materials and design of all fences shall be submitted to the city for a permit prior to construction.

B. Swimming Pools.

1. A swimming pool may be located within a rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by a fence not less than 48" in height with a self-closing, self-locking gate not less than 48" from the edge of the pool.



Public Works Department
PO Box 7
555 S. Main Street
Independence, OR 97351
Phone: (503) 838-1212
Fax: (503) 606-3282

INTEROFFICE MEMORANDUM

DATE: February 3, 2026
TO: Fred Evander, Community Planner
CC: Kenna West, City Manager
Shawn Irvine, Assistant City Manager
FROM: Gerald Fisher, Public Works Director
RE: ***Security Requirements for Public Water Facilities***

Fred,

In response to recent event surrounding the installation of fencing and barbed wire around the south water treatment facility, I am providing the following information related to security requirements around public water facilities.

Federal security requirements for public water facilities, often guided by EPA best practices and DoD standards (UFC 4-022-03), require an intruder-resistant perimeter fence, usually at least 6 feet high and topped with three strands of barbed wire. Fences should be placed at least 10 feet from tanks, feature locked gates, and include warning signs.

Key Federal and General Security Standards

- Fence Structure: Minimum 6-foot high, intruder-resistant fence, such as chain link.
- Barbed Wire: At least three strands of barbed wire at the top are recommended to increase security.
- Clear Zone: Fencing should be positioned at least 10 feet away from the tanks, with cleared space around it to prevent hiding spots.
- Signage: "No Trespassing" and warning signs are required, often in both English and Spanish.
- Access Control: All gates must be locked. In high-security areas, vehicle access may be restricted by bollards or heavy-duty barriers.
- Materials: Fence posts and hardware should adhere to Federal Specification RR-F-191K/GEN, often requiring concrete footings for stability.
- Inspection: Regular checks for tampering, structural integrity, and proper, locked function of gates are advised.

Regulatory Context

- Safe Drinking Water Act (SDWA): Defines "tampering" as a federal offense. Federal law requires signs to be posted, such as "Warning, Tampering With This Facility is a Federal Offense".
- State Primacy: Under the SDWA, the EPA allows states to set their own standards as long as they are at least as stringent as federal ones. Most states adopt the American Water Works Association (AWWA) standards.

State of Oregon Guidelines – 2006 Guidelines for the Physical Security of Water Utilities

Recommends the use of appropriate perimeter fences and gates, adequate perimeter and area lighting, and hardened locks often provide sufficient deterrence from all but the most motivated vandals.

Protective approaches against the base level of criminal threat with limited hand tools are focused on deterrence and delay. Visual barriers act as a deterrent to prevent the detection of assets by an opportunistic criminal. Prevention or delay of the removal of equipment and other targets can result from physical separation from public areas, adequate lighting, and physical barriers such as fences, protected heavy duty locks, high-quality doors and strikes, cabinets, and similar features. Multiple layers of protection provide additional delay to the adversary in completing his objective.

A saboteur is typically motivated by political, doctrinal, or religious causes, although revenge may also be a motivation. These individuals primarily use stealth to achieve their objectives, but they can be armed and willing to injure or kill others if threatened. The saboteur is bent on damage or destruction of the utility's facilities or generating a lack of public confidence in the utility's ability to protect the public. The difference between a base and enhanced level of threat from a saboteur is defined by the capabilities and methods. The base saboteur threat often possesses simple tools and attempts to either contaminate the water system by introducing a toxic compound or damage the facility components to prevent its operation. The security approach for defeating this threat is to detect the intruders, quickly assess that the intruders are a threat, and delay them until a response force interrupts their actions. Additional physical delay features are required to adequately impede an enhanced saboteur threat with more sophisticated tools and weapons, which can include explosives, and the ability to not only contaminate the water but also to destroy critical facilities.

The state standard is a higher standard than federal standards which is allowed under federal code. In addition to the south water treatment plant, we also have chain link fencing with barbed wire around the wastewater plant, north water treatment, all Polk Wells, Monmouth Street reservoir, Riverview lift station, Williams Street lift station, Oak Street lift station (on Main Street), and the Albert Street lift station (on Log Cabin Street). These measures were put in place years ago with the exception of two locations; the fencing around the wastewater treatment plant site which was finished last year and the addition of barbed wire at the south water treatment plant last year.

Public Works followed guidelines for protecting the community's drinking water system and wastewater system from vandalism and sabotage and to also protect the community from potential state violations related to damage to lift stations and sanitary sewer overflows. There is more work that needs to be done but that work will happen in the future as funding allows. Thanks and let me know if you have any questions.

PLANNING COMMISSION RECORD



INDEPENDENCE

Oregon's Story Begins Here

CHANGES TO FENCE STANDARDS (FILE NO. LA | 2026-01) STAFF REPORT

MEETING DATE: January 5, 2026

RECOMMENDATION: **APPROVAL**

FILE NUMBER: LA | 2026-01

RE: Public Hearing – Potential Change to the Requirements for Fences Associated with Governmental Uses

CRITERIA: Oregon State Planning Goals
Independence Comprehensive Plan
Independence Development Code (IDC)
-Subchapter 10: General Provisions
-Subchapter 11: Administrative Provisions

CONTENTS:

- I. Summary
- II. What is the Problem?
- III. What is Proposed?
- IV. What are Alternatives?
- V. Public Process
- VI. Staff Recommendation
- VII. Staff Findings - Oregon State Planning Goals and Independence Comprehensive Plan Goals
- VIII. Staff Findings – Independence Development Code

ATTACHMENTS:

- A. Proposed Code Change (2 pages)
- B. Alternative Options (2 pages)

I. SUMMARY

At the meeting of January 5, 2026, the Independence Planning Commission will discuss a potential change to the fence standards in the City of Independence to allow fences that are six feet tall with barbed wire on top surrounding government structures and uses.

II. WHAT IS THE PROBLEM?

The City of Independence recently embarked on an initiative to ensure that its critical infrastructure facilities are secure from acts of vandalism or terrorism. To discourage access to these properties, the City installed barbed wire fence around key facilities that either did not have barbed wire or were not fenced at all. These properties included the wastewater treatment plant and the south wellfield and water

tank located along River Oak Road. Existing fences of 6 feet tall were topped with barbed wire. Properties lacking fencing were secured with new 6-foot fences, topped with barbed wire. Neighbors of the South Wellfield property objected to the placement of barbed wire because the wire was added to an existing fence in a residential zone and was less than eight feet above the ground.

Given this complaint, the City reviewed its existing fence standards in IDC 74.020 in comparison with fences for surrounding several similar governmental uses. Staff's review revealed that:

- The current code does not effectively address fences for government uses. The Development Code requires barbed wire fences in commercial and industrial zones to be at least eight feet high. No standards exist for any kind of fence in the Public Service or Airport Development zones. Residential zones require fences for governmental facilities to meet the standards for residential uses – 3.5 feet tall in the front yard, unless the fence is see-through, and no chain link. Barbed wire is prohibited in residential zones.
- Constructing an eight-foot-tall fence to ensure the barbed wire is at least eight feet from the ground is difficult, particularly for existing six-foot-tall fences. To make the change, an individual needs to conduct an engineering analysis and either needs to add onto the fencing and fence posts or entirely remove and replace the fencing and posts (at a potentially significant cost). A detailed explanation of that process is presented below.

