City of Independence

Agenda
City Council Meeting
Tuesday, May 13, 2025 @ 6:30 PM
Civic Center - Council Chambers

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	6.1.	Council Bill 2025-04, to Annex and Designate 8.9 Acres at 6675 Corvallis Road, located west of the Southern Pacific Railroad, along with a portion of the 50-foot right of way located directly north of the property *(Evander)* Staff Report Council Bill 2025-04, Ordinance 1624 Exhibit A Exhibit B Exhibit C	17 - 50
	6.2.	Public Hearing AX|2025-01, Annexation of Certain Rights-of-Way into the City of Independence *(Evander)* *Hearing reconvened from Public Hearing on April 8, 2025* Staff Report	51 - 76

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Public Comment Letter: Rick Hopkins
Public Comment: Shawn & Michelle Lewis

7. NEW BUSINESS

7.1. Council Bill 2025-03, to Annex Certain Rights-of-Way into the City of Independence *(Evander)* 77 - 107
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7.5. Contract Award: Lagoon 1 Biosolids removal *(Fisher)* 129 - 132
Staff Report
Independence Biosolid Contract Approval - DEQ

7.6. Creation of ad hoc board for Independence Days *(West)* 133 - 138
Staff Report
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8. COUNCIL ANNOUNCEMENTS

9. GENERAL INFORMATION

9.1. Management Team Notes 139 - 145
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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 147
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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/84480819106?pwd=OmzcJYxWZvVlMNLGbL7aO3JKb2A3eC.1
- To participate in the meeting **by phone, dial US: +1-253-215-8782** and enter **Webinar ID: 844 8081 9106** and **Passcode: 707631**

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, April 8, 2025

1. **CALL TO ORDER**. The meeting was called to order at 6:30 pm in the council chambers by Mayor Kate Schwarzler.

2. **ROLL CALL**.
Mayor Schwarzler present

Council Present:	Shannon Corr Marilyn Morton Kathy Martin-Willis Bill Boisvert Dawn Roden Evan Sorce
Council Absent:	None
City Staff Present:	Kenna West, City Manager Rob Moody, Finance Director Myra Russell, City Recorder Fred Evander, City Planner Amanda Christensen, HR Director Juventino Banuelos, Police Chief

3. **MINUTES**. The minutes of the March 11, 2025, regular session and March 25, 2025 work session, were submitted in the agenda packet.

ACTION:
Councilor Morton moved to approve both sets of minutes as received. Second by Councilor Boisvert. Councilor Roden wasn't present for the March 25 Work Session so wanted them minutes to be approved separately. Councilor Morton amended her motion to just include the minutes of March 11, 2025, regular session; Councilor Boisvert seconded. Roll call vote. Motion passed 6-0-0:

AYES:	Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS:	None
ABSTENTIONS:	None

ACTION:
Councilor Sorce moved to approve the minutes of March 25, 2025 work session as submitted; Councilor Martin-Willis seconded. Roll call vote. Motion passed 6-0-0:

AYES:	Corr, Morton, Martin-Willis, Boisvert, Sorce
NAYS:	None
ABSTENTIONS:	Roden

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4. **VISITORS / PUBLIC COMMENTS**. None

5. **REPORTS / PRESENTATIONS**.

5.1. Mayor Schwarzler: Busy with Budget. Continuing Office Hours. Monthly town hall, informal avenue for community to ask questions.

5.2. City Council Liaison Reports

5.2.1 MINET Board: Councilor Sorce. Has not attended yet because of the transition of appointment. Mayor Schwarzler attended the March meeting. Financials looked good. Expansion into Dallas and Falls City. New construction beneficial to expansion. MINET is working on their Budget as well.

5.2.2 Parks Board: Councilor Roden. No meeting since appointment.

5.2.3 Independence Days Commission: Councilor Boisvert attended March 13 meeting with presentations by sub committees. Headliner for July 4th Jacob Wheldon, Tuesday String Band opening. Proposed budget adopted by commission and sent to Budget committee. Also mentioned that he also sat in on City budget meetings with Budget Committee Member Garrison to see the entire process. Thanked the Mayor and City Manager for that opportunity.

5.3. City Manager West: No report, working on Budget.

6. **UNFINISHED BUSINESS**. None

7. **NEW BUSINESS**

7.1. Solid Waste Rate Adjustment Request. CM West presented information as provided in the agenda packet. Josh Brandt and Estle Harlan also presented information on behalf of Brandt's sanitary service. Councilor Morton asked about new solid waste facility coming in, do these rate increases reflect that. Brandt too far out to know, but will examine. Will continue to discuss with both communities. Councilor Sorce asked Brandt to explain tipping fees at Coffin Butte that aren't passed on to consumers. Brandt said Coffin Butte raised rates for the last 6 years and will not slow down. Owned by Republic Services, the decline in space makes space rise in cost. Councilor Roden asked about when/if next increase will happen. Brandt said some things are out of his control but hopes to come back less frequently. 4 % for the whole year is only $12 a year increase for 35 gallon can.

ACTION:

Councilor Corr moved to approve Resolution #25-1630, A Resolution Granting a Rate Adjustment to Brandt's Sanitary Service. Councilor Morton seconded. Discussion.

Roll call vote. Motion passed 6-0-0:

AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

7.2. Presentation of Audited Financial Statements for Year end June 30, 2024. Moody presented audit documents with Auditor Cyrus Ward from Aldrich CPAs and Advisors LLP. Moody said financial statements are the City's, not the audit company. They were drafted in house by Moody. Moody explained different sections of audit. Ward explained the audit process and opinions. Ward presented

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independent auditor reports. Opinion -clean opinion for city and URA. This is based on the presentation of financial information that was materially accurate. Minimum standards report; Ward explained the findings with URA. Items were classified wrong but were being paid as scheduled, budget category was just incorrect. Finding for appropriations that exceed the actual budget. Categories were over but fund balanced overall. No issues with internal controls. No issues with the ARPA grant single audit. No expenditures out of allowable and was within compliance with federal govt. Moody already addressed some of findings but will report to council at next meeting on what city is doing to correct findings.

ACTION:
Councilor Corr moved to accept the audited financial statements for the fiscal year ended June 30, 2024. Councilor Sorce seconded. Discussion. Councilor Roden thanked Moody for clarifying statements and coming back with more information on corrections. Councilor Corr appreciates explanation in layman's terms.
Roll call vote. Motion passed 6-0-0:

AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

7.3. Public Hearing AX|2025-01, Annexation of Certain Rights-of-Ways into the City of Independence. Mayor Kate Schwarzler read the hearing script regarding how the meeting would be conducted. State Law Required Statements read.

- Declaration of Conflicts of Interest, Ex-Parte Contact, Bias: None
- Public Hearing opened at 7:32 pm by Mayor Schwarzler.
- Staff Report as submitted in the agenda packet was reviewed by Fred Evander, Planning Manager. Annexation of roadways, portions of Corvallis Road, Hoffman Road and 6th St., so that the city has control of all roads in the Urban Growth Boundary. Public Works would like the roads under one agency instead of currently two, ability to repair in accordance with city standards and allow city to manage roads as far as speed limit, etc. Evander recommends approval.
- Discussion: None
- Further questions from the Council. None.
- Objections or testimony received:
  - Michelle Lewis- sent letter but also appeared in person
  - Mike & Carol Brown-sent letter but also appeared in person
- Public Testimony:
  - Rich Frye, Salem, OR: Concerned about right of ways on Hoffman Road.
  - Phil Strom, Salem, OR: Has interest in property at 6675 Corvallis Rd. Stated that annexation and rezone should not be in same application. Evander stated he would respond to all comments at the end.
  - Eric Hill Harrisburg, OR: Long time family property at 6485 Corvallis Road. Reserve rights to appeal. If roadway is expanded his family opposes.

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    - Michelle Lewis 6240 Corvallis R. Independence, OR: Delivered a letter and is concerned that annexation of road will create property island. Wants the council to consider that annexing the road now could cause property owners issues in the future
    - Rick Hopkins 6275 Corvallis Rd. Independence, OR: Concerned that in past City tried to annex West side of Corvallis Road, that annexation was denied because Corvallis Road was in the County. Annexation now so that city can build water treatment plant. He disagrees If City annexes properties on Corvallis Road $3000 per year increase to property taxes.
    - Michael Brown 6460 Corvallis Rd, Independence, OR: if property is annexed into city they will get city taxes. Concerned about hardship of property taxes.
- Discussion: Evander responded to testimony. Annexation and zone change combined. City does not zone rights of way, but county does, so need to change zone to remove county zoning. Anticipated to be developed to minor arterial standard. It would not be done all at once, but piece by piece as owners develop their property. Roden carry meeting forward to May 13
- Councilor Roden made a motion to leave hearing open until date certain: May 13. Staff potential island letter, potential taxes. right of way width. Cost to city to take over roadway. Councilor Morton seconded
- Roll call vote. Motion passed 6-0-0:

  AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
  NAYS: None.
  ABSTENTIONS: None
- Hearing Left open to date certain, May 13, 2025, at 6:30 PM.

7.5. Public Hearing AX|2024-04, annex and designate 8.9 acres of 6675 Corvallis Road located west of the Southern Pacific Railroad along with a portion of the 50-foot right of way located directly north of the property Mayor Kate Schwarzler read the hearing script regarding how the meeting would be conducted. State Law Required Statements read.

- Declaration of Conflicts of Interest, Ex-Parte Contact, Bias: None
- Public Hearing opened at 8:31 at pm by Mayor Schwarzler.
- Staff Report as submitted in the agenda packet was reviewed by Fred Evander, Planning Manager. Evander recommends approval with provisions.
- Discussion: Morton asked if request to be annexed was made by property owner. Evander affirmed. C Sorce exited at 8:36PM, returned at 8:37PM. Roden asked about roads. Evander explained that annexation is the first step, then plans for subdivision. Transportation plan would be part of the next steps but is not considered in annexation.
- Further questions from the Council. None.
- Objections or testimony received
- Public Testimony:
    - Dakota Huxman,1523 S 6th St. Independence, OR: Development of road-S 6th.S 7th st. Concerned for wildlife habitat. Safety for multi-

generational families at the end of 6th/7thStreet. Concerns for emergency egress and emergency management.
    - Michelle Lewis, 6240 Corvallis Rd. Independence, OR: concerns for utilities in that area.
- Discussion: Evander UGB build outs facility plans, based on unit anticipated improvement. The applicant will know what improvements are necessary. Roden traffic bottleneck 7th St. Evander said transportation impact analysis will happen at time of subdivision.
- Hearing Closed at 8:48 pm by Mayor Schwarzler.

7.6. Council Bill 2025-04, to annex and designate 8.9 acres of 6675 Corvallis Road located west of the Southern Pacific Railroad along with a portion of the 50-food right of way located directly north of the property. City low density residential.

Evander explained this is to act on annexation and zoning for property mentioned in previous public hearing.

1st MOTION: Councilor Corr moved move to approve Council Bill 2025-04 to adopt AX 2024-04, the text of which is contained in the Council packet and read the proposed Ordinance for the first time; Councilor Morton seconded. Discussion: None.

Motion passed 5-1-0:

AYES:	Corr, Morton, Martin-Willis, Boisvert, Sorce
NAYS:	Roden
ABSTENTIONS:	None

Councilor Sorce noted that only certain criteria are allowed to be considered for these matters and if we don't follow that criteria it leaves the City open to being sued.

Five-minute recess at 8:55 PM
Reconvened at 9:00 PM

7.7. Board, Committee, Commission Appointment CM West presented information as submitted in the agenda packet regarding the process for appointing new members to boards committees and commissions. Mayor will recommend appointments, and Council can make motion to approve. Councilor Sorce asked if preference of applicant could be noted if they applied for multiple positions.

ACTION:
Mayor recommended Jesica Porter, Bradley Karkenan and Dana Sharman to the Budget Committee. Discussion by councilors about process and input. Councilor Morton moved to appoint applicants to the Budget committee as chosen by mayor. Councilor Corr seconded. Discussion: Councilor Corr and Morton had different candidates on their list but support the mayor's choice. Councilor Roden and Martin-Willis both had another candidate on their list and support diversity of thought. Porter to Position 5, Sharman to Position 3 Karkanen to Position 2.
Roll call vote. Motion passed 4-2-0:

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AYES: Corr, Morton, Boisvert, Sorce
NAYS: Martin-Willis, Roden.
ABSTENTIONS: None

ACTION:
Mayor recommended Patrick Fugman for the Planning Commission. Councilor Sorce moved to appoint Fugeman to the Planning Commission. Councilor Martin-Willis seconded. Discussion: Councilor Sorce sees that Fugeman attends many city meetings and thanked him for his dedication. Councilor Roden is concerned that he hasn't lived in community for a very long time. Councilor Martin-Willis mentioned that Planning Commission is a constrained position and long term resident maybe isn't as important in this committee.
Roll call vote. Motion passed 6-0-0:
AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

ACTION:
Mayor recommended Catherine Underwood Bush, Jennifer Flores and Anne Devane to positions 2, 3, & 5. Councilor Morton moved to approve those 3 appointments to the Historic Preservation Commission. Councilor Martin-Willis seconded. Discussion: Councilor Roden has concern because Underwood Bush is remodeling historic home and hopes there will be no conflict of interest. Anne Devane to position 5, Jennifer Flores to Position 3 and Catherine Underwood Bush to position 2.
Roll call vote. Motion passed 6-0-0:
AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

Mayor recommended Willis Homann to fill the last position. Councilor Morton moved to appoint Willis Homann to Position 1. Councilor Martin-Willis seconded.
Roll call vote. Motion passed 5-1-0:
AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

ACTION:
Mayor recommended Jasper Smith and Katherine Rice to positions 1 and 4 on the Museum Advisory Board. Councilor Corr moved to appoint the 2 applicants to the Museum Board. Councilor Martin-Willis seconded. Discussion: None
Roll call vote. Motion passed 6-0-0:
AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

ACTION:

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Mayor recommended Jasper Smith to position 1 and Bill Henley to position 6 on the Parks Board. Councilor Corr moved to accept the appointments to the Parks Board. Councilor Morton seconded. Discussion: None.

Roll call vote. Motion passed 6-0-0:

AYES: Corr, Morton, Martin-Willis, Boisvert, Roden, Sorce
NAYS: None.
ABSTENTIONS: None

ACTION:

Mayor recommended Kelie McWilliams to position 3 on the Traffic Safety Commission. Councilor Corr moved to accept the appointment to the TSC. Councilor Martin-Willis seconded. Discussion: Councilor Roden mentioned concerns about McWilliams as she is council liaison to that commission, but said she can work with her.

Roll call vote. Motion passed 5-1-0:

AYES: Corr, Morton, Martin-Willis, Boisvert, Sorce
NAYS: Roden
ABSTENTIONS: None.

8. **COUNCIL ANNOUNCEMENTS**

8.1. Councilor Morton: Friday April 11 at 6pm Valkyrie first Ghost Walk planning meeting for this year

8.2. Councilor Martin-Willis: thanked applicants that are willing to participate in boards and commissions.

8.3. Mayor Schwarzler/Patrick Bodily: Youth Coding League playoffs voting ended. But voting reopens Thursday afternoon, April 10.

9. **GENERAL INFORMATION** Items submitted here in the packet are for information only; no action was required by city council.

10. **ADJOURNMENT** With no further business to come before the council, Mayor Schwarzler adjourned the meeting at 9:22 pm.

_____
MAYOR KATE SCHWARZLER

ATTEST:

_____
Myra Russell, City Recorder

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City of Independence

Minutes
City Council Meeting
Tuesday, April 22, 2025

1. **CALL TO ORDER** Mayor Schwarzler called the meeting to order at 6:30 pm

2. **ROLL CALL**
Mayor Schwarzler present

Council Present:	Shannon Corr Bill Boisvert Kathy Martin-Willis Marilyn Morton Dawn Roden Evan Sorce-Arrived at 6:36 PM
Council Absent:	
City Staff Present:	Kenna West, City Manager Myra Russell, City Recorder Rob Moody, Finance Director Shawn Irvine, Assistant City Manager

3. **WORK SESSION**

3.1. Moderate Income Revolving Loan Fund Irvine explained the moderate income revolving loan fund program. Would need council approval to set up program and council would approve each project. Discussion about how this could work and if it would be feasible for our community. Irvine has direction to get more information for Council.

3.2. Trolley IGA West explained the Intergovernmental Agreement between Monmouth and Independence to run the trolley. IGA would form 2 committees, operations and advisory. Monmouth city council has already gone through the process with this IGA. Discussion regarding if and how it could streamline the Trolley operations for both cities. Direction for West to take back questions to Monmouth City Manager.

4. **ADJOURNMENT**. Work Session adjourned at 7:31 PM

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MAYOR KATE SCHWARZLER

ATTEST:

Myra Russell, City Recorder

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My name is Vickie McCubbin and I live on Cessna St. in Independence. I am the spouse of a Vietnam Veteran and I am one among many volunteers serving on the committee for *The Wall That Heals* Vietnam Memorial that will be in Independence, September 18th through the 21st, just 4 short months away. Independence will have many visitors coming to honor those who gave the ultimate sacrifice, give the welcome home to veterans who didn't receive one, and learn more about America's history during this turbulent time.

With Memorial Day approaching I thought this meeting would be a fitting time to thank the many volunteers, including those within the City Staff and Council who have volunteered to help with this event. Independence has an amazing staff and they are always prepared to step up and do what is asked of them and more. – Thank you! I also want to make an appeal to the community and urge them to help and support this event with their time or donation. The event will be open 24 hours a day and volunteers are needed to assist with parking cars, helping with school tours, guiding visitors, and assistance at the education center. Training will be provided.

Signing up to help or donate is easy, - Go to the City of Independence website –click on Community, then Events & Entertainments and there is a link to *The Wall That Heals* website.

I want to close with a quotation from the website --
"Bringing *The Wall That Heals* to our community relies on those who step up to help. Whether through hands-on support, financial contributions, or community partnerships, every effort honors our Vietnam veterans and preserves their stories. Events like this require teamwork and resources to provide a meaningful experience. Your involvement creates a space for healing, reflection, and tribute, ensuring this powerful memorial reaches as many people as possible. . .

"Since the end of the Vietnam War, thousands of veterans have suffered from the lasting effects of Agent Orange exposure, PTSD, and other service-related illnesses. The Vietnam Veterans Memorial Fund believes that all who served in Vietnam deserve to be honored and remembered."

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: May 13, 2025
SUBJECT: Council Bill #2025-04 to Annex and Designate 8.9 Acres at 6675 Corvallis Road located west of the Southern Pacific Railroad along with a portion of the 50-foot right-of-way located directly north of the property

[ ] Information Only [X] Action Requested

Statement of Issue
Annexation of the property at 6675 Corvallis Road and the city-owned right-of-way to the north of the property into the City of Independence and assignment of Low Density Residential (RS) zoning to the land.

Background
On April 8, 2025, the Independence City Council held a duly noticed public hearing for a portion of the property at 6675 Corvallis Road and a small strip of land (a right-of-way owned by the City) that is located directly north of the property. Following the hearing, the Council approved a first reading on the combined annexation request (for the private property and the city right-of-way). Since the approval of the first reading was not approved unanimously, a second reading of the ordinance is before the Council for consideration.

Discussion
The City received a request from the owner of 6675 Corvallis Road to annex the property into Independence and assign Low-Density Residential (RS) zoning to the site. As part of the request, City staff noted that the City owned a small right-of-way just north of the property. The City Council voted to include the right-of-way in the 6675 Corvallis Road annexation request.

During the public hearing on April 8, 2025, staff presented the Type III Annexation and Zone Change Staff Report. The Council considered the presentation, reviewed the Type III Annexation and Zone Change Staff Report, and heard public testimony.

Following the public hearing, the Council voted 5 to 1 to approve the first reading of Council Bill 2025-04 to adopt the proposed Ordinance and annex the land. A second reading is now before the Council for consideration.

Options
The Council may:

A. Approve Council Bill 2025-04 as submitted
B. Approve Council Bill 2025-04 with amendments
C. Take no action

Recommendation/Suggested Motion
Staff recommends Option A – Approval of Council Bill 2025-04 as submitted and suggests the following motions:

I move to read the proposed Ordinance, Council Bill 2025-04 for the second time by title only.

If this motion passes a third motion would be in order as follows:

I move to adopt the proposed Ordinance, Council Bill 2025-04

Attachments: Council Bill 2025-04 with attachments

Prepared by Fred Evander, Community Planner
Revised and approved by Kenna West, JD, City Manager

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

An Ordinance Declaring Territory Annexed to the City of Independence and Amending the Zoning Map for Portions of Tax Lot 200 and 201, Map 8S 4W 33 and Stating an Effective Date	]]]]]	Council Bill #2025-04

ORDINANCE NO. 1624

WHEREAS, pursuant to ORS 222.111(2) and the City's Development Code Sections 11.002(C) and 12.005, the City of Independence received a request to annex and rezone an approximately 8.9-acre portion of tax lot 200 on Polk County tax map 8S 4W 33; and

WHEREAS, as part of the applicants' application, City received written consent from all property owners of record to the annexation of said territory and area which is on file with the City of Independence, which meets the consent requirements of ORS 222.170(1); and

WHEREAS, the City owns a small right-of-way directly to the north and adjacent to the Property, identified as a portion of tax lot 201 on Polk County tax map 8S 4W 33.

WHEREAS, given the proximity to the Property, the City Council of the City of Independence voted to include the annexation of the Right-of-Way, pursuant to ORS 222.111(2) and the City's Development Code Sections 11.002(C) and 12.005;

WHEREAS, the Property and Right-of-Way (together, Subject Properties) are: (1) located within the City of Independence Urban Growth Boundary; and (2) designated as Urban Reserve on the Polk County Comprehensive Plan Map and as Suburban Residential in the Polk County Zoning Code; and

WHEREAS, the request is to: (1) annex the Subject Properties into the City of Independence; and (2) apply City Zoning of Low Density Residential (RS) to the Property; and

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

WHEREAS, the City Council conducted a properly noticed public hearing meeting the requirements of ORS 222.120(3) to consider the requests on April 8, 2025, at which time the public was given full opportunity to be present and 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 application request was in compliance with applicable criteria and directed staff to prepare an Ordinance for the annexation and rezone; **NOW, THEREFORE,**

THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

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

Section 2. Rezoning. The Subject Properties described above, and as more particularly described in Exhibit A are hereby rezoned from Polk County Suburban Residential to City Low Density Residential (RS) zoning, as illustrated on Exhibit B, which is attached hereto and incorporated herein by this reference. 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 findings supporting this annexation and Zoning Map amendments contained in the Staff Report attached hereto as Exhibit C and incorporated herein by this reference.

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 5. 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: _____

_____
Kate Schwarzler, Mayor

ATTEST:

_____
Myra Russell, City Recorder

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon described as follows:

Beginning at the iron pipe at the Southeast corner of the J.E. Davidson Donation Land Claim Notification No. 1515, Claim No. 44 in Section 33 of Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North 9.31 chains to an iron pipe on the South boundary of the railroad right-of-way of the Inman-Poulsen Lumber Company; thence South 89 degrees 55 minutes East 10.46 chains to an iron pipe on the West boundary of the Southern Pacific Railroad right-of-way; thence South 13 degrees 28 minutes West 9.56 chains to an iron pipe on said right-of-way; thence West 8.22 chains to the place of beginning. Reserving a right-of-way over and across a strip of land 50 links wide on the West side of the above-described tract of land, for road purposes.

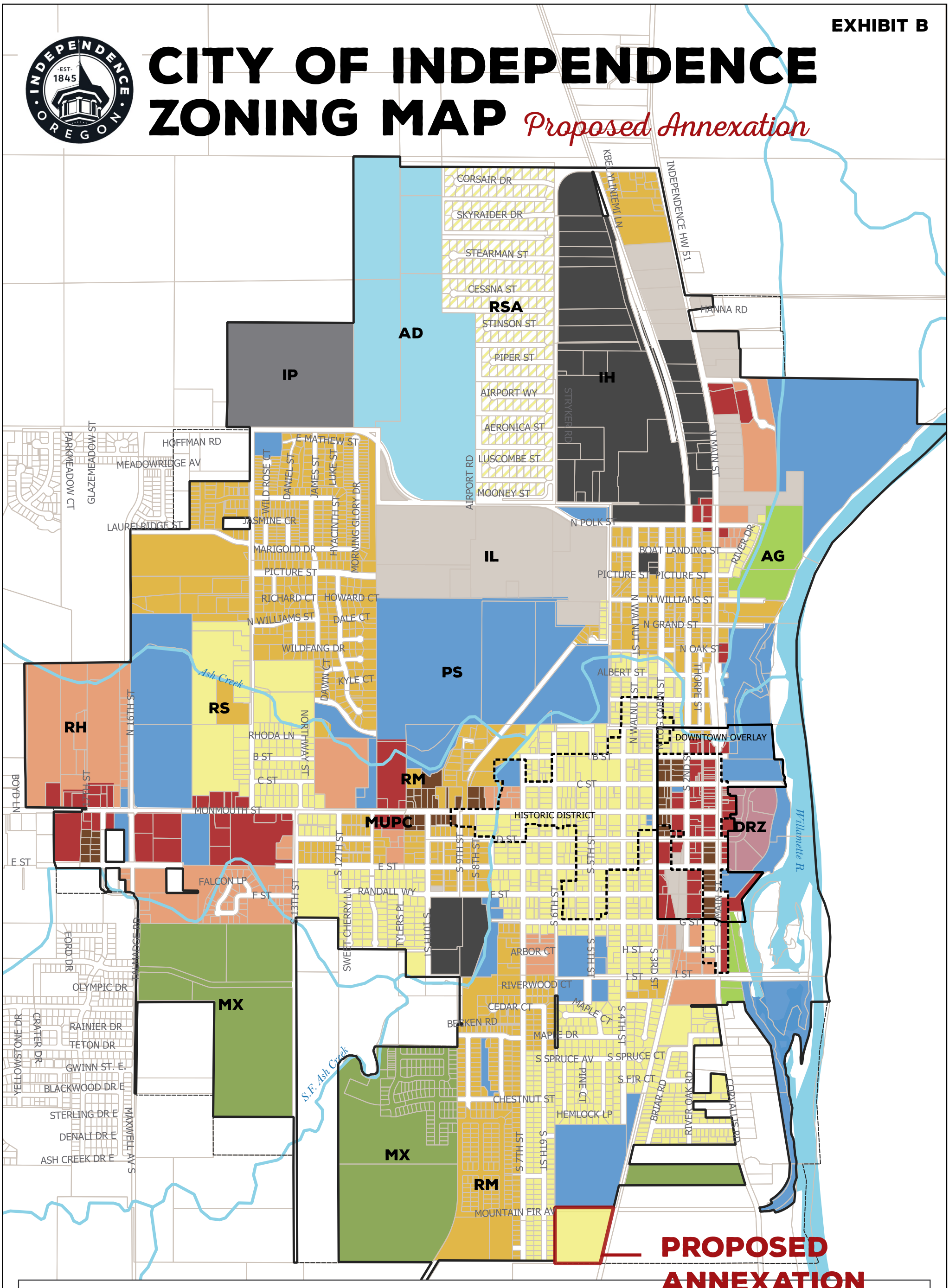
ALSO, a parcel of land lying in Section 33, Township 8 South, Range 4 West, Willamette Meridian, Polk County, Oregon conveyed to Georgia-Pacific Corporation by Inman-Poulsen Timber Corporation described as Parcel 2 on page 353 by document recorded February 11, 1963, in Volume 184, Page 342, Deed Records, Polk County, Oregon, more particularly described as follows:

Commencing at a Southwest corner of the Henry Hill Donation Land Claims in Sections 28 and 33, Township 8 South, Range 4 West of the Willamette Meridian, thence running South 4.62 feet, thence running North 89 degrees 17 minutes East 690 feet to the West line of the right-of-way of the Southern Pacific Railroad, thence running North 13 degrees 28 minutes East 51.4 feet along said right-of-way line, thence running South 89 degrees 17 minutes West 700 feet to a point in the West boundary line of the Henry Hill Donation Land Claims, thence running South 45.38 feet to a point of beginning, all lying within the Henry Hill Donation Land Claims in Sections 28 and 33, Township 8 South, Range 4 West of the Willamette Meridian.

EXHIBIT B

CITY OF INDEPENDENCE ZONING MAP

Proposed Annexation

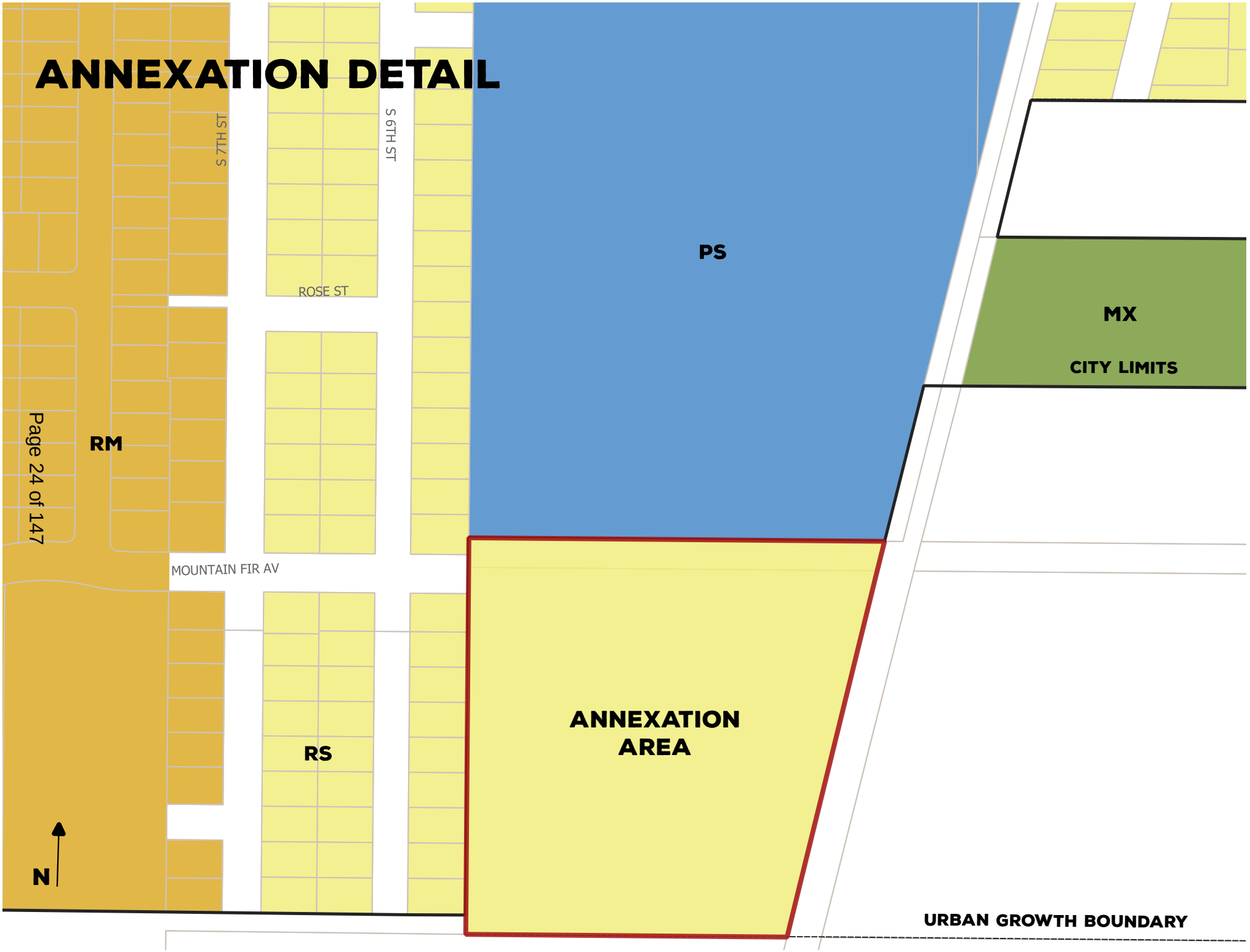


LEGEND

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

Updated 01.21.2025


ANNEXATION DETAIL
S 7TH ST
S 6TH ST
ROSE ST
PS
MX
CITY LIMITS
RM
MOUNTAIN FIR AV
RS
ANNEXATION AREA
N
URBAN GROWTH BOUNDARY

INDEPENDENCE
Oregon's Story Begins Here

TYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2024-04)
STAFF REPORT

MEETING DATE:	April 8, 2025
RECOMMENDATION:	**APPROVE WITH CONDITIONS**
FILE NUMBER:	AX	2024-04
APPLICANT:	Brendan McMullen
REQUEST:	Annex and Designate 8.9 Acres at 6675 Corvallis Road located west of the Southern Pacific Railroad along with a portion of the 50-foot right-of-way located directly north of the property
PROPERTY:	Site Address: 6675 Corvallis Road Map Number: 8.4.33; Taxlot: 200 Site Address: Unaddressed Right-of-Way Map Number: 8.4.33; Taxlot: 201
ZONING:	6675 Corvallis Road Existing: County – Suburban Residential (SR) Proposed: City – Low-Density Residential (RS) Unaddressed Right-of-Way Existing: County – Suburban Residential (SR) Proposed: City – Low-Density Residential (RS)
CRITERIA:	Oregon State Planning Goals 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. Potential Council Actions V. Staff Findings – Oregon State Planning Goals VI. Staff Findings – Independence Comprehensive Plan VII. Staff Findings – Independence Development Code
ATTACHMENTS:	A. Type III/IV Application (5 pages) B. Tax Map (1 page)

C. Statutory Warranty Deed (7 pages)
D. Petition for Annexation and Zone Change (2 pages)
E. Annexation Map (and Detail of Area) (2 page)
F. Revised Annexation Legal (1 pages)

I. BACKGROUND AND PROCESS

This application seeks to annex an 8.9-acre portion of 6675 Corvallis Road (Taxmap 8.4.33, Taxlot: 200) that is located west of the Southern Pacific Railroad, along with a portion of the 50-foot-wide parcel that is located directly north of the lot (see Attachment E for an illustration of the proposed annexation area). The properties would be zoned as Low-Density Residential (RS).