Additionally, requiring all fences surrounding governmental uses to be eight feet would make several government fences with barbed wire at six feet non-conforming. Uses with barbed wire fencing at six feet, and the zone where they are located, include the following:

- The airport (operated by the Oregon Department of Aviation), located in the Airport Development District.
- Polk Well 1, just south of the Independence Sports Park, located in the Public Services Zone.
- The River Drive Well, located in the Low-Density Residential Zone and sharing a property line with the Light Industrial Zone and the Agricultural Zone.
- The Riverview Park Pump Station, located in the Public Services Zone and sharing a property line with the Mixed-Use Pedestrian Friendly Commercial Zone.
- The Oak Street Pump Station, located in un-zoned City right-of-way
- The 9th Street Pump Station, located in un-zoned City right-of-way and bordering residential property in the Residential Medium Density zone.
- The Monmouth Street Reservoir, located in the Public Services Zone and sharing a property line with the Residential High-Density Zone and Hazel Glen Court.
- The City of Monmouth well and water tank site, located in the Public Services Zone along 4th Street and bordering the Low-Density Residential Zone along its northern extent.¹

In fact, within the City as a whole, the City of Independence contains only a few eight-foot-tall fences. A few examples of eight-foot-tall fences with barbed wire include:

- Polk Wells 2 and 3, just south of the Independence Sports Park.
- A portion of the City Shops at 160 F Street.
- The fence for Mobility Solutions at 155 E Street.
- The industrial building 905 N. Main.
- Portions of G&R Auto Wreckers at 4695 Independence Highway.
- Portions of the Pick a Part at 1074 Monmouth Street.

¹ This list and lists to follow do not include all fences. Staff has taken care to look for barbed wire fences throughout the City but recognizes that some fences may have been overlooked.

Several fences that are shorter than eight feet with barbed wire exist for commercial and industrial uses include:

- The industrial property at 10th and F Street (900 F Street).
- The Robert Lloyd Sheet Metal Complex at 4485 Independence Highway.
- The old Oregon Alder Property off both Hoffman Road and Stryker Road.
- The industrial property at 4770 Independence Highway.
- The industrial property at 900 N Main.
- The storage units at 885 N Main, which border the Greystone Apartments on two sides.
- The storage units at 590 Hoffman Road.
- Portions of the storage units at 350 N. Ash.
- The Pacific Power Substation along Monmouth Street.
- The Century Link building at Talmadge Road and Monmouth Street.

III. WHAT IS PROPOSED?

Given these findings and associated considerations, and the fact that the City will continue to build new infrastructure facilities (including a new drinking water facility) within the next five years, the proposed amendment seeks to create a general fencing standard for governmental facilities. As noted above, the Public Service Zone lacks such a standard, and the standard in the residential zone (which currently requires a 3'6" fence in the front yard, unless the fence is non-site obscuring and does not allow chain link) is inadequate to protect government facilities. The proposed standard is not tied to any zone, but would apply to all government facilities and allow six-foot-tall fences with barbed wire on top. This would allow the City to add barbed wire to the top of the existing six-foot-tall fence at the South Wellfield and other facilities in Independence to help ensure the security of the facilities.

IV. WHAT ARE ALTERNATIVES?

A variety of other options are available to address the issue:

- Do nothing.
- Allow barbed wire on a six-foot-tall fence, so long as the fence has existed for a certain period of time.
- Allow barbed wire on six-foot-tall fences for commercial, industrial and public uses.
- Require all barbed wire fences to be at least eight feet tall in commercial, industrial and public zones.

Fundamental considerations related to these alternatives include questions related to safety, visual impact, and ease/cost of completion. These issues are explored below:

Safety of Facilities – The fundamental reason that the City installed barbed wire on its facilities is to protect City infrastructure, including multimillion dollar facilities such as the wastewater treatment plant, the South Wellfield, and the 9th Street Pump Station.

While impacts to the facilities may seem theoretical, any vandalism and related failure of a public/governmental facility could significantly impact the public health, safety and welfare of the community including the ability to provide clean water to residents or handle or treat wastewater. For instance:

- If the inflow of the wastewater treatment plant was damaged, the City would not be able to treat wastewater. Sewer pipes would back up and, if the problem was not addressed quickly, eventually result in raw sewage spilling from low points in the system.
- If one of the several pump stations in town was damaged, a sizable portion of the City would not be able to transmit wastewater to the wastewater treatment plant. This would cause sewer pipes

to back up and, if the problem was not addressed quickly, would result in raw sewage spilling from low points in the system.

- If a water reservoir were damaged, the City may not be able to provide sufficient water pressure to serve certain portions of the community and/or have sufficient pressure to fight fires.

Given the importance of these and other public facilities, the City believes that taking precautions, even as simple as adding barbed wire, is prudent.

Some individuals have proposed installing security cameras as a potential alternative to the installation of a barbed wire fence. The widespread use of cameras, however, is not practical in many instances. The South Wellfield, for instance (just one of the many city facilities with fences), has five different wells, each of which are in different buildings, a pump station, and a 1.5-million-gallon reservoir with an approximately 319-foot circumference. Adequately filming the area would require at least 7 cameras, though given the size of the reservoir, more would likely be necessary. Additionally, even if filming could occur, the feeds would not be monitored. The cameras would only be useful if something happened to a facility, and culprits were sought after the damage was done. The cameras would not be a preventive security tool. Given the potential impact to City and other public facilities, cameras do not seem as useful as installing barbed wire fencing, which physically discourages people from entering. When installed, cameras should be used in conjunction with physical barriers, not instead of them.

The airport, which is operated by the Oregon Department of Aviation, offers another example of the usefulness of fences compared with cameras. The fence line at the airport is more than 5,000 feet long and is primarily intended to keep people and animals away from the runway. Using a camera to achieve a similar result would not be effective.

Safety for Animals/Children – In initial discussions and comments received related to fencing, individuals have also expressed a concern over the safety to animals and people from a six-foot-tall fence with barbed wire on top. While this danger seems valid in theory, six-foot-tall fences with barbed wire on top are not necessarily dangerous. In fact, in reviewing the codes of other cities, several cities allow barbed wire at six feet including Dallas (in industrial areas), Canby, Salem (with a warning sign placed every 15 feet), Eugene, and Springfield.² Eugene prohibits barbed wire along a sidewalk or public way unless the barbed wire is intended to protect a hazardous area or facility and Springfield and Canby do not allow barbed wire to extend over a street or sidewalk. If six-foot-tall fences with barbed wire on top were inherently dangerous, it is likely that more cities would either prohibit them or require higher fences.

In fact, the City of Independence has several fences with barbed wire on top of a six-foot-tall fence and has never had a report of a child or animal injured in one of the fences (or on any barbed wire fence for that matter). Several six-foot-tall fences with barbed wire are present near known wildlife corridors and residential developments in Independence. Despite this fact, an informal poll of current and recently retired City staff found that no one recalls any child or animal ever being stuck in barbed wire or issuing a complaint for being harmed by barbed wire.

Visual Impact – Submitted comments and testimony about the proposed fence standards argue that barbed wire obscures neighboring property views. However, any increase in the height of a fence will obscure the view to some degree, and barbed wire obstructs views less than other available options. As shown in Figure 1, barbed wire includes three parallel lines of wire, while chain link involves a grid of wires (of a similar diameter) that cover a greater proportion of the same space. Slats in chain link and cedar fencing are even more visually obstructive. Chain link or any another type of fencing will have more of an impact than barbed wire has on the view.

² Staff has reviewed several fence codes and practices as part of this report. Multiple other cities do not allow barbed wire fences at all according to their codes but have barbed wire on top of six-foot-tall fences in various areas of the cities.

FIGURE 1
COMPARING THE VIEW OF BARBED
WIRE AND CHAIN LINK



Difficulty of Adding Height to a Fence – Finally, replacing a six-foot fence with an eight-foot fence is difficult, expensive, and often requires the complete replacement of the posts and chain link. While fence-height extenders exist, the use of the extenders requires an applicant to submit an engineering analysis to evaluate whether new hinge points would be created on the fence and whether the original concrete footings would be able support the added height (any fence over seven feet in height requires a similar engineering analysis related to the possibility of wind throw). Because of the difficulties in avoiding the creation of hinge points and determining how much concrete was used for the fence posts, the installation of an entirely new fence would likely be necessary.

Conclusion – Given these considerations, staff recommends amending the City’s Development Code to allow public agencies to add barbed wire to six-foot-tall fences (particularly fences that currently exist) to protect governmental facilities. The proposed draft would make this Code change.

If the Commission does not believe that the proposed amendment effectively addresses the identified security and safety issue or is too narrowly written, staff has attached two additional alternatives (see Attachment B):

- Allow commercial, industrial and public uses to add barbed wire to a six-foot-tall fence that has existed for a certain period of time.
- Allow six-foot-tall fences with barbed wire for all commercial, industrial, and public uses.

Any of these proposed changes would address the issue at the South Wellfield.

V. PUBLIC PROCESS

To inform area landowners about the potential changes, staff posted a notice of the changes on: 1) the Oregon Department of Land Conservation “PAPA” website, on November 24, 2025, 2) the City website, on

December 9, 2025; and 3) City social media channels, on December 19th and January 2nd. Additionally, staff published a Notice of the Public Hearing in the Polk County Itemizer-Observer on December 24, 2025. No public comments were received in response to these notices.

VI. STAFF RECOMMENDATION

Given the analysis above and the findings below, staff recommends approval of the changes.

VI. STAFF FINDINGS - OREGON STATE PLANNING GOALS AND INDEPENDENCE COMPREHENSIVE PLAN GOALS

Updates to the Independence Development Code are required to meet the Oregon State Planning Goals. Among these goals include provisions related to Citizen Involvement (Goal 1), Land Use Planning (Goal 2), Public Facilities (Goal 11), and Urbanization (Goal 14). Combined these goals seek to “accommodate urban population and urban employment inside urban growth boundaries” and “ensure efficient use of land” (see Goal 14), while assuring that citizens are involved in the planning process and considerations related to public facilities are made.

The Independence Comprehensive Plan, public facilities plans, and Independence Development Code help implement the Oregon State Planning Goals in Independence. The proposed fence standards appropriately fit into this planning framework.

Key findings related to the proposed changes are addressed below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” The Citizen Involvement Element of the Comprehensive Plan and Subchapter 11 of the Independence Development Code implement this goal.

To provide notice of the proposed changes, the City offered notice on its website, newsletter and Facebook page, posted notice on the Department of Land Conservation and Development “PAPA” website, and published the notice in the Polk County Itemizer-Observer. The Planning Commission also discussed the proposed changes in a work session on December 1, 2025.

The Planning Commission will hold a public hearing on the changes on January 5. The Independence City Council will potentially hold a public hearing on the proposal on January 13th.

Given these methods, individuals have had and will have several opportunities to learn about the proposed code change and be involved in the process. The proposed amendment addresses and meets Goal 1.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals seeks “to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The Land Use Element of the Independence Comprehensive Plan, which seeks “to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs,” and the Independence Development Code help implement this goal.

The draft fence standards appropriately fit within this land use planning framework. The amendments look to effectively use the various land use designations in Independence (see Land Use Policies 2 through 4) and “update and revise land use designations when necessary to accommodate demonstrated need for changing circumstances” (see Land Use Policy 1). The standards would establish one set of fence standards for governmental service uses that could be applied at all properties owned by the City and similar governmental agencies.

As explained above, existing fence standards and zoning designations in Independence fail to address government facilities. With the existing standards, the fence requirements for public service uses vary depending on the underlying zone:

- Fences for governmental uses in public service zones have no standards.
- Fences for governmental uses in industrial/commercial zones can have chain link and are required to be at least eight in height if barbed wire is used.
- Fences for governmental use in residential zones are not allowed to use chain link and are required to be 3.5 feet tall in the front yard unless constructed of a non-site obscuring material. No barbed wire is allowed in residential zones.

This existing approach does not provide a consistent set of standards for government uses or effectively promote the protection of important governmental facilities.

Additionally, with the underlying zoning acting as the basis for the existing fence requirements, the standards are unclear about what happens when a transition in zones occur. For instance, the 9th Street pump station is located on an un-zoned former rail right-of-way that is bound on two sides by residential zoning. With the existing standards, it is not clear how to address the transition between the undesignated right-of-way and the residential zone (i.e. is the fence required to be 7-foot cedar or can it be chain link). The proposed code helps address this uncertainty by clarifying that the standards apply to the entire governmental use enclosed. The proposed amendment addresses and meets Goal 2.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including the Wastewater System Plan and Water Master Plan) help implement this goal.

The proposed allowance of barbed wire on six-foot-tall fences helps to achieve this goal by ensuring that taxpayer investments are well protected and assuring the functionality of water and sewer infrastructure. The proposed amendment addresses and meets Goal 11.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, city facility plans and the Independence Development Code implement this goal.

The various plans and policies in Independence seek to ensure the provision of urban services (including water and sewer services) within the City limits and the limitation of utility extensions outside of the community. Key to the success of the services and this vision of growth inside City limits is the assurance that the facilities are well protected and able to continue to function. Well-functioning water and sewer systems are foundational to the quality of life in Independence and the ability for future urbanization to occur.

The proposed amendment addresses and meets Goal 14.

Based on this evaluation, the proposed changes effectively balance considerations about citizen involvement, public facilities, and urbanization. While the Planning Commission may elect to make further revisions to the code, the proposed code changes generally achieve the Oregon State Planning Goals.

VIII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

Beyond the Oregon State Planning Goals and the Comprehensive Plan, the proposed changes are required to conform with the standards of the Independence Development Code.

Subchapter 10: General Provisions

...

10.040 Amendment of Development Code

Any amendment of the text of this development code shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding the proposed amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning Commission's action on the proposed amendment. Notice shall also be provided to state land use agencies in accordance with statutory requirements. This is a Type IV action – See 11.002 (D).

Staff Response: The Independence Planning Commission will consider the proposed changes during a public hearing on January 5, 2025. The City Council will potentially consider the changes on January 13, 2026. The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting of January 13. Given the process, this standard will be met.

...

Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

...

D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 11.025 and 11.030 list the notice and hearing requirements.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

Staff Response: Staff has reviewed the changes as a Type IV – Legislative Review. Staff and the Independence Planning Commission initiated the changes to consider how best to

address fence requirements for government facilities. Given the process, this standard will be met.

11.015 General Provisions

In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

...

Staff Response: Staff has taken proper steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the amendments, and keeping a file related to the proposal. This standard is met.

11.025 Notice of Public Hearings

...

B. Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development in conformance with DLCD rules prior to the first evidentiary hearing by the City for any legislative action.

Staff Response: Staff sent notice of the changes to the Oregon Department of Land Conservation and Development on November 24, 2025, and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the public hearing in the Polk County Itemizer-Observer on December 24, 2025. Comments received were included and addressed within this Staff Report. This standard is met.