II. AGENCY AND PUBLIC COMMENTS

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

III. RECOMMENDED CONDITIONS OF APPROVAL

Two conditions are proposed for the annexation and zone change:

Condition 1: **The applicant shall assist the city in the submittal of a Wetland Land Use Notification for any future development on the site.**

Condition 2: **Future development will be required to meet City of Independence standards, including but not limited to the Independence Public Works Design Standards and the Independence Development Code.**

IV. POTENTIAL COUNCIL ACTIONS

Based on the findings below, the Council may:

- Close the hearing and consider a Council Bill to approve of the changes.
- Modify the proposal.
- Request additional information.
- Deny the proposal.

V. STAFF FINDINGS – OREGON STATE PLANNING GOALS

Annexations and changes to the Independence Zoning Map 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 the water and wastewater master plans. Implementing regulations, such as the requirements of the Independence Development Code, also help to achieve these goals.

Consideration of many of the statewide planning goals is provided below:

Goal 1. Citizen Participation. The city has offered notice for 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.
- Publishing notice in the Polk County Itemizer-Observer.

The City Council will also discuss the proposed annexation and map change at a Public Hearing on April 8.

Given these items, individuals will have 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 State Planning Goals seeks to ensure that community plans and policies are consistent and are crafted as part of a standard planning process (that includes the identification of issues and problems, the inventory of existing information, the evaluation of alternative courses of action, and the selection of ultimate policy choices).

The proposed annexation has effectively addressed these items. The property was included within the original Independence Urban Growth Boundary (in 1979) 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. All major city facilities plans (including the Transportation System Plan, Water Systems Master Plan and Wastewater System Facilities Plan) effectively address the property.

The applicant has requested the Low-Density Residential (RS) Zone to apply to the area. This zone is appropriate, as the Future Land Use Map designates the area for Residential Use and similar low-density zoning is located directly to the west of the site. No zoning has been established for the property to the east to date, though the area is anticipated to be developed (at least in part) with residential homes.

Based on these considerations, this goal has been 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." The annexation and rezone proposed as part of this action effectively achieves this goal.

The area proposed for the annexation has been in the City of Independence Urban Growth Boundary since 1979 and does not contain any mapped wetlands or environmental resources, though hydric soils are noted in the area. To evaluate the environmental resources on the site, and to avoid or mitigate any impacts that may occur, 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. The following condition reflects this requirement:

Condition 1: **The applicant shall assist the city in the submittal of a Wetland Land Use Notification for any future development on the site.**

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 660-015-0000(10), include ensuring that adequate land is available for residential development within a city and making sure that appropriate amounts of different types of housing are allowed on the land. The recently adopted Housing Needs Analysis and Housing Production Strategy addressed these requirements and determined that sufficient land was available for needed housing in the City of Independence Urban Growth Boundary, so long as new land was primarily annexed and zoned as the Mixed Density Residential (MX) Zone.

The land that is proposed to be annexed as part of this application is sought to be brought into the city as Low-Density Residential (RS). Since the area is adjacent to Low-Density Residential and constitutes only a minimal part of the land that remains to be annexed in the Urban Growth Boundary, this proposed zone is appropriate in this limited instance. Like the Mixed-Density Residential Zone, the Low-Density Residential (RS) Zone allows a variety of units such as duplexes, townhouses and accessory dwelling units, which are recognized as needed housing types in the community.

Goal 12: Transportation. Goal 12 of the Oregon State Planning Goals seeks "to provide and encourage a safe, convenient and economic transportation system." This goal is implemented locally through the Independence Transportation System Plan, which considered the future development of the site as part of its transportation scenarios. This goal is achieved.

Goal 14: Urbanization. Finally, Goal 14 of the Oregon State Planning Goals seeks "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 proposed annexation and rezone effectively achieves this goal, ensuring that the area would accommodate urban population and employment, encourage the efficient use of land, and promote the development of a livable community. These items meet the intent of Goal 14.

Based on these considerations, the proposed changes have promoted the efficient use of urban land and incorporated opportunities for public feedback, all while effectively balancing considerations about housing, economic development, transportation, and the natural environment. This proposal satisfies the Oregon State Planning Goals.

VI. STAFF FINDINGS - INDEPENDENCE COMPREHENSIVE PLAN

An application for an annexation and Zoning Map change is required to be reviewed in accordance with the goals and policies of the Independence Comprehensive Plan. An analysis of the annexation and rezone considering these goals and policies is presented below.

Land Use

GOAL: To encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs.

Staff Response: The City of Independence Comprehensive Plan seeks to create and utilize land use regulations that promote the efficient use of land and honor the character of Independence. Among the policies in the plan include the establishment and utilization of appropriate residential land use designations for various portions of the community and the assurance that new residential land uses are consistent with the Comprehensive Plan designations of the area. This annexation and rezone achieves this goal.

The proposed annexation is sought in an area that is designated for residential use on the City of Independence Future Land Use map, and future development will be required to progress through a Subdivision and/or Site Design Review process, with a public notice period and potential public hearing required, prior to any development. These policies will be achieved given these items.

Urbanization

GOAL: To provide for an orderly and efficient transition from rural to urban land.

Staff Response: The Comprehensive Plan goal related to Urbanization seeks to promote the orderly and efficient transition of properties from rural to urban land uses. Key policies to implement this goal seek to:

- Promote coordination with Polk County to manage the Urban Growth Boundary.
- Encourage uniformity between planning documents to determine what land uses are anticipated.
- Assess the degree to which any annexation would impact public facilities.

The proposed annexation and rezone would effectively achieve these policies.

The proposal is sought in an area that is shown as Residential Use on the City of Independence Future Land Use Map, and the site will be required to address future water, wastewater and transportation needs as part of any future subdivision and/or other development (per Condition 2). Given these items, the goal and policies of the Urbanization Element will be achieved.

Public Facilities

…

Staff Response: The policies of the Public Facility Element seek to:

- Implement facility plans.
- Limit the extension of utilities to areas outside of the city limits.
- Have land use developments extend facilities to serve the development sites.

The applicant will be required to effectively address these policies as part of any future subdivision and/or development of the site.

Water and sewer services are currently available along 6th Street, west of the proposed annexation, though the city has not evaluated whether the lines will be adequate to serve the site. When a development is proposed on the property, the applicant will be required to show how the site will either tie into those lines or utilize some other option. Future development will require appropriate facilities that are consistent with the policies of the Public Facilities Element and the Public Works Design Standards. Given the variety of requirements that will apply to the site, the policies of the Public Facilities Element will be achieved.

VII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

The proposed annexation and rezone 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, without a review by the Independence Planning Commission. Standards for the decision are presented in Subchapter 11

(Administrative Provisions), Subchapter 12 (Zone Changes and Plan Amendments) and Subchapter 14 (Annexations). These standards are presented below.

Subchapter 11: Administrative Provisions

Staff Response: The application is considered a Type III action in the Independence Development Code. As such, the application requires a Public Hearing and decision by the Independence City Council.

The annexation request is subject to ORS 222.170. At the meeting of January 28, 2025, the City Council elected to dispense with submitting the question to the electors of the city. Following that decision, the city published notice of the hearing twice in the Polk County Itemizer-Observer, posted the project site as well as three other locations in the city (the Civic Center, library and Heritage Museum), and sent the notice to property owners within 250 feet of the annexation area. With those actions, the standards in Subchapter 11 will be met, so long as the following condition is achieved:

Condition 2: **Future development will be required to meet City of Independence standards, including but not limited to the Independence Public Works Design Standards and the Independence Development Code.**

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: Brendan McMullen, the property owner of the site, has submitted the request for the annexation. To include a more appropriate boundary for the site, the City chose to include their small portion of right-of-way adjacent to the site in the proposal. 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 paperwork for the annexation and rezone. The application seeks to zone a portion of the property at 6675 Corvallis Road as City – Low Density Residential (RS) (from its current zoning of County –

Suburban Residential (SR)). The proposed zone is appropriate given the residential designation on the Future Land Use map for the property, and the Low-Density Residential (RS) Zone that borders the site to the west.

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 and rezone per IDC Section 11.002(C). Any City Council decision on the application will be supported by written findings. Adoption of the change will be supported by an adopting ordinance.

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: The annexation of the property would create a situation where the existing zoning for the site (County – Suburban Residential Zone) is no longer appropriate. As such, a zone change will be required concurrent with the annexation.

Previous planning for the 8.9-acre site in the Independence Housing Needs Analysis identified the property as a developable area that is suitable for residential uses, which would help satisfy some of the housing needs in Independence. While the analysis anticipated bringing the majority of the Urban Growth Area into the city as Mixed-Density Residential (MX), the most flexible zone in the city, bringing this site in as Low-Density Residential (RS) is warranted in this limited instance due to the presence of nearby Low-Density Residential land and the flexibility in uses that is present in the zone.

Given these items, the annexation of the land would address both Criteria A and C above. This standard is met.

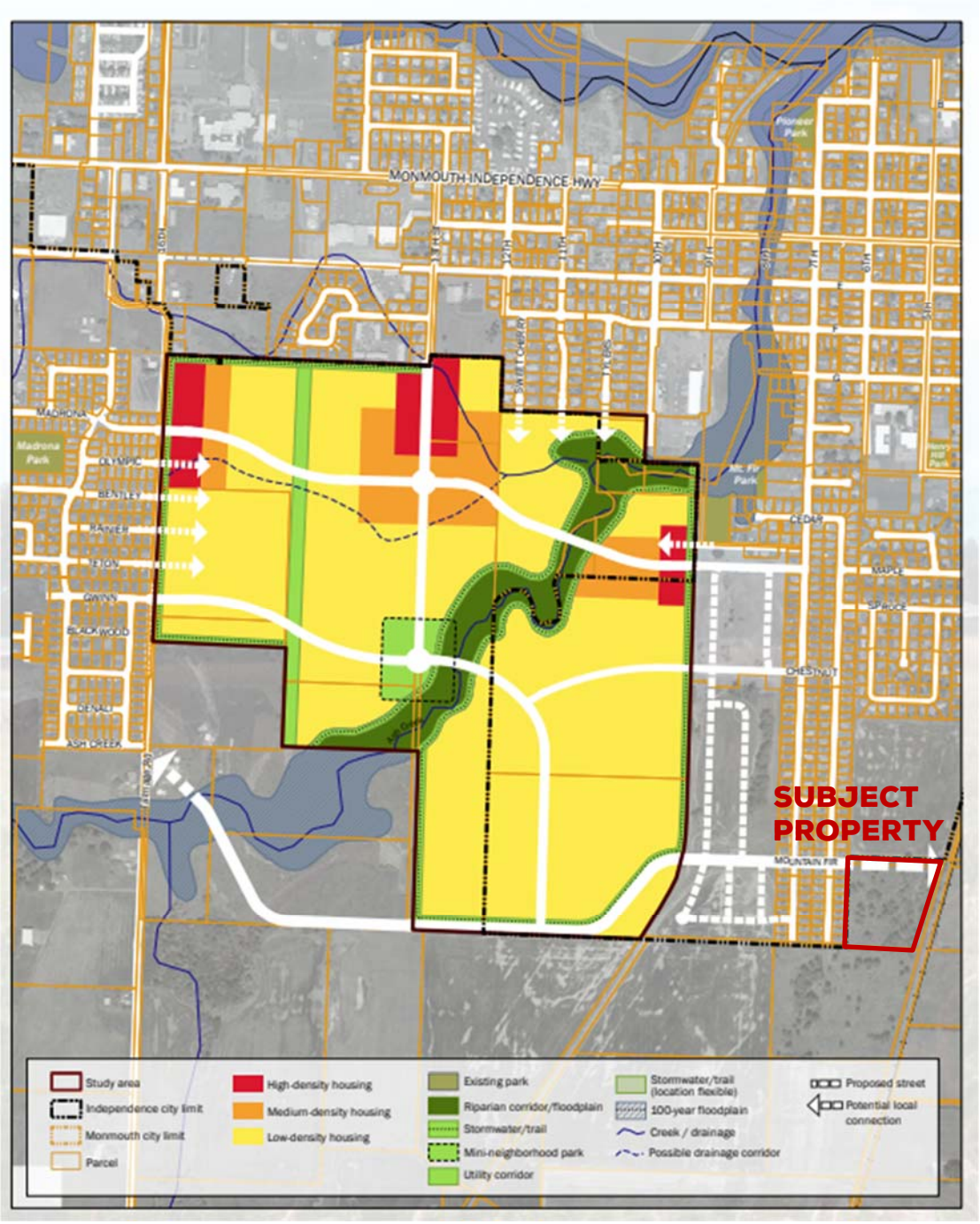
Subchapter 14: Annexation

14.030 Master Plan Requirement for Southwest Independence Concept Plan Area

…

Staff Response: The annexation subchapter in the Independence Development Code (Subchapter 14) only deals with annexations that are within the Southwest Independence Concept Area. The proposed annexation property lies east of the concept area boundary (see Figure 1). As such, the chapter does not apply to this application.

FIGURE 1: SOUTHWEST INDEPENDENCE CONCEPT AREA



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

RECEIVED
NOV 04 2024
CITY OF INDEPENDENCE

OFFICE USE ONLY	
Permit #:	Date Rec:
Land Use Fee:	
Notice Fee:	$60.00
Certified Labels (Opt.):	
Admin. Fee (10% or $500 Max):	
Total:	2835.00

GENERAL INFORMATION

Site Address: 6675 CORVALLIS RD.	Nearest Cross Street: MOUNTAIN FIR AVE
Tax Map: SEC. 33 T. 8S. R. 4W. W.M.	Tax Lot(s): 200 TRACT 3
Site Size: 8.73 AC	Site Dimensions: 614' x 616' (Avg.)

Project Summary (Attach Additional Sheets if Necessary):

Request annexation and simultaneous zone change of site so that residential development can occur with city services.

PROPERTY OWNER

Name: BRENDAN MCMULLEN		
Mailing Address: P.O. Box 3245		
City: SALEM	State: OR	Zip: 97302
Phone: —	Cell: 503-269-8171	Email: brendan.mcmullen@yahoo.com

APPLICANT

Name: same		
Business Name (if Applicable):		
Mailing Address:		
City:	State:	Zip:
Phone:	Cell:	Email:
Applicant's Interest in Property:		

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:	Signature:	Date:
BRENDAN MCMULLEN		11/1/24

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 Actions[1]:**	
[✓] Annexation *Attach petition to this application*	$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 *For Larger Commercial/ Industrial Development*	$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. CITY TO PREPARE

CHECK HERE FOR THIS OPTION [✓] and include $25 to the total due with your application.

[✓] Agreement for Payment of Land Use Application Fees (notarized).

After Signing Return To:
City of Independence
PO Box 7
Independence, OR 97351

Send Statement To:
BRENDAN McMULLEN
P.O. BOX 3245
SALEM, OR 97302

AGREEMENT FOR PAYMENT OF LAND USE APPLICATION FEES

CITY OF INDEPENDENCE ("City")
_____ ("Developer")

RECITALS

1. Developer has submitted a Land Use Application for Annexation & Zone change 6675 Corvallis Rd (Tract 3) ("Application") pertaining to real property located at within the City of Independence, Polk County, Oregon, and as more particularly described in the legal description attached as Exhibit A (Property).
2. The parties acknowledge that Developer has paid the base fee and costs as established in the latest Fee Schedule adopted by the City of Independence as part of Developer's Application.
3. The Developer acknowledges that the payment of the base fee may not cover the City's costs associated with processing the Application, and additional fees may be incurred. The Developer further agrees to pay these additional fees in the manner specified within this Agreement.

AGREEMENT

Based upon the above recitals, the parties agree as follows:

Section 1. Payment.
In consideration of the City requiring only a minimum base fee in order to begin processing the Developer's application, the Developer agrees to pay all City costs associated with processing the Application, including technical and legal review and public notice costs, over the base fee amount, on a monthly basis. Said costs shall include but not be limited City's planning, public works, engineering, administration, legal, wetland specialists, geologists, biologists, arborists, and any other services provided in processing the Application, at the rate(s) charged to the City.

Section 2. Binding Effect.

The terms of this Agreement shall extend to and be binding upon the heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

Section 3. Remedies.

Failure to pay City costs over the base fee amounts, as charged monthly by the City, shall result in the City pursuing any and all legal remedies available, including but not limited to placing a lien on the Property in the amount owed; prosecution for a violation of the adopted Fee Schedule, City Zoning Code, and Subdivision Regulations; issuance of a stop work order and/or non-issuance of building permits for Property; and turning the amount owed over to a collection agency.

Section 4. Arbitration.

If any disputes, disagreements, or controversies arise between the parties pertaining to the interpretation, validity, or enforcement of this Agreement, the parties shall, upon the request of either party, submit such dispute to binding arbitration. Except as otherwise provided in this Agreement, arbitration shall be requested by delivering to the other party a written request for arbitration. Within five (5) days of receipt of such request, the parties shall select a mutually agreeable arbitrator and designate mutually agreeable rules of arbitration. If the parties cannot agree upon an arbitrator within five (5) days, an arbitrator may be appointed by the Polk County Circuit Court, upon the request of either party submitted in accordance with ORS 36.310. If the parties have not designated mutually agreeable rules of arbitration at such time as the arbitrator is appointed, the arbitrator shall adopt rules for the arbitration. The arbitrator's decision shall be binding upon the parties.

Section 5. Attorney Fees and Costs.

If suit, action or arbitration is brought either directly or indirectly to enforce the terms of this Agreement, the prevailing party shall recover, and the losing party shall hereby agree to pay, reasonable attorney fees incurred in such proceeding, in both the trial and appellate courts, as well as the prevailing party's costs and disbursements. Further, if it becomes necessary for the City to contract for the services of an attorney to enforce any provision of the Agreement without initiating litigation, the Developer agrees to pay City's attorney fees so incurred.

CITY OF INDEPENDENCE:

By:_____

Date:_____

DEVELOPER:

By:_____

Date:_____

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____,

20_____, by _____, an authorized representative for CITY OF

INDEPENDENCE.

_____
Notary Public for Oregon

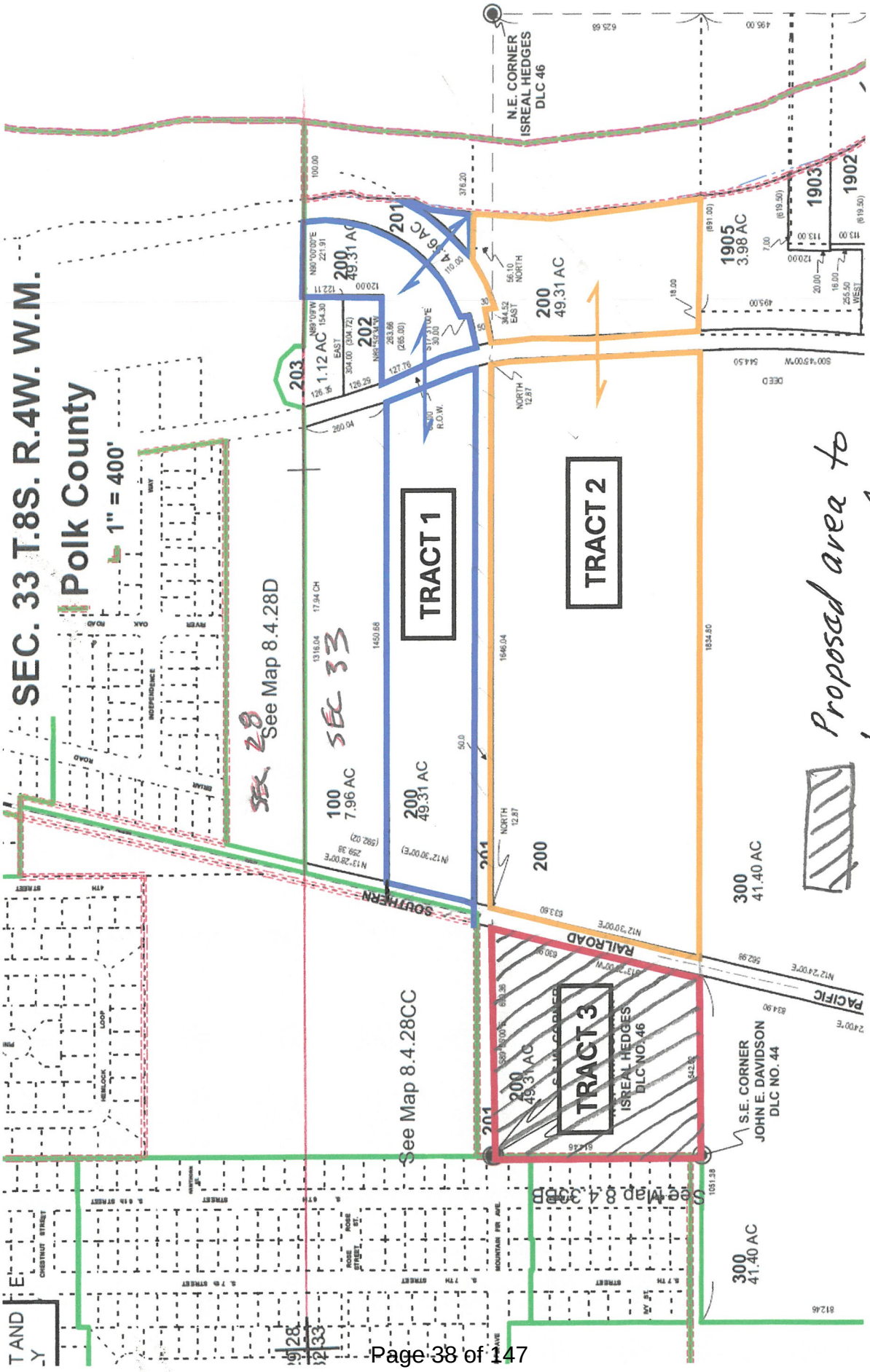
STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____,

20_____, by _____.

_____
Notary Public for Oregon

ATTACHMENT B



FIRST AMERICAN 4/6 5230

After recording return to:
Brendan McMullen
PO Box 3245
Salem, OR 97302

Until a change is requested all tax statements shall be sent to the following address:
Brendan McMullen
PO Box 3245
Salem, OR 97302

File No.: 7081-4165220 (TJ)
Date: May 13, 2024

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY
Kimberly Williams, County Clerk
2024-005730
08/01/2024 10:51:02 AM
REC-WD Cnt=1 Stn=7 K. WILLIAMS
$35.00 $11.00 $10.00 $60.00 $5.00
$121.00

STATUTORY WARRANTY DEED

James L. Jones and Garlin M. Jones, Trustees of the Jones Family Trust dated May 8, 2014 as to a one half interest and Patrick W. Henderson as to a one half interest, Grantor, conveys and warrants to **Brendan McMullen**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2024-2025** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **$1,200,000.00**. (Here comply with requirements of ORS 93.030)

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

Dated this 31 day of July, 2024.

Jones Family Trust dated May 8, 2014

James L. Jones, Trustee

James L. Jones, Trustee

Garlin M. Jones, Trustee

Garlin M. Jones, Trustee

Patrick W. Henderson

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

Dated this 31st day of July, 2024.

Jones Family Trust dated May 8, 2014

_____

James L. Jones, Trustee

_____

Garlin M. Jones, Trustee

Patrick W. Henderson

Patrick W. Henderson

APN: **211219** Statutory Warranty Deed - continued File No.: **7081-4165220 (TJ)**

STATE OF Oregon)
)ss.
County of ~~Polk~~ Clackamas)

This instrument was acknowledged before me on this 31st day of July, 2024 by James L. Jones and Garlin M. Jones as Trustees of Jones Family Trust, on behalf of the Trust.

OFFICIAL STAMP
MICHAEL JOHN SEIBL
NOTARY PUBLIC - OREGON
COMMISSION NO. 1012347A
MY COMMISSION EXPIRES MAY 11, 2025

Notary Public for Oregon
My commission expires:

Michael John Seibl
Notary Public - State of Oregon
Commission Expires 5/11/2025

STATE OF Oregon)
)ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____, 20____ by **Patrick W. Henderson.**

Notary Public for Oregon
My commission expires:

STATE OF Oregon)
)ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____, 20____ by James L. Jones and Garlin M. Jones as Trustees of Jones Family Trust, on behalf of the Trust.

_____

Notary Public for Oregon
My commission expires:

STATE OF Oregon)
)ss.
County of ~~Polk~~ Marion)

This instrument was acknowledged before me on this 31st day of July, 20 24 by **Patrick W. Henderson**.

_____

Notary Public for Oregon
My commission expires: 2-23-27

OFFICIAL STAMP
TIFFANY REBECCA JOHNSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 1034179
MY COMMISSION EXPIRES FEBRUARY 23, 2027

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

Tract 1: Dewey Hill Place: Beginning at a point on the Section line between Sections 28 and 33, in Township 8 South, Range 4 West of the Willamette Meridian, which is crossed by the East line of the Southern Pacific Railroad right-of-way 17.94 chains West of the Quarter Section corner between the two said Sections; thence South 12 1/2 degrees West along said right-of-way 8.97 chains to a point on said right-of-way 19 1/2 links beyond where said right-of-way is interx by the South line of the Henry Hill Donation Land Clain; thence East 24.94 chains to the County road; thence North along said road 19 1/2 links to the interx of the South line of the Henry Hill Donation Land Claim; thence East along said line 5.22 chains; thence North 85 links; thence East to the Bank of the Willamette River; thence in a Northerly direction along the bank of said river to a point due East of the Place of Beginning; thence West to the Place of Beginning.

Save and except: That certain tract of land conveyed to Ralph Tautfest by deed recorded in Volume 121, Page 50, Deed Records for Polk County, Oregon. Also save and except a conveyance to Inman-Paulsen Lumber Company in Volume 110, Page 368, Deed Records, Polk County, Oregon.

Further save and except: Beginning at an iron pipe which is 527.31 feet East of the Quarter corner between Sections 28 and 33, Township 8 South, Range 4 West, Willamette Meridian in Polk County, Oregon; and running thence West 339.87 feet to the East line of Polk County Market Road No. 9; thence Southeasterly along said East Line 252.58 feet; thence East to a point which is South of the Place of Beginning; thence North to the Place of Beginning.

Tract 2: Commencing at a point on the East side of the Southern Pacific railroad right-of-way, which is due East of the Southeast corner of the J.E. Davidson Donation Land Claim, Township 8 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence North 12 1/2 degrees East 9.60 chains to a point on said right-of-way 19 1/2 links South 12 1/2 degrees West of the interx of the South line of the Henry Hill Donation Land Claim with the East line of said right-of-way; thence East 24.94 chains to the County Road; thence North 19 1/2 links to the South line of the Henry Hill Donation Land Claim; thence East 5.22 chains to a point marked by iron pipe on East bank of slough about 6.00 chains West of the bank of the Willamette River; thence North 85 Links; East 5.70 chains to the bank of the Willamette River; thence Southerly along the bank of the river to a point due East of the Place of Beginning; thence West to the Place of Beginning.

Tract 3: Beginning at the iron pipe at the Southeast corner of the J.E. Davidson Donation Land Claim Notification No. 1515, Claim No. 44 in Section 33 of Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North 9.31 chains to an iron pipe on the South boundary of the railroad right-of-way of the Inman-Paulsen Lumber Company; thence South 89 degrees 55' East 10.46 chains to an iron pipe on the West boundary of the Southern Pacific Railroad right-of-way; thence South 13 degrees 28 West 9.56 chains to an iron pipe on said right-of- way; thence West 8.22 chains to the Place of Beginning. Reserving a right-of-way over and across a strip of land 50 links wide on the West side of the above described tract of land, for road purposes.

PETITION FOR ANNEXATION AND ZONE CHANGE

This petition is for a property owner initiated Annexation and Zone Change under Chapters 11 and 12 of the Independence Development Code (IDC). The following information is provided as required by IDC 12.010.

A. The present zoning of the property is Suburban Residential (SR) as designated by Polk County and the Plan designation is Urban Reserve (UR).

B. The proposed zoning is Low-Density Residential (RS) as designated by City of Independence and the Plan Designation is Residential.

C. The street address of the property is:

6675 Corvallis Road; Independence , Or 97351

Tax Map : SEC 33, T. 8 S., R. 4 W. W.M.; Tax Lot 200 (TRACT 3)

D. Legal description of the property:

Beginning at the iron pipe at the Southwest corner of the J.E. Davidson Donation Land Claim Notification No. 1515, Claim No. 44 in Section 33 of Township 8 South, Range West of the Willamette Meridian in Polk County, Oregon; thence North 9.31 chains to an iron pipe on the South boundary of the railroad right-of-way of the Inman-Paulsen Lumber Company; thence South 89 degrees 55' East 10.46 chain to an iron pipe on the West boundary of the Southern Pacific Railroad right-of-way; thence South 13 degrees 28' West 9.56 chains to an iron pipe on said right-of-way; thence West 8.22 chains to the Place of Beginning. Reserving a right-of-way over and across a strip of land 50 links wide on the West side of the above described tract of land, for road purposes.

E. Name and address of the owner of the property to be reclassified is:

Brendan McMullen; P.O. Box 3245; Salem, Oregon; 97302

F. Signature of the owner of Property to be reclassified:

Signature Brendan McMullen Date 11/1/24

G. Map showing all properties within the notification area.

To be prepared by City

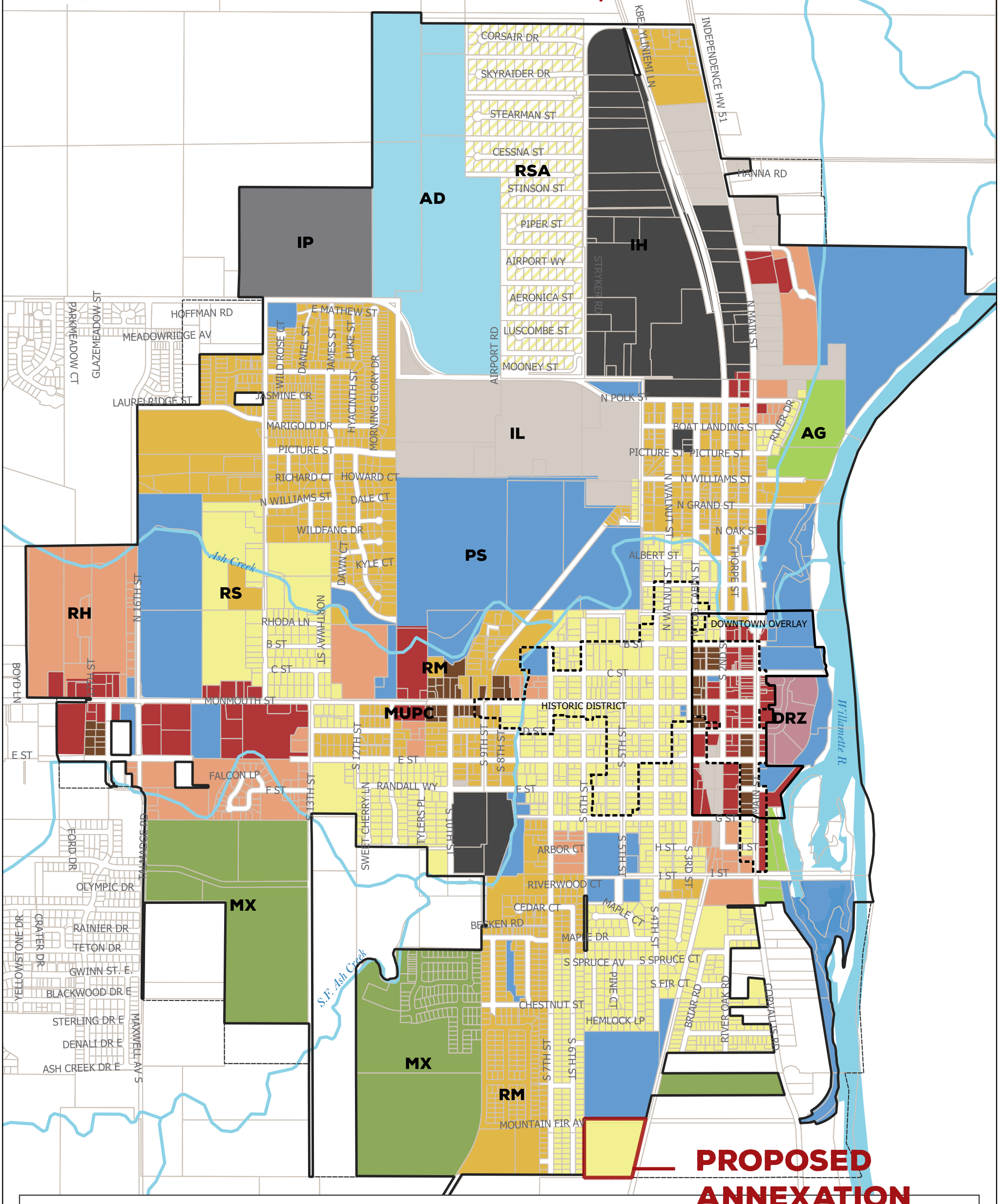
H. Certified list of names and addresses of all owners within the notification area.