PROPOSED CHANGE TO IDC 74.020

74.020 Specific Standards for Accessory Uses

A. Fences.

1. Standards for Zones and Uses

a. Residential Zones.

- i. Height. In the RS, RM and MX zones, fences in the front yard shall not exceed 3 ½ feet in height unless the fence is constructed of a non sight-obscuring material. Side, rear and non sight-obscuring front yard fences shall not exceed seven (7) in height.

- ii. Materials.

- A. Fences shall be made of wood, brick, vinyl or wrought iron.
- B. Chain link fences shall be prohibited, unless 50 percent of the residential lots on the same block or cul-de-sac have chain link at the time of application submittal. In those instances, chain link may be used in a similar location on the lot as the other properties on the block/cul-de-sac (i.e. along a front, side or rear property line, if the existing fences are found in those locations on the other properties). No new chain link shall be allowed in the Independence Historic District.



Fences. [1] Fences should be made of wood brick or wrought iron. [2] Front yard fences should not exceed 3 1/2 so as not to inhibit surveillance.

b. Commercial and Industrial Zones.

Fences enclosing commercial or industrial uses, for which there is no height limitation, must be at least eight (8) feet high if topped with barbed wire or other injurious material.

c. Government Service Structures or Uses. Notwithstanding the standards

above, fences enclosing municipal or government service structures or uses, including, but not limited to, a reservoir, water tower, pump station, airport, bus terminal or station, fire station, transformer station or sub-station, may be constructed of chain link. The fences, for which there is no height limitation, must be at least six (6) feet tall if topped with barbed wire.

C.

2. Vision Clearance Standards for All Fences. All fences which are located within vision clearance areas at street and alley intersections shall not exceed 3 ½ feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring.
3. Standards for Materials. All fences shall be constructed of such material as to be compatible with the surrounding area. No sheet metal, metal roofing, plywood, broken or splintered material, pallets, barbed wire, pig wire, woven wire or farm fence wire shall be used, unless otherwise allowed by this code. Stained or discolored fence material shall be painted. All fencing shall be constructed so that the finished side shall face outward. All fences shall be maintained so as to be in an upright, self-standing condition and repaired with the same or similar materials used in the existing fence.
4. Required to Meet State and Local Codes. The construction of the fence shall meet all State and local codes. Fees and plans showing the location, materials and design of all fences shall be submitted to the city for a permit prior to construction.

B. Swimming Pools.

1. A swimming pool may be located within a rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by a fence not less than 48" in height with a self-closing, self-locking gate not less than 48" from the edge of the pool.

PROPOSED CHANGE TO IDC 74.020

EXISTING FENCE ALTERNATIVE AND SIX-FOOT FENCE ALTERNATIVE

74.020 Specific Standards for Accessory Uses

A. Fences.

1. Standards for Zones and Uses

a. Residential Zones.

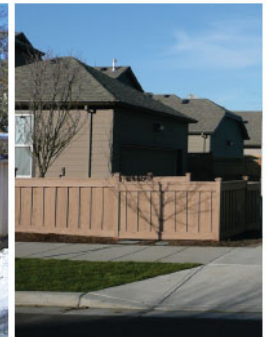
- i. Height. For residential and limited business uses in the RS, RM and MX zones, fences in the front yard shall not exceed 3 ½ feet in height unless the fence is constructed of a non sight-obscuring material. Side, rear and non sight-obscuring front yard fences shall not exceed seven (7) in height.

- ii. Materials.

- A. Fences shall be made of wood, brick, vinyl or wrought iron.

- B. Chain link fences shall be prohibited, unless 50 percent of the residential lots on the same block or cul-de-sac have chain link at the time of application submittal. In those instances, chain link may be used in a similar location on the lot as the other properties on the block/cul-de-sac (i.e. along a front, side or rear property line, if the existing fences are found in those locations on the other properties). No new chain link shall be allowed in the Independence Historic District.

[1]



[2]



Fences. [1] Fences should be made of wood brick or wrought iron. [2] Front yard fences should not exceed 3 1/2 so as not to inhibit surveillance.

ALTERNATIVE A – EXISTING FENCE OPTION

~~b. — b.~~ Commercial, ~~and~~ Industrial, Public and Airport Uses Zones. Fences enclosing commercial, ~~or~~ industrial or public service uses, for which there is no height limitation, ~~must~~ shall be at least eight (8) feet high if topped with barbed wire or other injurious material. Provided that, barbed wire may be added to an existing six (6) foot tall chain link fence when the fence has been in place for at least three (3) years.

ALTERNATIVE B – SIX FOOT OPTION

~~c. b.~~ Commercial, ~~and Industrial, Public and Airport Uses Zones.~~ Fences enclosing commercial, ~~or industrial~~ or public service uses, for which there is no height limitation, ~~must shall~~ be at least ~~eight six (86)~~ feet high if topped with barbed wire or other injurious material.

2. Vision Clearance Standards for All Fences. All fences which are located within vision clearance areas at street and alley intersections shall not exceed 3 ½ feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring.
3. Standards for Materials. All fences shall be constructed of such material as to be compatible with the surrounding area. No sheet metal, metal roofing, plywood, broken or splintered material, pallets, barbed wire, pig wire, woven wire or farm fence wire shall be used, unless otherwise allowed by this code. Stained or discolored fence material shall be painted. All fencing shall be constructed so that the finished side shall face outward. All fences shall be maintained so as to be in an upright, self-standing condition and repaired with the same or similar materials used in the existing fence.
4. Required to Meet State and Local Codes. The construction of the fence shall meet all State and local codes. Fees and plans showing the location, materials and design of all fences shall be submitted to the city for a permit prior to construction.

B. Swimming Pools.

1. A swimming pool may be located within a rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by a fence not less than 48" in height with a self-closing, self-locking gate not less than 48" from the edge of the pool.

David Clyne
184 River Oak
Independence, OR 97351
davidclyne29@gmail.com
Cell: (541) 905-3230

December 16, 2025

Formal Complaint – Unpermitted, Prohibited, and Boundary-Uncertain Barbed Wire Installation at the South Well Fields

I submit this formal complaint concerning the knowing, unpermitted, and unlawful installation of barbed wire on the western perimeter fence of the City's south well fields. The violation has continued since November 6, 2025.

1. Prior Notice to the City and Decision to Proceed Anyway

On November 5, 2025, I emailed both the City Manager and the Public Works Director notifying them that I did not consent to and did not wish to have a barbed-wire addition placed on the shared western fence line. Construction temporarily halted following that notice.

Despite receiving explicit notice—and with knowledge that the installation would violate the City Code—the City proceeded on November 6, 2025, completing the addition of barbed wire.

2. City Acknowledgment That No Permit Was Issued

At a recent Planning Commission hearing, City staff acknowledged that no fence permit application was taken out for the barbed wire installation.

This violates Independence Municipal Code § 74.020(A)(4), which requires a permit before undertaking such construction. The City acted without the permit that it routinely requires of residents and developers.

3. Prohibited Material Under the Municipal Code

Independence Municipal Code § 74.020(A)(3) states:

“No sheet metal, metal roofing, plywood, broken or splintered material, pallets, **barbed wire** (emphasis added), pig wire, woven wire or farm fence wire shall be used.”

There is no ambiguity: barbed wire is prohibited. The only limited exception applies to industrial or commercial zones where the uses are indeed industrial or commercial properties when an existing 8-foot fence is present. Even in that instance, the resulting fence can not cause an abutting residential property to become non-compliant.