To be prepared by City

ATTACHMENT E

CITY OF INDEPENDENCE ZONING MAP

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

Updated 01.21.2025

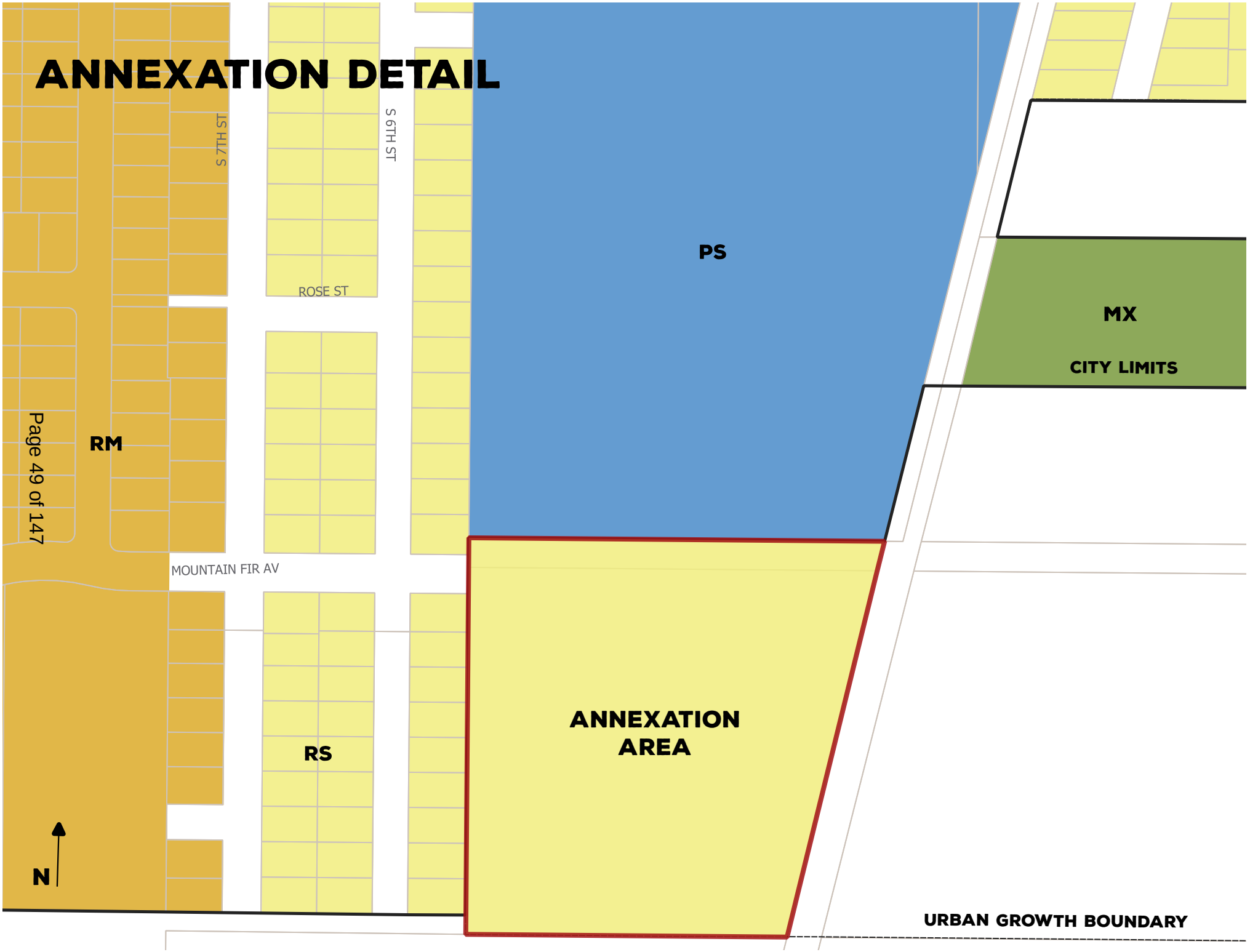

ANNEXATION DETAIL
S 7TH ST
S 6TH ST
ROSE ST
PS
MX
CITY LIMITS
RM
MOUNTAIN FIR AV
RS
ANNEXATION AREA
N
URBAN GROWTH BOUNDARY

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon described as follows:

Beginning at the iron pipe at the Southeast corner of the J.E. Davidson Donation Land Claim Notification No. 1515, Claim No. 44 in Section 33 of Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North 9.31 chains to an iron pipe on the South boundary of the railroad right-of-way of the Inman-Poulsen Lumber Company; thence South 89 degrees 55 minutes East 10.46 chains to an iron pipe on the West boundary of the Southern Pacific Railroad right-of-way; thence South 13 degrees 28 minutes West 9.56 chains to an iron pipe on said right-of-way; thence West 8.22 chains to the place of beginning. Reserving a right-of-way over and across a strip of land 50 links wide on the West side of the above-described tract of land, for road purposes.

ALSO, a parcel of land lying in Section 33, Township 8 South, Range 4 West, Willamette Meridian, Polk County, Oregon conveyed to Georgia-Pacific Corporation by Inman-Poulsen Timber Corporation described as Parcel 2 on page 353 by document recorded February 11, 1963, in Volume 184, Page 342, Deed Records, Polk County, Oregon, more particularly described as follows:

Commencing at a Southwest corner of the Henry Hill Donation Land Claims in Sections 28 and 33, Township 8 South, Range 4 West of the Willamette Meridian, thence running South 4.62 feet, thence running North 89 degrees 17 minutes East 690 feet to the West line of the right-of-way of the Southern Pacific Railroad, thence running North 13 degrees 28 minutes East 51.4 feet along said right-of-way line, thence running South 89 degrees 17 minutes West 700 feet to a point in the West boundary line of the Henry Hill Donation Land Claims, thence running South 45.38 feet to a point of beginning, all lying within the Henry Hill Donation Land Claims in Sections 28 and 33, Township 8 South, Range 4 West of the Willamette Meridian.

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: May 13, 2025
SUBJECT: Continued Public Hearing to Annex Certain Rights-of-Way into the City of Independence

[ ] Information Only [X] Action Requested

Statement of Issue

Continued Public Hearing to consider the annexation of portions of various roadways into the City of Independence.

Background

On April 8th, 2025, the City of Independence City Council started a Public Hearing to consider the annexation and rezone of portions of Corvallis Road, Hoffman Road and the old 6th Street. The hearing was continued to May 13th.

During the meeting, the Council heard several questions about the annexation and encouraged staff to find out additional information about the proposal. Items raised included:

- Whether the proposal included a zone change.
- Whether the road annexation would change the taxing of the neighboring properties.
- Whether the annexation would create an island that could be annexed by the City.
- Whether Corvallis Road would require additional right-of-way.

Responses to these questions are attached to this document as Public Hearing: Document 2.

The original Staff Report for the Public Hearing is attached as Public Hearing: Document 1.

Discussion

The Independence City Council started the public hearing for the annexation of Corvallis Road and Hoffman Road, as well as a portion of the old 6th Street, on April 8, 2025.

The annexation was initiated by the City of Independence to start the process to transfer jurisdiction of county roads to the city. The transfer is intended to:

- Ensure that the construction or reconstruction of roads is completed to city public works, transportation master plan, and development code standards when development happens along the roadways; and
- Streamline the process for property owners to make improvements to the roads that front their properties----of note, currently some of the roadways currently have portions in both the city and the county and any improvement projects will require the approval of both the jurisdictions unless this annexation is approved; and
- Allow the city to control the speed limits and set specific speed safety zones, such as zones for parks, businesses, and schools.

The public hearing was continued to the meeting of May 13th.

If the annexation is approved as part of a Council Bill, following the close of the public hearing, the city would have jurisdiction over all roadways in the Independence Urban Growth Boundary except OR-51. The Oregon Department of Transportation would retain jurisdiction over the entirety of OR-51.

Options

During the May 13th hearing, the Council will either:

A. Take testimony and eventually close the public hearing once the testimony has been heard. A related Council Bill to adopt the annexation would be considered as part of a later agenda item at the meeting.
B. Take testimony and, if additional questions remain, continue the Public Hearing to a date certain.

Recommendation/Suggested Motion

Staff recommends Option A.

Attachments: Public Hearing: Document 1 – Staff Report and Attachments from the Public Hearing on April 8, 2025

Public Hearing: Document 2 – Staff Report Addendum (Responding to Questions raised on April 8, 2025)

Prepared by Fred Evander, Community Planner
Reviewed and Approved by Kenna West, City Manager

INDEPENDENCE
Oregon's Story Begins Here

BTYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2025-01)
STAFF REPORT

MEETING DATE:	April 8, 2025
RECOMMENDATION:	**APPROVE**
FILE NUMBER:	AX	2025-01
APPLICANT:	City of Independence
REQUEST:	Annex Certain Rights-of-Way into the City of Independence. No New Comprehensive Plan Future Land Use Designation or Zoning would be Established for the Rights-of-Way
PROPERTY:	Portions of Corvallis and Hoffman Roads. Also, a portion of the old 6th Street.
FUTURE LAND USE:	Existing: County – Future Land Use: Urban Reserve Proposed: City - Undesignated
ZONING:	Existing: County – Suburban Residential (SR) Proposed: City – No New Future Land Use/Zoning Proposed
CRITERIA:	Oregon State Planning Goals 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. Potential Council Actions V. Staff Findings – Oregon State Planning Goals VI. Staff Findings – Independence Comprehensive Plan VII. Staff Findings – Independence Development Code
ATTACHMENTS:	A. Rights of Way Proposed to be Annexed (1 page) B. Legals of Proposed Annexations (8 pages)

I. BACKGROUND AND PROCESS

This application seeks to annex three rights of way into the City of Independence. These rights-of-way include portions of Corvallis Road and Hoffman Road, as well as a portion of the old 6th Street. Attachment A provides a depiction of the rights-of-way.

The annexation is proposed in part to start a process to conduct a jurisdictional transfer of county roads to city jurisdiction. The transfer is intended:

- To ensure that the construction or reconstruction of roads is completed to city public works, transportation master plan, and development code standards when development happens along the roadways.
- To streamline the process for property owners to make improvements to the roads that front their properties (some of the roadways have portions in both the city and the county and any improvement projects would require the approval of both the jurisdictions).
- To allow the city to control the speed limits and set specific speed safety zones, such as zones for parks, businesses, and schools.

In short, the change is primarily intended to ensure the consistent management and improvement of rights-of-way in the Independence Urban Growth Area.[1]

If the annexation is approved, the city would have jurisdiction over all roadways within the Independence Urban Growth Boundary except for OR-51. The Oregon Department of Transportation would retain jurisdiction over the entirety of OR-51.

II. AGENCY AND PUBLIC COMMENTS

To provide notice of the annexation, the city sent out notice to individuals within 250 feet of each of the roadway segments on March 12, 2025. No official public comments were provided regarding the application as of the date of this staff report, though several individuals did ask staff about the annexation.

III. POTENTIAL COUNCIL ACTIONS

Based on the findings below, the Council may:

- Close the hearing and consider a Council Bill to approve of the changes.
- Modify the proposal.
- Request additional information.
- Deny the proposal.

[1] In making these changes, the City has also proposed the annexation of a small part of the old 6th Street right-of-way, a portion of which has existing City zoning. Four of the properties along the former right-of-way are partially in the City and partially in the County. Any permits to develop the land would additionally require the approval of both agencies.

IV. STAFF FINDINGS – OREGON STATE PLANNING GOALS

Annexations and changes to the Independence Comprehensive Plan and Zoning Map 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), Housing (Goal 10), Public Facilities (Goal 11), Transportation (Goal 12) and Urbanization (Goal 14), which together are implemented through measures such as the Independence Comprehensive Plan and Development Code. Combined these goals seek to:

- Assure that citizens are involved in the planning process. (see Goal 1)
- "Provide and encourage a safe, convenient and economic transportation system." (see Goal 12)
- "Provide for an orderly and efficient transition from rural to urban land use." (see Goal 14)
- "Accommodate urban population and urban employment inside urban growth boundaries." (see Goal 14)

This annexation has been pursued with these provisions in mind.

The proposed annexation would allow the City of Independence to control the bulk of the roads in the Urban Growth Boundary, which would streamline the review of projects and ensure that future development meets city standards (ensuring an orderly and efficient transition of the Urban Growth Boundary from rural to urban land use). The proposal would also limit the possibility that both the County and the city would have to conduct separate reviews for projects. For example, with the existing city boundary, roads such as Corvallis Road have small strips of land that are within the city limits, and larger strips that are within the unincorporated Urban Growth Boundary. Given the configuration, an applicant is required to get approval from both the City of Independence and Polk County for an improvement to the roads. The proposed annexation would make the city solely responsible for the facilities.

Given these items, the proposal would help to promote the orderly development and maintenance of roads in the Independence Urban Growth Boundary and be consistent with the Oregon State Planning Goals.

V. STAFF FINDINGS – INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY AND THE CITY OF INDEPENDENCE

Annexation of property is additionally required to be consistent with the intergovernmental agreement between Polk County and the City of Independence for the management of the Independence unincorporated Urban Growth Boundary. Per the agreement, the city and county agree that "the type and form of development within urbanizable areas is to be guided by the municipality's adopted land use and growth management plans" (see Policy 5), though Polk County would "retain responsibility for land use decisions and actions affecting the urbanizable area until such time as annexation to the city occurs" (see Policy 6). The inherent tension between these policies is a fundamental reason to annex the facilities.

Under the agreement, the county makes decisions about the design of roads based on city standards, so long as the roadways remain under county jurisdiction. This framework requires the county to use and interpret the city development standards and runs the risk that key standards (such as the depth of rock on which the road is built, the width of a sidewalk, or the placement of a pipe) are overlooked as part of the review. If a standard is missed, the improved roadway will not conform to city standards and the city will be forced to either annex a substandard road, pay to improve the road (to meet city standards), or elect to not annex the facility because of the cost to improve the street.

To limit the possibility of errors, the proposed annexation will put the roadways completely under the jurisdiction of the city and ensure that all future plan review and inspections are conducted by the City of Independence.

VI. STAFF FINDINGS – INDEPENDENCE COMPREHENSIVE PLAN

Proposals for annexation and Comprehensive Plan/Zoning Map changes must additionally be considered following the goals and policies of the Independence Comprehensive Plan. An analysis of the annexation and redesignation/rezone, considering these policies, is presented below.

Land Use

GOAL: To encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs.

Staff Response: The Land Use Element of the Independence Comprehensive Plan seeks to encourage efficient land use, and zone land consistent with Comprehensive Plan designations. This annexation and zone change meets these intents.

Corvallis Road and Hoffman Road (as well as the undesignated portion of the old 6th Street right-of-way) would not be designated with a Comprehensive Plan or zoning designation, in keeping with the historic approach of the city to the designation of roads. All future work on the facilities would occur in accordance with the road standards in the Transportation System Plan and the Public Works Design Standards.

The portion of the old 6th Street right-of-way that is designated as Low-Density Residential (RS) would retain the existing zoning.

This approach would achieve this goal.

Urbanization

GOAL: To provide for an orderly and efficient transition from rural to urban land.

Staff Response: Goals and policies related to Urbanization in the City of Independence seek to promote the orderly and efficient transition of properties from rural to urban land use. Key policies to implement this goal seek:

- To promote coordination with Polk County to manage the Urban Growth Boundary.
- To annex land in a manner that is consistent with the Comprehensive Plan and any concept plans adopted for the area.

This proposal effectively addresses these policies. The proposal is sought to allow the city to guide the design and construction of the roads as new development occurs to ensure the orderly and efficient transition of land from rural to urban land use.

Transportation

…

Staff Response: The goals of the Transportation System Plan seek:

- To “develop and maintain a transportation system that is consistent with the community vision of a vibrant, historic, riverfront, full-service community” (see Goal 1)

- To “support the development and implementation of transportation solutions that are future focused” (see Goal 5)
- To “maintain the financial stability of the city” (see Goal 6)

This annexation supports these intents.

The proposed annexation would ensure that the city has control of roadways that are envisioned to implement the community vision in the Transportation System Plan and guarantee that the roads are built in accordance with city standards. The annexation would anticipate future development, and be fiscally responsible, ensuring that the city would manage the review and construction of any improvements to the roads. City jurisdiction over the facilities would additionally help to ensure that roads were constructed in a manner that met city standards and minimize the confusion (and cost) that may result from another jurisdiction reviewing an Independence development project.

Given these considerations, the proposed annexation would support the community vision, be future focused, and be fiscally responsible. These goals would be achieved.

V. STAFF FINDINGS - INDEPENDENCE DEVELOPMENT CODE

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, without a review by the Independence Planning Commission. Standards for the decision are presented in Subchapter 11 (Administrative Provisions), Subchapter 12 (Zone Changes and Plan Amendments) and Subchapter 14 (Annexations). These standards are presented below.

Subchapter 11: Administrative Provisions

Staff Response:

The application to annex the roadways is considered a Type III action in the Independence Development Code. The application requires a Public Hearing and decision by the Independence City Council.