The well field:

- Is not an industrial or commercial use,
- Is currently zoned residential, and
- Has an existing chain link fence that is 5–6 feet, not 8 feet.

Therefore, no exception applies, and City staff, Planning Director Evanger, have publicly acknowledged that the current installation violates the Code and is illegal.

4. City Lacked Knowledge of the Property Line and Acted on a Presumption

At the same Planning Commission hearing, the Planning Director was asked how the City knew the fence was located on City property. His response:

- The City “presumed” it was,
- The City has no survey, and
- The fence line’s location is unknown.

Thus, the City installed a prohibited, unpermitted, and potentially trespassing improvement without knowing whether the structure lies on City land, my land, or a shared boundary.

5. Ongoing, Daily, and Potentially Intentional Violations

Subchapter 100 under the Code, each day a violation continues constitutes a separate violation punishable by up to \$500 per day. The City received notice of this violation on November 6, 2025 and failed to take mitigation measures nor follow the procedures laid out in Subchapter 100 for Enforcement.

As the City obviously is not willing to follow the Code objectively against its own staff, I am asking with this complaint that either the Police Department undertake the enforcement or turn this over to a third party enforcement agency for an objective and fair investigation and charging determination. Ultimately, I am seeking either the removal of the barbed-wire fence adjacent to my property or that this matter be brought before the municipal judge pursuant to the provisions of the Code.

74.020 Specific Standards for Accessory Uses

A. Fences.

1. Standards for Zones and Uses

a. Residential Zones.

- i. Height. In the RS, RM and MX zones, fences in the front yard shall not exceed 3 ½ feet in height unless the fence is constructed of a non sight-obscuring material. Side, rear and non sight-obscuring front yard fences shall not exceed seven (7) in height.

- ii. Materials.

- A. Fences shall be made of wood, brick, vinyl or wrought iron.
- B. Chain link fences shall be prohibited, unless 50 percent of the residential lots on the same block or cul-de-sac have chain link at the time of application submittal. In those instances, chain link may be used in a similar location on the lot as the other properties on the block/cul-de-sac (i.e. along a front, side or rear property line, if the existing fences are found in those locations on the other properties). No new chain link shall be allowed in the Independence Historic District.



Fences. [1] Fences should be made of wood brick or wrought iron. [2] Front yard fences should not exceed 3 1/2 so as not to inhibit surveillance.

b. Commercial and Industrial Zones.

Fences enclosing commercial or industrial uses, for which there is no height limitation, must be at least eight (8) feet high if topped with barbed wire or other injurious material.

c. Government Service Structures or Uses. Notwithstanding the standards

above, fences enclosing municipal or government service structures or uses, including, but not limited to, a reservoir, water tower, pump station, airport, bus terminal or station, fire station, transformer station or sub-station, may be constructed of chain link. The fences, for which there is no height limitation, must be at least six (6) feet tall if topped with barbed wire, provided that where a barbed wire topped fence abuts three or more existing residential parcels, a second fence that contains the barbed wire shall be set back at least 15 feet from the property line.

2. Vision Clearance Standards for All Fences. All fences which are located within vision clearance areas at street and alley intersections shall not exceed 3 ½ feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring.
3. Standards for Materials. All fences shall be constructed of such material as to be compatible with the surrounding area. No sheet metal, metal roofing, plywood, broken or splintered material, pallets, barbed wire, pig wire, woven wire or farm fence wire shall be used, unless otherwise allowed by this code. Stained or discolored fence material shall be painted. All fencing shall be constructed so that the finished side shall face outward. All fences shall be maintained so as to be in an upright, self-standing condition and repaired with the same or similar materials used in the existing fence.
4. Required to Meet State and Local Codes. The construction of the fence shall meet all State and local codes. Fees and plans showing the location, materials and design of all fences shall be submitted to the city for a permit prior to construction.

B. Swimming Pools.

1. A swimming pool may be located within a rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by a fence not less than 48" in height with a self-closing, self-locking gate not less than 48" from the edge of the pool.

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
IN THE COUNTY OF POLK, STATE OF OREGON**

An Ordinance Amending the Standards for Mobile)	
Vending Units in the Independence Municipal)	
Code and Development Code)	Council Bill #2026-05

ORDINANCE NO. 1628

WHEREAS, the City of Independence requires a mobile vending permit for any food truck or mobile vending device that locates in the City; and

WHEREAS, the current standards for mobile vending permits apply to each vendor individually and do not effectively include property owners in the process or consider sites as a whole; and

WHEREAS, the City of Independence desires to improve the existing requirements to promote the more holistic development of mobile vending sites and better reflect the learning that the City has gained from permitting mobile vending/food truck uses over the past several years; and

WHEREAS, the Independence Planning Commission ("Commission") studied the possibility of changing the mobile vending standards in the Independence Municipal Code and Development Code at their meeting on July 7, 2025, and agreed to consider the proposal further as part of a formal code amendment process; and

WHEREAS, the City of Independence set a date for a public hearing on September 8, and posted notice of the proposed change and hearing on the Department of Land Conservation and Development website on July 14, 2025, and in the Polk County Itemizer Observer on August 20, 2025; and

WHEREAS, the Independence Planning Commission conducted a properly noticed public hearing to consider the changes at their meeting on September 8 and continued the hearing on October 6, at which time interested parties and the general public had an opportunity to be heard; and

WHEREAS, after the hearing on October 6, the Commission recommended that the City Council amend the standards for mobile vending in the Independence Municipal Code and Development Code; and

WHEREAS, the Independence City Council conducted a properly noticed public hearing about the proposed changes at their meeting on November 25, 2025, during which time the Council reviewed the record and recommendations of the Planning Commission and heard from interested parties, and the general public about the proposal; and

WHEREAS, the Council finds that the proposed amendments comply with applicable provisions of the Statewide Planning Goals, the City of Independence Comprehensive Plan, and the Independence Development Code, as shown in the findings contained in the Staff Report, attached as Exhibit A.

NOW, THEREFORE, THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Independence Development Code, Subchapter 84, Mobile Vending Locations, is hereby added to the Independence Development Code as provided in Exhibit B.

Section 2. Independence Municipal Code, Chapter 8, Article XI, Mobile Vending Locations, is hereby amended and restated in its entirety as provided in Exhibit C.

Section 3. Findings. The City of Independence hereby adopts the above recitals and findings contained within the Staff Report, attached hereto as Exhibit A and incorporated herein by this reference, in support of the proposed amendments.

Section 4. Effective Date. This ordinance shall become effective thirty (30) days after final passage and its signature by the Mayor.

First Reading to the Council this ____ day of _____, 2025.

Second Reading to the Council this ____ day of _____, 2025.

Adopted this day of ____ day of _____, 2025.

Signed by the Mayor this ____ day of _____, 2025.

KATE SCHWARZLER, MAYOR

ATTEST:

Myra Russell, City Recorder

Exhibit A

Staff Report

ARTICLE XI: MOBILE VENDING DEVICES

Sec. 8-416. Purpose.

The purpose of this subchapter is to regulate the operation of mobile vending devices and mobile food units at approved mobile vending locations.

Sec. 8-417. Applicability.

This section shall not apply to:

- (a) Lemonade stands and other similar limited sales by minors.
- (b) Garage sales.
- (c) Car wash fundraisers.
- (d) Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- (e) Mobile vendors conducting business in association with a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- (f) The sale of raw agricultural products or commodities marketed for human consumption, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

Sec. 8-418. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conduct business means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

Mobile food unit is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

Mobile vending device includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code.

Mobile vendor is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

Pushcart means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

Sidewalk means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

Sec. 8-419. Mobile Vending License for Approved Mobile Vending Locations

- (a) Applicants for a mobile vending license shall apply on the forms prescribed by the City of Independence and meet the standards listed below.
- (b) A mobile vending license is valid for one year from issuance, at which time the City will reinspect the mobile vending device. The City may extend the permit annually so long as the mobile vending device continues to operate in accordance with the original permit and the standards in this Section.

Sec. 8-420. Application.

- (a) To apply for a mobile vending license, the applicant shall submit:
 - 1. A description of the type of merchandise to be sold.
 - 2. A project narrative that includes:
 - a. The means used to conduct the business, including but not limited to a photo and description of any mobile vending device to be used for the transport and/or display of merchandise.
 - b. The proposed hours of operation of the use.
 - c. Any flammable materials proposed for the activity, and the location the materials are proposed to be stored.

- d. The disposal plan or contract for wastewater and gray water.
 - e. If applicable, the specifications for any generator or any other mechanical device proposed to be used.
 - f. If applicable, details associated with any lighting proposed for the activity.
 - g. Identification of the proposed device site which has received City approval as a mobile vending location.
 - 3. Written consent from the property owners of the proposed device site, if the applicant is not the property owner.
- (b) Prior to operation of the use, the applicant additionally shall submit a valid copy of all necessary permits required by state or local health authorities.

Sec. 8-421. Standards applicable to Mobile Vending Devices

- (a) The following standards apply to mobile vending devices that seek to locate in approved mobile vending locations.
- 1. Consistency with Standards for an Approved Mobile Vending Location. All mobile vending units shall conform to the approval for the mobile vending location where the activity is proposed.
 - 2. Transportable. All mobile vending devices shall remain movable at all times and, if applicable, maintain vehicle licensing for travel upon the road.
 - 3. Minimization of Off-Site Impacts.
 - A. All mobile vending devices and associated mechanical equipment (including any generators) shall generate less than 75 decibels of sound during operation.
 - B. All mobile vending devices shall direct all exterior lighting down and shall not allow the spill of light onto adjacent properties.
 - 4. Site-obscuring materials. Mobile vending devices proposed to be parked in an approved location for more than seven days shall provide sight-obscuring materials for all conduit, tanks and storage areas visible to the public. Sight-obscuring materials include screening, fencing or temporary landscaping and shall comply with all applicable city ordinances and codes.

5. Insurance. If a mobile vendor will be located on city property or right-of-way, the applicant shall provide a signed statement that the applicant shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers, agents and employees for any claims for damage to property or injury to persons occasioned by any activity carried on under the terms of the permit. The applicant shall furnish and maintain public liability, food products liability and property damage insurance to protect the permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connections with it. The insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury for each person, \$2,000,000.00 for each occurrence and not less than \$500,000.00 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the mobile vending activity without 30 days written notice to the City Manager.

(b) The following additional standards apply to mobile food units:

1. Consistent with health standards. All mobile food units shall conform to all applicable State and County health codes.
2. Consistent with Oregon Fire Code. All mobile food units shall be certified by the Fire Marshall to ensure that the cooking or heating apparatus is in conformance with the provisions of the Oregon Fire Code and that all other health and life safety requirements have been satisfied.

Sec. 8-422. Denial or revocation of permit.

(a) The City Manager or their designee may deny, revoke or suspend the permit of any person to conduct a mobile vending business if it is found:

1. That the person has violated any of the standards or provisions set in this article.
2. Any necessary health or other permit has been suspended, revoked or canceled.

3. The permittee does not have a currently effective insurance policy in the minimum amount provided in section 8-421(5).

4. Criminal conduct in relation to the service provided has been determined.

(b) Upon denial or revocation, the City Manager or their designee shall give notice of the action to the permit holder in writing stating the action taken and the reasons for it. The action shall be effective upon giving the notice to the permittee. Any revocation may be appealed to the City Council by filing a written notice of appeal within ten days.

Sec. 8-423. Violation.

A mobile vendor that violates this article, or the placement of a mobile vending device on any street, sidewalk, or private property in violation of the provisions of this article is declared to be a public nuisance. The offense is an Independence Municipal Code Class A violation, per section 1-22. The City Manager or their designee may, after following the nuisance procedures in article II of chapter 14, cause the removal of any vendor, cart or device found on a street, sidewalk or private property in violation of this article and may store the cart or device until the owner redeems it by paying the removal and storage charges established by the Manager or designee. Remedial actions taken by the city are in addition to, not in lieu of any other remedies available to the city.

Sec. 8-424. Appeal.

Any decision made under this article may be appealed to the City Council upon filing a written appeal with the City Recorder. The appeal must specify the grounds where the Manager or designee failed to follow the terms of this article. The appeal must be filed within 30 days of the decision on the permit. The appeal must be filed by a resident of the city or by the applicant. The appeal may be accompanied by any other information the appellant deems appropriate. The Council shall make a decision on the appeal by reviewing the record of the decision and the appeal. The Council decision shall be provided to the applicant within seven days from the date of the decision.

Sec. 8-425. Prohibited solicitation.

It is unlawful for any person to solicit or demand any pecuniary benefit from any vendor in return for the vendor locating a mobile device on any public street or sidewalk in front of a particular business.

Management Team Notes
Wednesday, January 14, 2026

Present: Amanda Carey, Amanda Christensen, Amy, Emmanuel, Gerald, Myra, Patrick, Shawn, Lyle, Kenna

- Pending agenda review.

Amanda FD:

- We are currently hard at work on year-end, reconciling items to complete tax filings and related reporting, including 1099s and W-2s.
- The finance team is implementing updated Accounts Payable processes to better leverage our technology and improve staff efficiency.
- We are also reviewing the fee schedule recommended changes that went to council in November to prepare for the work session at the end of the month.

Amanda HR:

- Working on Director training.
- The Public Works Director position is open and accepting applications.
- The part-time Facilities position is open and accepting applications.

Amy:

- We are working on applications for three grants this month with Marshall's help.
- The Heritage Museum Society is hosting an open house at the museum on February 1 to celebrate the museum's upcoming 50th anniversary in 2026 and to introduce the new Adopt-an-Artifact program.
- The next Speaker Series event will be held on February 12 at 6:00 p.m. at Valkyrie Wine Tavern, featuring Ron Rose speaking on the history of Valsetz.
- The museum roof experienced a leak in December. Artifacts were moved as a precaution, and repairs are expected to be completed on the 23rd.
- The new Mayoral Portrait Series is currently at the Civic Center, and our Facilities Manager indicated the portraits will be hung within the week.

Emmanuel:

- Historic Homes video coming out Friday. shooting next video next week
- 60 second council
- working with mayor Kate on town hall content and promotion
- Working on promoting coding webpage
- Working on the new forms webpage

Fred:

- Historic Preservation Commission – Historic Preservation Commission meeting on January 19th has been cancelled.
- City Council - Preparing for upcoming City Council meetings. The meeting on January 28 will include a work session (with the Planning Commission) on the More Housing, Same (Great) Neighborhood project. The meeting on February 10th will include a public hearing on the annexation of property along S. 13th Street and a public hearing on draft revisions to the fence code. The February 10th meeting will also include the second reading of the mobile vending ordinance.
- Planning Commission – Preparing for a Planning Commission meeting on February 2. The meeting will include a discussion about upcoming projects in 2026, a public hearing on the Parks System Master Plan, and a discussion of the draft code for the More Housing, Same (Great) Neighborhood project.