The annexation request is subject to ORS 222.170. At the meeting of February 11, 2025, the City Council elected to dispense with submitting the question to the electors of the city and directed staff to provide notice for a public hearing on the proposal. Following that decision, the city published notice of the hearing twice in the Polk County Itemizer-Observer, posted the notice in three locations in the city (the Civic Center, library and Heritage Museum), and sent the notice to property owners within 250 feet of the roadways on March 12, 2025. Given these items, the standards in Subchapter 11 are met.

No formal comments have been submitted as a result of the notice provided as part of the application.

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: The City of Independence has worked with Polk County, the existing agency in control of the rights-of-way, as part of this annexation. 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 City of Independence has submitted the necessary paperwork for a future land use/rezone proposal. The application would annex portions of Corvallis Road, Hoffman Road and the old 6th Street. As part of the annexation, the County Comprehensive Plan map and zoning classifications would be removed from the roadways and the City would apply an undesignated Future Land Use/Zoning classification to the roads. This standard is achieved.

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 and redesignation/rezone request per IDC Section 11.002(C). Any City Council decision on the proposal will be supported by written findings, and adoption of the change will be supported by an ordinance.

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: The annexation of the roadways is intended to be a future focused, fiscally responsible approach that will ensure that roads in the Urban Growth Area are constructed in accordance with city standards.

The annexation would help:

- To ensure that the construction or reconstruction of roads is completed to city public works, transportation master plan, and development code standards when development occurs along the roadways.
- To streamline the process for property owners to make improvements to roads fronting their properties (many of the roadways currently have portions in both the city and the county and any improvement projects would require the approval of both jurisdictions).
- To allow the city to control speed limits and set specific speed safety zones, such as zones for parks, businesses, and schools.

Given these items, the annexation would address Criteria C above. This standard is met.

Subchapter 14: Annexation

14.030 Master Plan Requirement for Southwest Independence Concept Plan Area

…

Staff Response: Subchapter 14 of the Independence Development Code deals with annexations in the Southwest Independence Concept Area. No roads are proposed to be annexed within the area. This standard is achieved.

ATTACHMENT A

CITY OF INDEPENDENCE

Proposed Right-of-Way Annexations

PORTION OF HOFFMAN ROAD

PORTION OF OLD 6TH STREET

PORTION OF CORVALLIS ROAD

CORSAIR DR
SKYRAIDER DR
STEARMAN ST
CESSNA ST
STINSON ST
PIPER ST
AIRPORT WY
AERONICA ST
LUSCOMBE ST
MOONEY ST
KBEL-YLINIEMI LN
INDEPENDENCE HW 51
HANNA RD
STRYKER RD
AIRPORT RD
N MAIN ST
N POLK ST
BOAT LANDING ST
RIVER DR
N ASH ST
PICTURE ST
N WILLIAMS ST
N WALNUT ST
N GRAND ST
N OAK ST
THORPE ST
N LOG CABIN ST
S 2ND ST
B ST
C ST
HOFFMAN RD
MEADOWRIDGE AV
PARKMEADOW CT
GLAZEMEADOW ST
LAUREL RIDGE ST
JASMINE CR
MARIGOLD DR
PICTURE ST
RICHARD CT
HOWARD CT
N WILLIAMS ST
DALE CT
KELLI CT
SCOTT CT
KYLE CT
DAWN CT
N 13TH ST
HYACINTH ST
MORNING GLORY DR
WILD ROSE CT
DANIEL ST
JAMES ST
LUKE ST
E MATHEW ST
Ash Creek
N 16TH ST
RHODA LN
NORTHWAY ST
B ST
C ST
17TH ST
MONMOUTH ST
D ST
E ST
F ST
FALCON LP
S 13TH ST
RANDALL WY
SWEET CHERRY LN
TYLERS PL
S 10TH ST
S 9TH ST
S 8TH ST
S 6TH ST
S 5TH ST
S MAIN ST
G ST
H ST
I ST
ARBOR CT
RIVERWOOD CT
CEDAR CT
BECKEN RD
MAPLE CT
MAPLE DR
S SPRUCE AV
S SPRUCE CT
S FIR CT
PINE CT
CHESTNUT ST
HEMLOCK LP
BRIAR RD
RIVER OAK RD
CORVALLIS RD
S 7TH ST
S 6TH ST
MOUNTAIN FIR AV
FORD DR
OLYMPIC DR
RAINIER DR
TETON DR
GWINN ST. E.
STERLING DR E
DENALI DR E
MAXWELL AV S
RIDGEWAY LN
S.F. Ash Creek
Willamette R.
URBAN GROWTH BOUNDARY

LEGEND

City Limits | Urban Growth Boundary | Proposed Right-of-Way Annexation

EXHIBIT A

A unit of land situated in the south one-half of Section 28 and the north one-half of Section 33, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being a portion of Corvallis Road lying south of I Street, and more particularly described as follows:

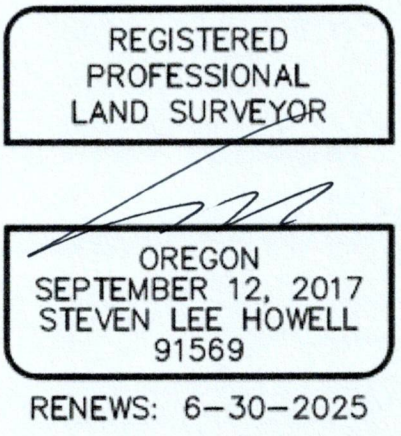
Beginning at the southwest corner of Parcel 2 of Partition Plat 2001-0014, Polk County Plat Records, being also on the east line of said Corvallis Road;

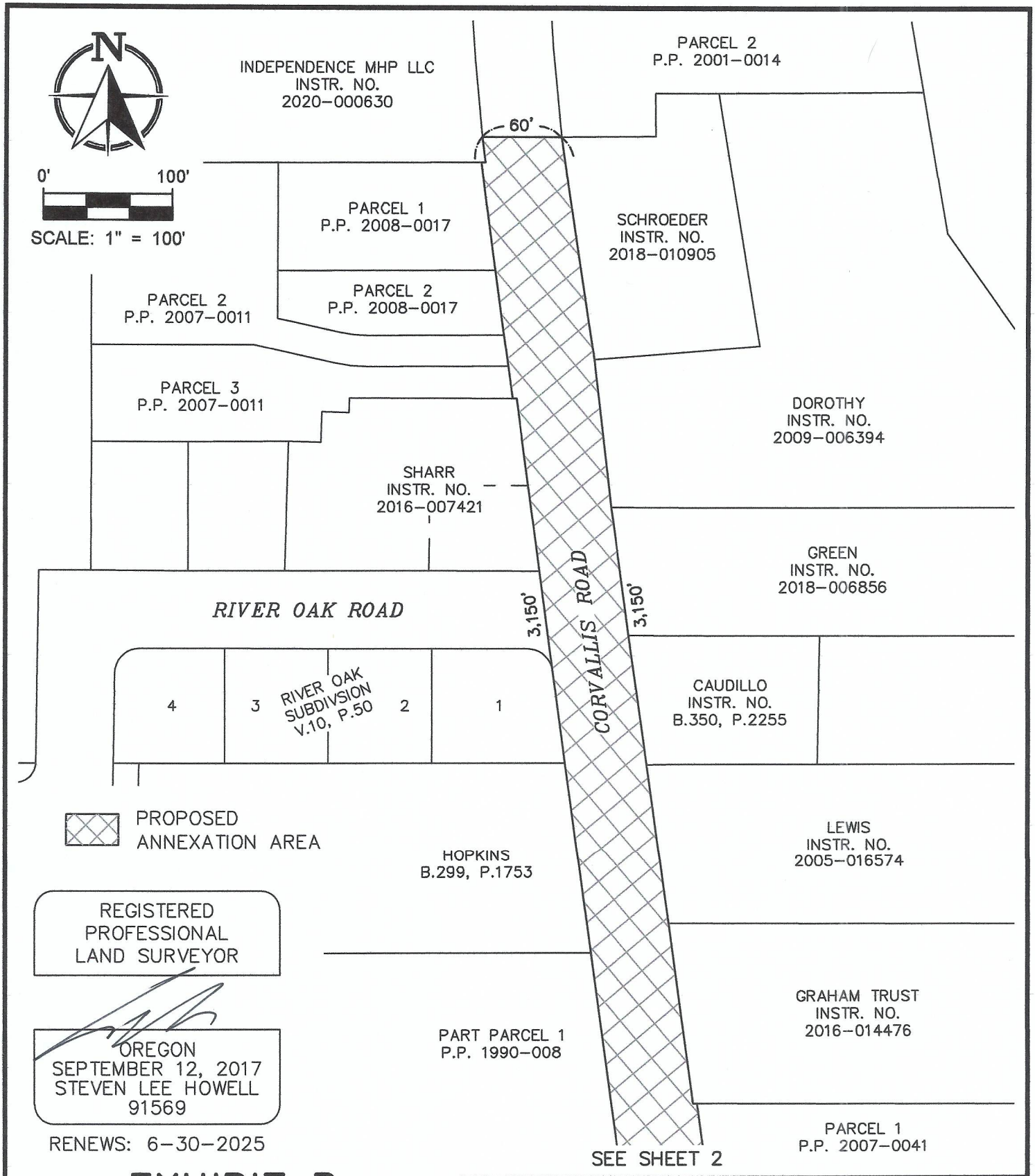
thence, going southerly along the east line of said Corvallis Road approximately 3,150 feet to the existing Urban Growth Boundary;

thence, going westerly along said Urban Growth Boundary approximately 60 feet to the west line of said Corvallis Road;

thence, going northerly along the west line of said Corvallis Road approximately 3,150 feet to a point which bears west of the Point of Beginning;

thence, going east approximately 60 feet to the Point of Beginning.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23-477

SHEET
1/3

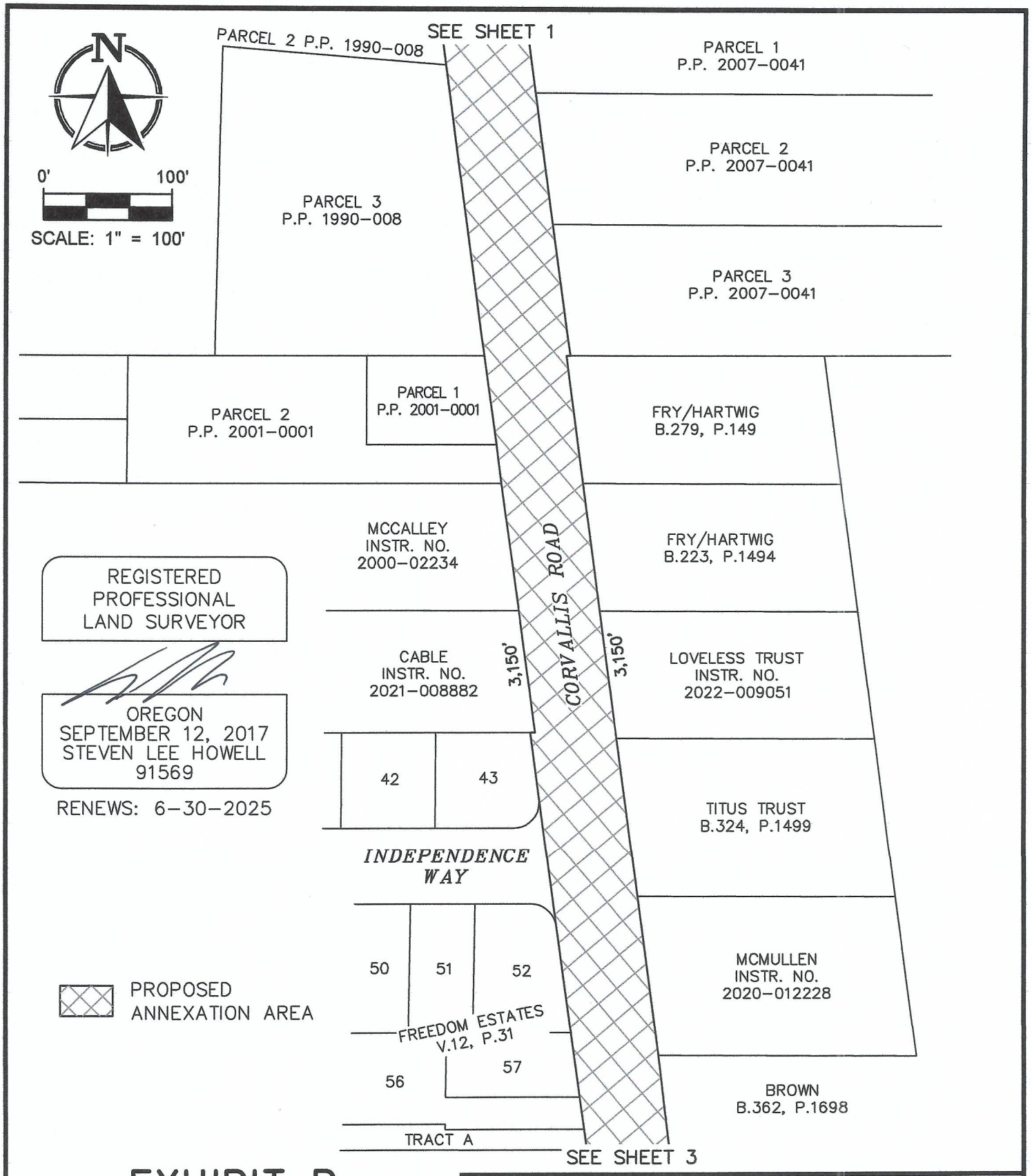


EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
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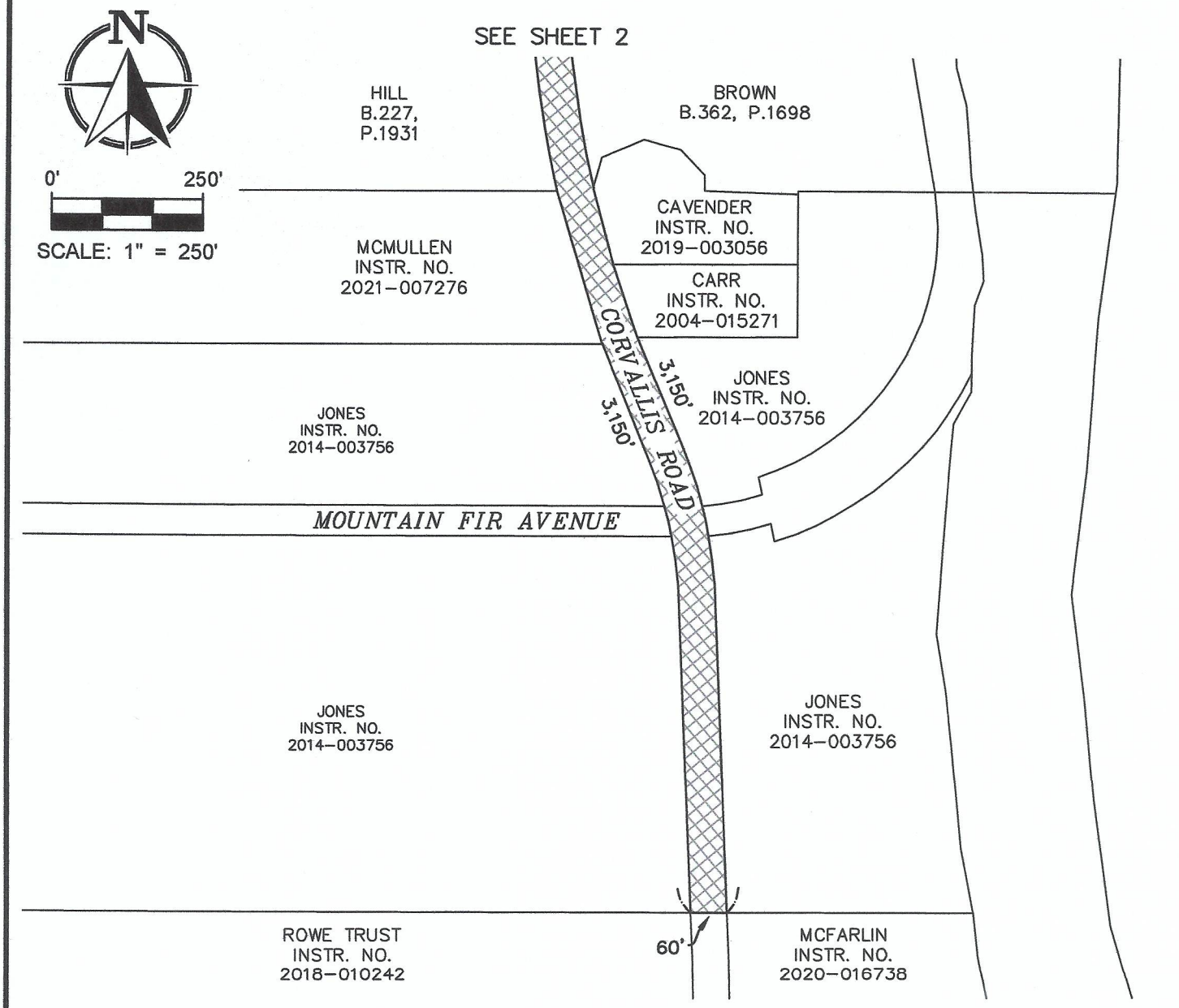
JOB NO. 23-477

SHEET 2/3



PROPOSED ANNEXATION AREA

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6–30–2025

EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23–477

SHEET
3/3

EXHIBIT A

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:

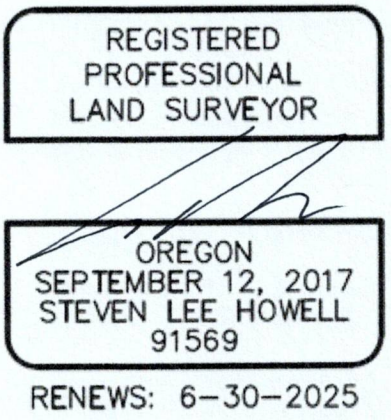
Beginning at the northeast corner of Parcel 1 of Partition Plat 2002-0030, Polk County Records, being coincident with the south line of said Hoffman Road;

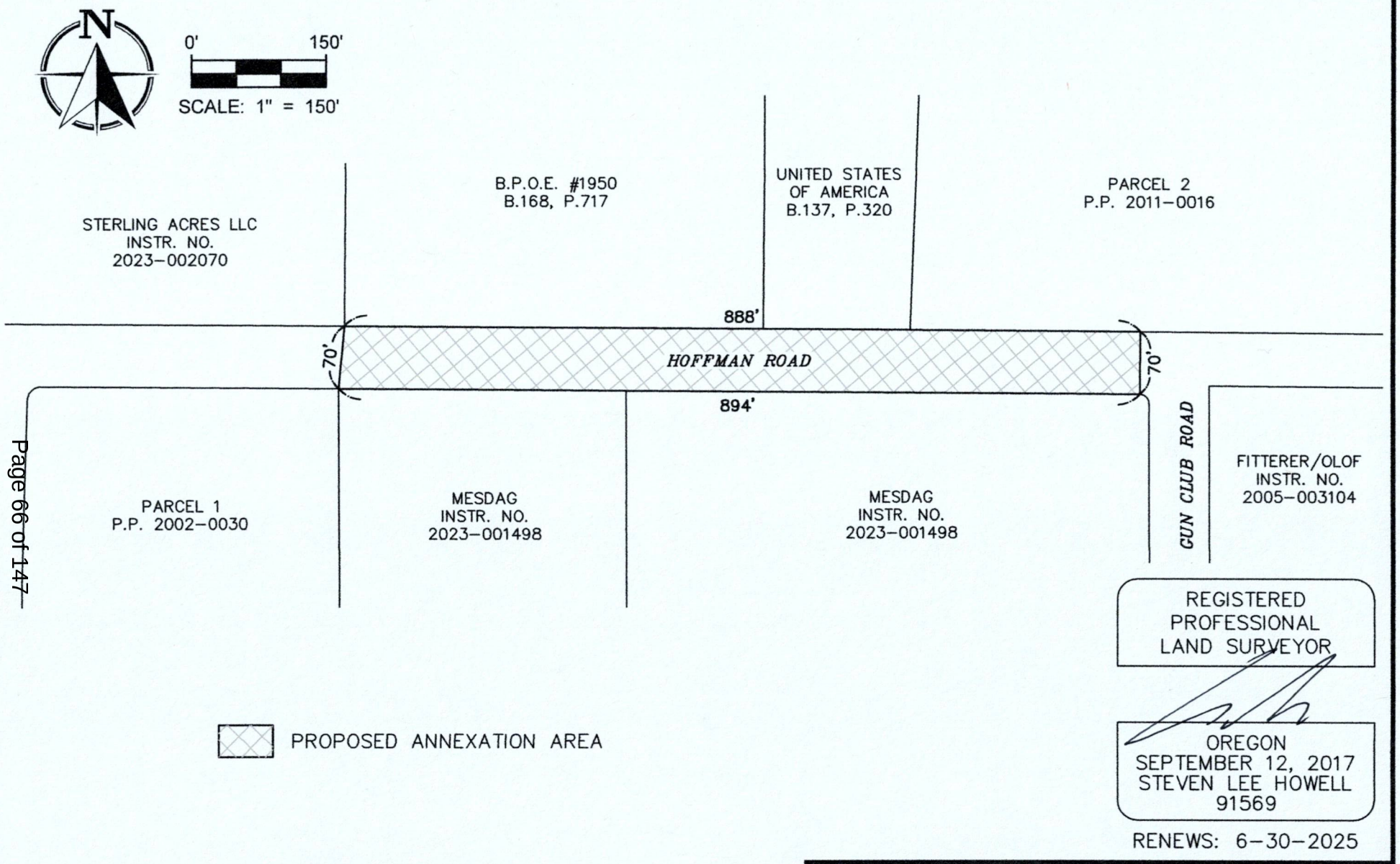
thence, going northerly approximately 70 feet to the north line of said Hoffman Road, being coincident with the southeast corner of that property conveyed to Sterling Acres LLC by Instrument Number 2023-002070, Polk County Deed Records;

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.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE NW 1/4 OF SECTION 20
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON

DATE: JANUARY 31, 2025

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23-477

SHEET
1/1

EXHIBIT A

A unit of land situated in the southwest one-quarter of Section 28, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being the west 33 feet of Lots 10, 11, 12 and 22 of HILL PARK ADDITION NO. 3, recorded in Volume 6, Page 29, Polk County Book of Town Plats, a portion of Unimproved 6th Street lying south of Maple Drive and a portion of that property conveyed to Central School District 13J by Book 336, Page 2235, Polk County Records, and further described as follows:

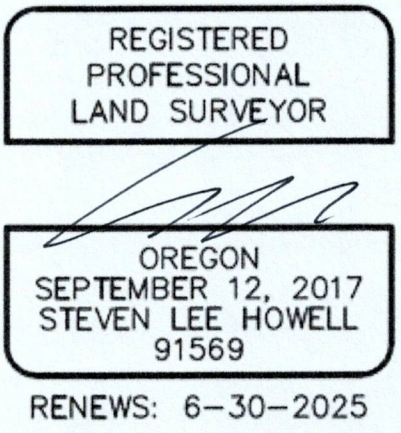
Beginning at the southwest corner of Lot 8 of said HILL PARK ADDITION NO. 3;

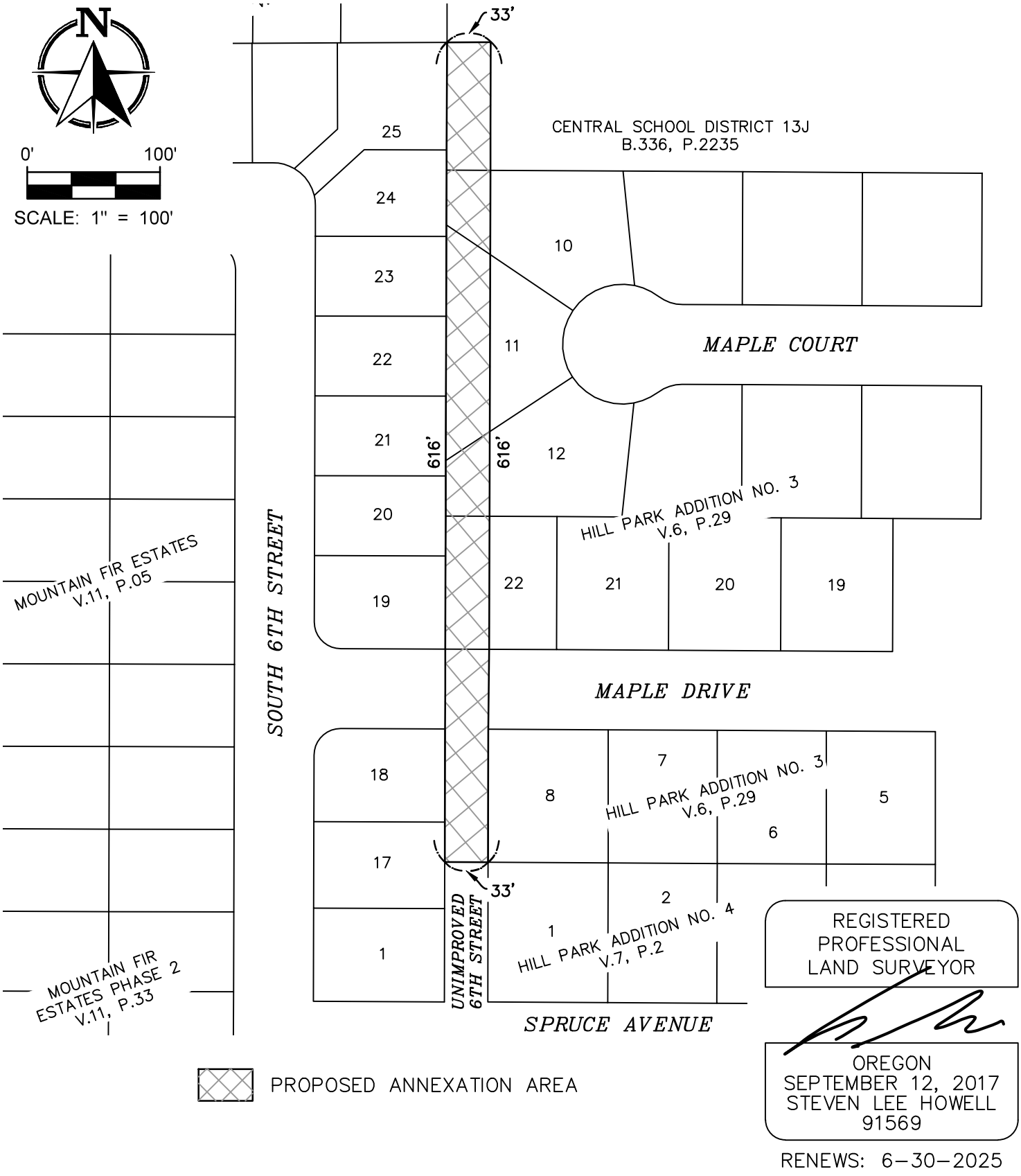
thence, going westerly along the south line of said HILL PARK ADDITION NO. 3 approximately 33 feet to the west line of said HILL PARK ADDITION NO. 3, being coincident with the east line of MOUNTAIN FIR ESTATES, recorded in Volume 11, Page 05, Polk County Book of Town Plats;

thence, going northerly along the east line of said MOUNTAIN FIR ESTATES approximately 616 feet to the northeast corner thereof;

thence, going easterly approximately 33 feet to a line parallel with and 33 feet easterly of the west line of said HILL PARK ADDTION NO. 3;

thence, going southerly along said parallel line approximately 616 feet to the Point of Beginning.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE SW 1/4 OF SECTION 28
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON

DATE: JANUARY 31, 2025

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING

5230 343rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 23-477

SHEET 1/1

INDEPENDENCE
Oregon's Story Begins Here

TYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2025-01)
STAFF REPORT (ADDENDUM)

MEETING DATE:	May 13, 2025
RECOMMENDATION:	**APPROVE**
FILE NUMBER:	AX | 2025-01
APPLICANT:	City of Independence
REQUEST:	Annex Certain Rights-of-Way into the City of Independence and Redesignate/Rezone the Unclassified Rights-of-Way City - Undesignated.
PROPERTY:	Portions of Corvallis and Hoffman Roads. Also, a portion of the old 6th Street.
FUTURE LAND USE:	Existing: County – Future Land Use: Urban Reserve Proposed: City – Undesignated
ZONING:	Existing: County – Suburban Residential (SR) Proposed: City – No New Future Land Use/Zoning Proposed
CRITERIA:	Oregon State Planning Goals 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. Further Information III. Potential Council Actions

I. BACKGROUND

At the meeting of April 8, 2025, the Independence City Council considered an application to annex three rights-of-way into the City of Independence. These rights-of-way include portions of Corvallis Road and Hoffman Road, as well as a portion of the old 6th Street.

II. FURTHER INFORMATION

During the meeting, the Council heard several questions about the annexation, and encouraged staff to find out additional information about the proposal. Items raised included:

- Whether the proposal included a zone change.
- Whether the road annexation would change the taxing of the neighboring properties.
- Whether the annexation would create an island that could be annexed by the City.
- Whether Corvallis Road would require additional right-of-way.

This staff report is intended to address these issues.

Zone Change. As stated during the hearing, every annexation of land into the City of Independence includes an associated zone change. The current zoning for the roadways is County – Suburban Residential. With the annexation, the Suburban Residential designation would no longer apply, as the City does not have the designation.

To match the designation of the roads in Independence, the proposed designation is City – Undesignated for Corvallis Road, Hoffman Road, and the small portion of S. 6th Street that does not have City zoning. The small portion of the old 6th Street that has City zoning would retain the current zone Low-Density Residential (RS).

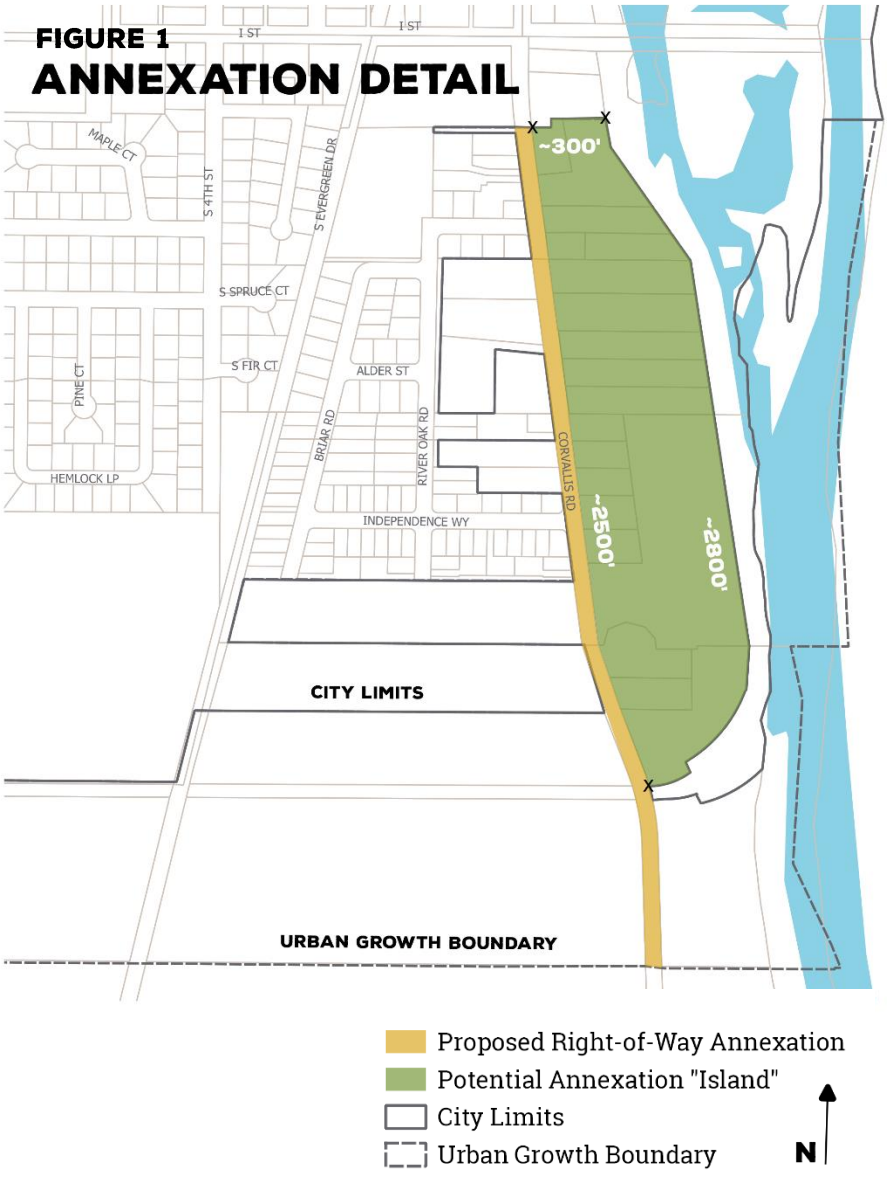
Given this combined application for an annexation and zone change, the application is considered a Type III application subject to IDC 11.002(C)(3).

Change in Taxes. Additionally, as stated during the hearing, the annexation of the roadways would not change the tax codes (or the amount of taxes due) for the neighboring properties. This fact was confirmed by staff as part of a conversation with Polk County Assessor Valerie Patoine on April 14, 2025. The proposal would annex the roadways but would not annex the neighboring land. As such, the neighboring properties would continue to be subject to unincorporated Polk County taxes and would not be subject to city taxes.

Creation of an Island. Further, at the hearing, several residents expressed concern over whether the annexation of the road would create an "island" of property that the City could use as a basis for future annexations.

As staff stated at the hearing, "island" annexation requirements do not apply if the territory:

> *(a) Is surrounded entirely by water; or*
>
> *(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory (see 222.750(3)).*



The requirements also do not apply if the property is not surrounded by the City.