- Video - Shot a Historic Homes Roadshow video with Amy and Emmanuel at the Italianate house at 615 Monmouth Street. Preparing to shoot two other videos soon.
- Reviewing various developments and addressing day-to-day planning concerns.

Gerald:

Project Updates

- **2018-03 Polk Well #4:** Construction completed. Finalizing closeout paperwork.
- **2022-09 WWTP Upgrade:** Received permit from USACE. Advertising for bids on 02/04/26, bids due 03/17/26, Council award **04/14/26**, and construction start 05/05/26.
- **2022-12 OR 51–5th St SRTS Crossing:** Waiting for adjustment of scope and IGA modification.
- **2022-17 9th St PS Ph 2-3:** See WWTP Upgrade.
- **2023-04 Surface Water Treatment Plant:** Well testing inconclusive. Looking at options between collector well and intake.
- **2023-06 Stormwater Master Plan Update:** Staff reviewed and commented on chapters 1, 2, and 3 of the plan. Consultant updating project schedule.
- **2023-09 Road Annexation-Juris Transfer:** Transfer of Hoffman scheduled for **02/10/26**.
- **2023-11 Parks Master Plan Update:** Planning Commission hearing scheduled for **02/02/26**. City Council hearing scheduled for **03/10/26**.
- **2023-12 Chestnut St Bridge:** Waiting for IGA between ODOT, Marion County, and city.
- **2023-13 Corvallis Rd Waterline:** Bid opening on 01/21/26, Council award on **02/10/26**, construction start on 03/03/26.
- **2024-01 ODOT ADA Upgrades:** ODOT updated construction throughout 2026.
- **2024-04 Polk-Main Intersection Improvement:** Sixth design revision sent to ODOT for review. Waiting on their response.
- **2025-04 Stormwater SDC and Rate Study** – Project is scheduled to begin mid-2026.
- **2025-05 Parks SDC Study** – Project is scheduled to begin after adoption of master plan.
- **2025-06 Temperature TMDL** – Kick off meeting to be held the first week of February.

Administrative Updates

- The following is a status update on larger private development projects underway.
 - 2021-02 SW Crossing: Construction underway.
 - 2024-03 Ella Curran Food: Construction underway.
 - 2024-06 601 Stryker Rd Industrial: Construction underway.

Jason:

- Parts for adding audio to the Osprey nest have been ordered. As soon as they arrive, we'll take another trip up to the nest to do the installation. Once the installation is complete, the live stream will not be activated again until the birds are scheduled to return. All parts and labor have been covered by donations from fans of the live stream.
- We are switching Mobile Device Management (MDM) platforms. The new MDM platform will better integrate with our existing systems and result in over \$2,200 of savings per year.
- We have executed a copier lease agreement with a new provider. The new machines will have additional features and be faster than our existing copiers. The new lease will result in \$30,000 in savings over its five-year term.

Myra:

- Busy January. Trying to catch up on year end for court, lots of meetings to coordinate, helping with payroll/finance as needed.

Patrick:

- Steve's Celebration of Life was this past weekend. Making sure Liane has all she needs before returning to the library. Thanks to everyone (Amanda, Fred, Myra) who has stepped in to help at the library during her absence.
- New coding database is live! Folks can create their account with their library card by going to the E-Resources section of the library website and clicking on Fiero Code.
- Coding at the Library will return the first week of February.
- Been working on a weeding project at the library. We're about 80% through the non-fiction at this point.
- Upcoming Library Programs:
 - Family Coloring Club - 1/15 @ 4pm
 - Mystery Book Club - 1/20 @ 4 pm
 - Snowman Crafts - 127 @ 4pm

Shawn:

- Still getting interest in City properties. Offer came in for sports park - will be spending more time pulling together paperwork, etc. to respond
- Spoke at regional solutions team meeting last week about the challenges that wetlands pose to development (housing and industrial)
- Love local scratch its on track, IDA is running the program this year - we are handing reimbursements. They're having a surprising amount of trouble getting business owners to respond.
- Talking about MIRL again - actually have a developer who can demonstrate the value
- Federal BUILD grant is out. Marshall and I are working on it for Chestnut Bridge and 13th St.
- It's reporting season, so lots of work with Marshall on grant reports and close outs

Tino: At off-site training

Management Team Notes
Wednesday, January 28, 2026

Present: Amanda Carey, Amanda Christensen, Amy, Emmanuel, Fred, Gerald, Jason, Myra, Patrick, Shawn, Tino, Kenna

- Pending agenda review.

Amanda FD:

- The finance department has been working hard to complete our year end work; getting tax tables and rates updated distributing W-2s just in time to move on to complete payroll processing for January this week!
- Finance Director Carey is working on the review of the audit and drafting of Management's Discussion and Analysis for both the City and URA.

Amanda HR:

- We recently completed a communication training with the management team, and it was a really strong fit for how we work together. It built on our existing strengths and gave us practical tools we can use day-to-day.
- We're also continuing to move forward on ongoing HR work and priorities.

Amy:

- The museum will have altered hours this week and will be closed on Saturday, January 31.
- On Sunday, February 1 at 4:00 pm, the Heritage Museum Society will host an Open House in the museum to celebrate the beginning of the museum's 50th year and to officially launch our new Adopt-an-Artifact fundraiser. We hope you'll join us.
- Beginning February 11, we will welcome a Linfield University intern, who will be working with us for academic credit and contributing 40 hours to museum projects.
- On February 14, we will host the WOU History Club, whose members will contribute five volunteer hours assisting with photographing our textile collection for important museum database updates.
- Research is currently underway for two upcoming episodes of Historic Homes Roadshow, featuring 590 Monmouth Street and 336 7th Street.
- We are also grateful to share that a \$1,000 donation has been contributed to support our museum intern, Delaina Soboloski. Thank you to the Vignola family for their continued generosity and support.
- And a new Valentine's Day display is now greeting visitors in the museum lobby that was put together by our museum intern.

Emmanuel:

- Working with WOU practicum student on producing MI trolley stories
- Attending and Covering Mayors town hall tomorrow
- Met with Congresswoman Salinas and staff. Coverage forthcoming
- 60 second council produced
- Worked on Talmadge middle school incident response
- Working on Summer series early promotions and sponsorships
- Filming new historic homes videos next week
- Working with Polk Fire on Heart Month content

Fred:

- Planning Commission – Preparing for a Planning Commission meeting on February 2. The meeting will include a discussion about upcoming projects in 2026, a public hearing on the Parks System Master Plan, and a discussion of the draft code for the More Housing, Same (Great) Neighborhood project.
- City Council - Preparing for the City Council meeting on February 10. The meeting will include a public hearing on the annexation of property along S. 13th Street and a public hearing on draft revisions to the fence code. The meeting will also include the second reading of the mobile vending ordinance.
- Historic Preservation Commission – Preparing for Historic Preservation Commission meeting on February 23. The meeting will include a Public Hearing on a remodel to a historic home at 363 C Street.
- Video - Shooting two historic home videos next week. If anyone knows of other interesting historic homes to feature, please let us know.
- Reviewing various developments and addressing day-to-day planning concerns.

Gerald:

Project Updates

- **2018-03 Polk Well #4:** Finalizing closeout paperwork.
- **2022-09 WWTP Upgrade:** Received permit from USACE. Advertising for bids in February, bids due 03/17/26, Council award **04/14/26**, and construction start 05/05/26.
- **2022-12 OR 51–5th St SRTS Crossing:** Waiting for adjustment of scope and IGA modification.
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- **2023-11 Parks Master Plan Update:** Planning Commission hearing scheduled for **02/02/26**. City Council hearing scheduled for **03/10/26**.
- **2023-12 Chestnut St Bridge:** Waiting for IGA between ODOT, Marion County, and city.
- **2023-13 Corvallis Rd Waterline:** Council award on **02/10/26**, construction starts early March.
- **2024-01 ODOT ADA Upgrades:** ODOT updated construction throughout 2026.
- **2024-04 Polk-Main Intersection Improvement:** Sixth design revision sent to ODOT for review. Waiting for their response.
- **2025-04 Stormwater SDC and Rate Study** – Project is scheduled to begin late 2026.
- **2025-05 Parks SDC Study** – Project is scheduled to begin after adoption of master plan. Work session scheduled for **04/28/26**. SDC adoption scheduled for **06/09/26**.
- **2025-06 Temperature TMDL** – Kick off meeting to be held the first week of February.

Administrative Updates

- Code Update work sessions scheduled for **02/24/26** and **03/24/26**. Code adoption TBD.
- The following is a status update on larger private development projects underway.
 - 2021-02 SW Crossing: Construction underway.
 - 2024-03 Ella Curran Food: Construction underway.
 - 2024-06 601 Stryker Rd Industrial: Construction underway.

Jason:

- Reminder that Pacific Power has a planned outage on January 29th - 11:00PM - 5:00AM
- New copiers will be installed at ICC and Public Works on February 11th. Copying, scanning, and faxing on those machines will be unavailable for extended periods of time. The new agreement reduces our costs by around \$500 per month.

- Our Enterprise Resource Planning (ERP) software will be migrated to a new cloud platform on February 12th. ERP functions will be unavailable for brief periods that day.
- We will be migrating to a new Mobile Device Management (MDM) platform before June of 2026. Switching to the new vendor will result in significant savings. Every cell phone and mobile device owned by the City will have to be re-configured.
- Working on FYE27 budget.
- Interagency IT services are operating effectively and have begun generating revenue for the General Fund.
- MINET Board meeting is tonight (1/28).

Myra:

- Helping Finance with W2's and January payroll.
- Currently 5 open records requests. At least one will take significant staff time to complete. A couple others are also time consuming. Trying to fit this work in with other necessary day-to-day work for Court and City Recorder duties.

Patrick:

- The Polk Marion Early Learning Hub dropped off a "Birthday Kit" to celebrate Dolly Parton's Birthday. They are the group that is funding participation in the Dolly Parton Imagination Library for children in Independence. We held our Birthday Party at last Wednesday's storytime.
- We just received a new (to us) 3D printer from the Community Services Consortium. We're looking into potential programming opportunities with it.
- Keeping an eye on the Readerboard. A panel appears to be going out. Facilities is aware of the situation.
- 3,299 visitors in December, 48,767 total visitors in 2025
- 226 Computer users in December, bringing us to 3,440 for the year
- Kids Coding Club will begin again next Wednesday.

Shawn:

- Working on summer series - bands, sound, sponsors, etc.
- Kicking off grant funded preliminary design for lift station
- Several development meetings
- More research on MIRL
- Working to respond to offer on Sports Park
- Working on a couple award nominations

Tino:

- Ofc. Federico has gone solo
- Ofc. Preston is back from family leave
- We have 15 fully operational officers for the first time in several years
- Starting new process for 16th after last process resulted in the final applicant not continuing on beyond backgrounds

PENDING CITY COUNCIL AGENDA ITEMS:

1/28/2026

FEB 10, 2026 - 6:30 PM		FEB 24, 2026 - 6:30 PM	
Agenda items due: Noon, 02/04/2026		Agenda items due: Noon, 02/18/2026	
» UB: Mobile Vending Ordinance 2nd 3rd reading » NB: Liquor License Annual Renewals at FEB 2026 Meeting (Gilbert) » NB: Liquor License- New Owner: Silk Thai (Gilbert) » NB: Fee Schedule Update Res (Carey) » NB: Public Hearing: Ordinances associated with new Fee Code » NB: Council Bill: Ordinances associated with new Fees (Carey) » NB: Contract award Corvallis Rd Water line (Fisher) » NB: Jurisdictional Transfer Hoffman Rd (Fisher) » NB: Public Hearing: Annexation and Rezone 13th St. (Evander) » NB: Council Bill: Annexation and Rezone 13th St. (Evander) » NB: Public Hearing: Fence (Evander) » NB: Council Bill: Fence (Evander) » Liaison Reports: Library Board, Museum Board » —and Continuum of Care » Minutes/Misc Corresp/Notes/PAC		» Grant Update (Irvine) » Code Update Work Session (Fisher) » » » » » » » » » » » » »	
+ Urban Renewal Agency Meeting, if needed		+ Urban Renewal Agency Meeting, if needed	
MAR 10, 2026 - 6:30 PM		MAR 24, 2026 - 6:30 PM	
Agenda items due: Noon, 03/04/2026		Agenda items due: Noon, 03/18/2026	
» NB: Audit Presentation (Carey/Auditors) » NB: Q2 Financials (Carey) » NB: Public Hearing: CDBG Grant Funding (Irvine) » NB: MIREL (Irvine) » NB: Parks Master Plan Adoption (Evander) » » Liaison Reports: Library Board, Museum Board » and Continuum of Care » Liaison Reports: Traffic Safety, Historic Preservation, » and Planning Commission » Minutes/Misc Corresp/Notes/PAC		» Code Update Work Session (Fisher) » » » » » » » » » »	
+ Urban Renewal Agency Meeting, NEEDED		+ Urban Renewal Agency Meeting, if needed	
APR 14, 2026 - 6:30 PM		APR 28, 2026 - 6:30 PM	
Agenda items due: Noon, 04/08/2026		Agenda items due: Noon, 04/22/2026	
» Center St Bridge project Update (ODOT?) » NB: Public Hearing: Single Room Occupancy (Evander) » NB: Council Bill: Single Room Occupancy (Evander) » NB: WWTP Upgrade/9th St Pump St Ph 2-3 Contract Award (Fisher) » NB: Budget Adjustment (Carey) » » » » » Liaison Reports: MINET, Parks Board, » and Independence Days Commission » Minutes/Misc Corresp/Notes/PAC		» Parks SDC Work Session (Fisher) » » » » » » » » » »	
+ Urban Renewal Agency Meeting, if needed		+ Urban Renewal Agency Meeting, if needed	
Future Items: Grants reports Jan/Feb & July/Aug Franchise Agreements (updates ongoing) Resolution: Purchasing Authority (West) Work Session-Dusk to Dawn Work Session-Council Procedure-Council Bills, Public Hearing (West) June 9 Parks SDC Adoption (Fisher) NB: Resolution: pub records request update (West) <i>Council Liaison appointments: Every 2 years on election year</i> <i>Council President: First meeting every year</i> Future Council Work Sessions: Future and Utility Billing Code update: Ch. 34, related to Water, Sewer, Stormwater		City Council Liaisons: Historic Preservation Commission: Councilor Morton Planning Commission: Councilor Martin-Willis Independence Days Commission: Councilor Boisvert Library Board: Councilor Boisvert Museum Advisory Board: Councilor Morton Parks Board: Councilor Roden MINET: Councilor Sorce Traffic Safety Commission: Councilor Roden Continuum of Care: Councilor Corr	