For portions of property east of Corvallis Road in particular, the City boundary that would be created by the annexation of the right-of-way would exceed the 25 percent allowance in ORS 222.750(3). The total boundary of the area would be approximately 5,600 feet, and the portion of boundary that would include Corvallis Road would be approximately 45 percent of the total (see Figure 1). Given this total, the City could not use the road annexation to trigger the "island" annexation provisions.

Right-of-Way Widths. Lastly, at the hearing, a resident expressed concern over the future width of Corvallis Road (including whether any land dedications would be required). The proposed road is classified as a Minor Arterial in the Independence Transportation System Plan and is anticipated to be 66 feet wide, except when a turn lane is required (when 74 feet is necessary). The road currently varies between 60 and 66 feet in width, and the City will require future applicants that have annexed into the city to dedicate additional right-of-way (when necessary) as part of their proposed development projects.

The current annexation would only annex the existing right-of-way and would not include any additional width from surrounding properties.

III. POTENTIAL COUNCIL ACTIONS

Based on these considerations and the findings in the original staff report, staff continue to recommend that the City Council approve of the proposal.

Dear Counselor ,

I write this letter to you today so that you may have some time to consider my request before the hearing on May 13th. First, thank you for the time that you give to the operation of the city.

I know that someday our property must be annexed into the city. Our concerns are aegarding the sudden cost of such annexation. As stated at the hearing, our property tax will increase over $3,000 per year not counting any monthly cost of utilities. Some may think that not paying property taxes to the county would offset part of that. Not so, you now pay the full county taxes as well as the city. And why not? We all enjoy all the services provided by the county.

Some of us that will be affected by annexation have been here for decades. We, for instance, have lived here for over 34 years. And many of us are retired and on fix income. Please consider how you would react if you today were given a life long bill for over $3,000 a year plus any monthly utility bills. For some, the only way to get by is to sell and move. We love where we live.

ORS 222.750 (5) allows for annexation to take place and be delayed from 3 to 10 years. My request to you is to delay for a number of years to allow owners to adjust for the cost increase. How many years? Of course, I would prefer the 10-year selection. Perhaps something in the middle?

Then there is the subject of utilities, curbs and sidewalks, open ditches... Some already have city water on the East side of Corvallis Road. Most of the West side, as we are, do not have utilities. We have a great well. Some neighbors come over and get drinking water from us. We also have a good septic system that we service regularly and is in good condition. Please consider those of us who have and maintain utilities to keep them and not be required to hook up to utilities. To that end, I understand that there are not presently sewer lines to accommodate the homes in the proposed annexation area.

Thank you for your consideration,

Rick and Sharon Hopkins

6275 Corvallis Road

ORS 222.750

Annexation of unincorporated territory surrounded by city

- delayed annexation for certain property

(5) property that is zoned to allow residential use as a permitted use in the zone and is in residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a)

Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; **and**

(b)

Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

Shawn & Michelle Lewis
6240 Corvallis Rd.
Independence, Oregon 97351
therealmichellelewis@gmail.com

Date: 5/13/25

City Council
City of Independence
555 S Main Street
Independence, OR 97351

Subject: Objection to the Proposed Annexation of Corvallis Road

Dear Members of the City Council,

I am writing to formally express my **objection to the proposed annexation of Corvallis Road** into the City of Independence. As a resident and property owner at 6240 Corvallis Rd., I urge the Council to carefully consider the long-term impacts this annexation may have on those of us directly affected—particularly the property owners on the east side of Corvallis Road.

While I understand the City's intent to promote growth and development, I respectfully request that the Council acknowledge the concerns of existing residents who chose to remain under Polk County jurisdiction for specific reasons including land use, tax structure, and governance.

If the Council chooses to move forward with approving this annexation, I strongly request the inclusion of the following conditions:

1. **A minimum 10-year exemption** from any annexation requirement for current property owners on Corvallis Road. This grace period would allow residents time to plan for future changes and make decisions that best suit their families and properties.
2. **A guarantee that property taxes for existing residents will not exceed those currently levied by Polk County.** Residents should not be subject to increased tax burdens for city services they may not have requested or equally utilize.

These reasonable conditions would offer fairness and consideration to those most impacted by this decision and reflect the Council's commitment to equitable governance.

Thank you for your time and for considering my concerns. I respectfully request that this letter be entered into the public record and taken into account during your deliberation on the annexation proposal. Please feel free to contact me if further information or clarification is needed.

Sincerely,
Shawn & Michelle Lewis

ORS 222.750
Annexation of unincorporated territory surrounded by city

- delayed annexation for certain property

- Text
- Annotations

(1)

As used in this section:

(a)

"Creek" means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b)

"River" means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2)

When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the corporate boundaries of another city, the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the question for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3)

This section does not apply if the territory not within a city:

(a)

Is surrounded entirely by water; **or**

(b)

Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4)

Unless otherwise required by the city charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5)

For property that is zoned to allow residential use as a permitted use in the zone and is in residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a)

Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; **and**

(b)

Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6)

Notwithstanding subsection (5) of this section:

(a)

Property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: May 13, 2025
SUBJECT: Council Bill #2025-03 to Annex Certain Rights-of-Way into the City of Independence

[ ] Information Only [X] Action Requested

Statement of Issue
Annexation of portions of various roadways (identified in Exhibit A of the attached Council Bill 2025-03) into the City of Independence.

Background
The City of Independence initiated the annexation of portions of various roadways as identified on Exhibit A of attached Council Bill 2025-03. A redesignation/rezone of the rights-of-way would accompany the annexation.

A public hearing was properly noticed and held on April 8, 2025 and continued to May 13, 2025. The annexation and redesignation/rezone is now ready for Council consideration.

Discussion
The City of Independence initiated the annexation of portions of various roadways identified on Exhibit A of the attached Council Bill 2025-03. These include portions of Corvallis Road and Hoffman Road, as well as a portion of the old 6th Street. The annexation is proposed in part to start a process to conduct jurisdictional transfer of county roads to city jurisdiction. The transfer is intended to:

- Ensure that the construction or reconstruction of roads is completed to city public works, transportation master plan, and development code standards when development happens along the roadways; and
- Streamline the process for property owners to make improvements to the roads that front their properties----of note, currently some of the roadways currently have portions in both the city and the county and any improvement projects will require the approval of both the jurisdictions unless this annexation is approved; and
- Allow the city to control the speed limits and set specific speed safety zones, such as zones for parks, businesses, and schools.

If the annexation is approved, the city would have jurisdiction over all roadways within the Independence Urban Growth Boundary except for OR-51. The Oregon Department of Transportation would retain jurisdiction over the entirety of OR-51.

The annexation is primarily intended to ensure consistent management and improvement of rights-of-way in the Independence Urban Growth Area.

At the public hearing on April 8, 2025 and May 13, 2025, staff presented the Type III Annexation and Zone Change Staff Report. The Council heard a staff presentation, reviewed the Type III Annexation and Zone Change Staff Report, and considered public testimony.

Now, based on the information in the staff report, the staff presentation, and any public comments, the Council must decide whether to approve Council Bill 2025-03 and adopt the proposed Ordinance.

Options

The Council may:

A. Approve Council Bill 2025-03 as submitted
B. Approve Council Bill 2025-03 with amendments
C. Take no action

Recommendation/Suggested Motion

Staff recommends Option A – Approval of Council Bill 2025-03 as submitted and suggests the following motion:

I move to approve Council Bill 2025-03 to adopt AX 2025-01, the text of which is contained in the Council packet, and read the proposed Ordinance for the first time.

If this motion passes unanimously, a second motion would be in order as follows:

I move to read the proposed Ordinance, Council Bill 2025-03 for the second time by title only.

If this motion passes a third motion would be in order as follows:

I move to adopt the proposed Ordinance, Council Bill 2025-03

Attachments: Council Bill 2025-03 with attachments

Prepared by Fred Evander, Community Planner
Revised *and approved by Kenna West, JD, City Manager*

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, and Stating an Effective Date	]]]	Council Bill #2025-03

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 5. 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: _____

_____
Kate Schwarzler, Mayor

ATTEST:

_____
Myra Russell, City Recorder

EXHIBIT A

A unit of land situated in the south one-half of Section 28 and the north one-half of Section 33, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being a portion of Corvallis Road lying south of I Street, and more particularly described as follows:

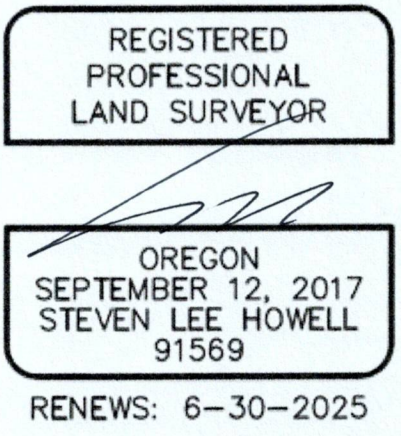
Beginning at the southwest corner of Parcel 2 of Partition Plat 2001-0014, Polk County Plat Records, being also on the east line of said Corvallis Road;

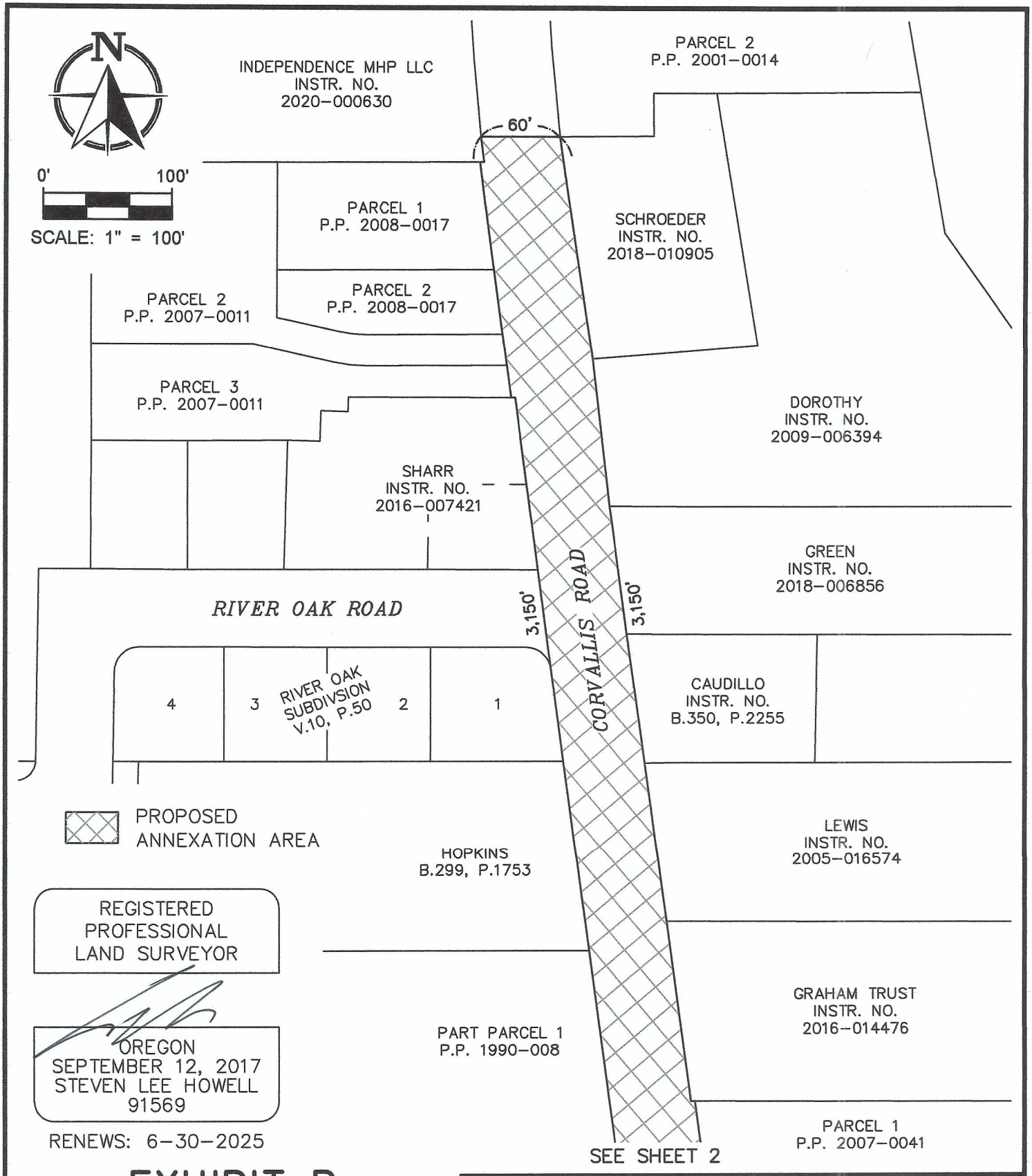
thence, going southerly along the east line of said Corvallis Road approximately 3,150 feet to the existing Urban Growth Boundary;

thence, going westerly along said Urban Growth Boundary approximately 60 feet to the west line of said Corvallis Road;

thence, going northerly along the west line of said Corvallis Road approximately 3,150 feet to a point which bears west of the Point of Beginning;

thence, going east approximately 60 feet to the Point of Beginning.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23-477

SHEET
1/3

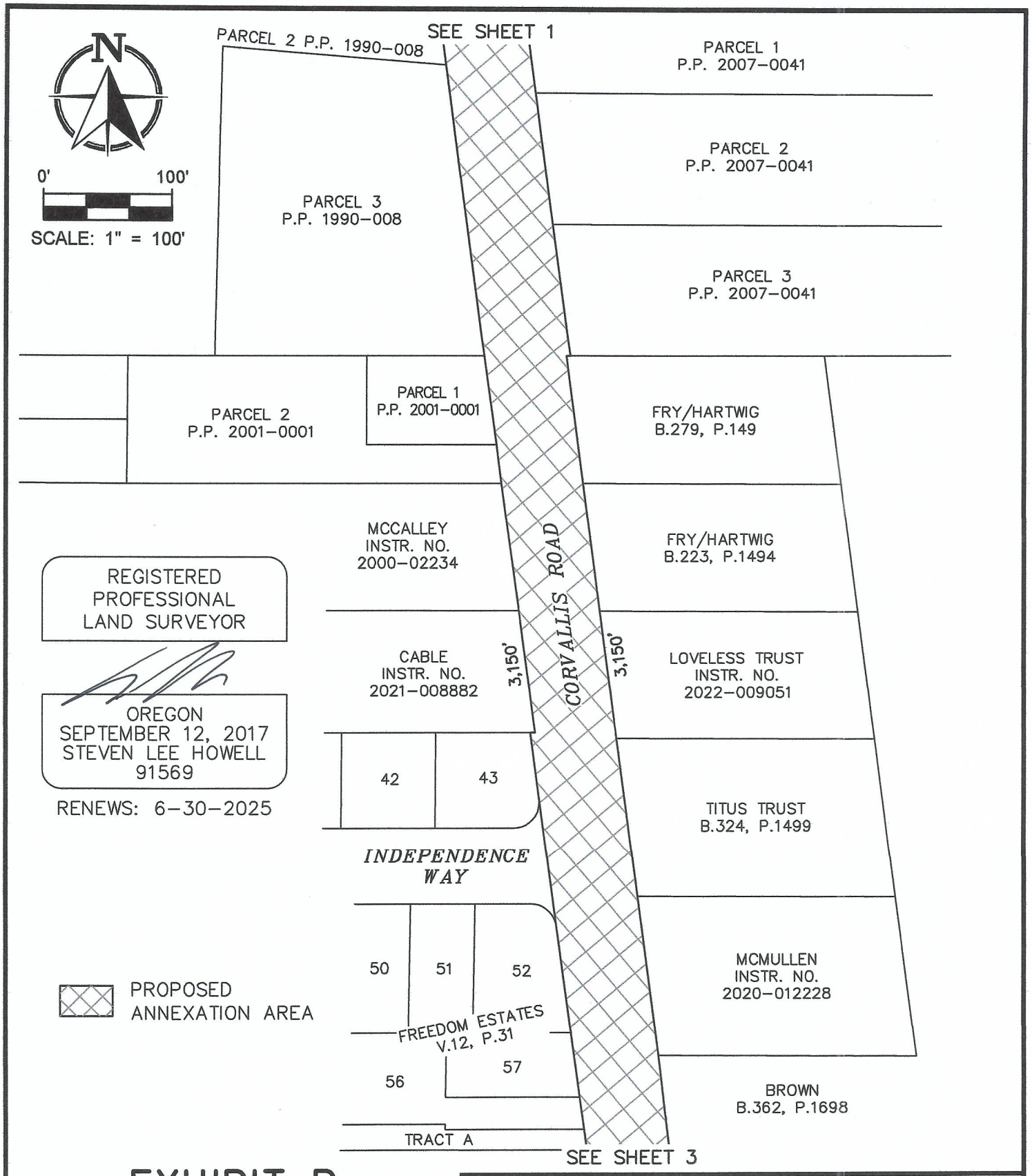


EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

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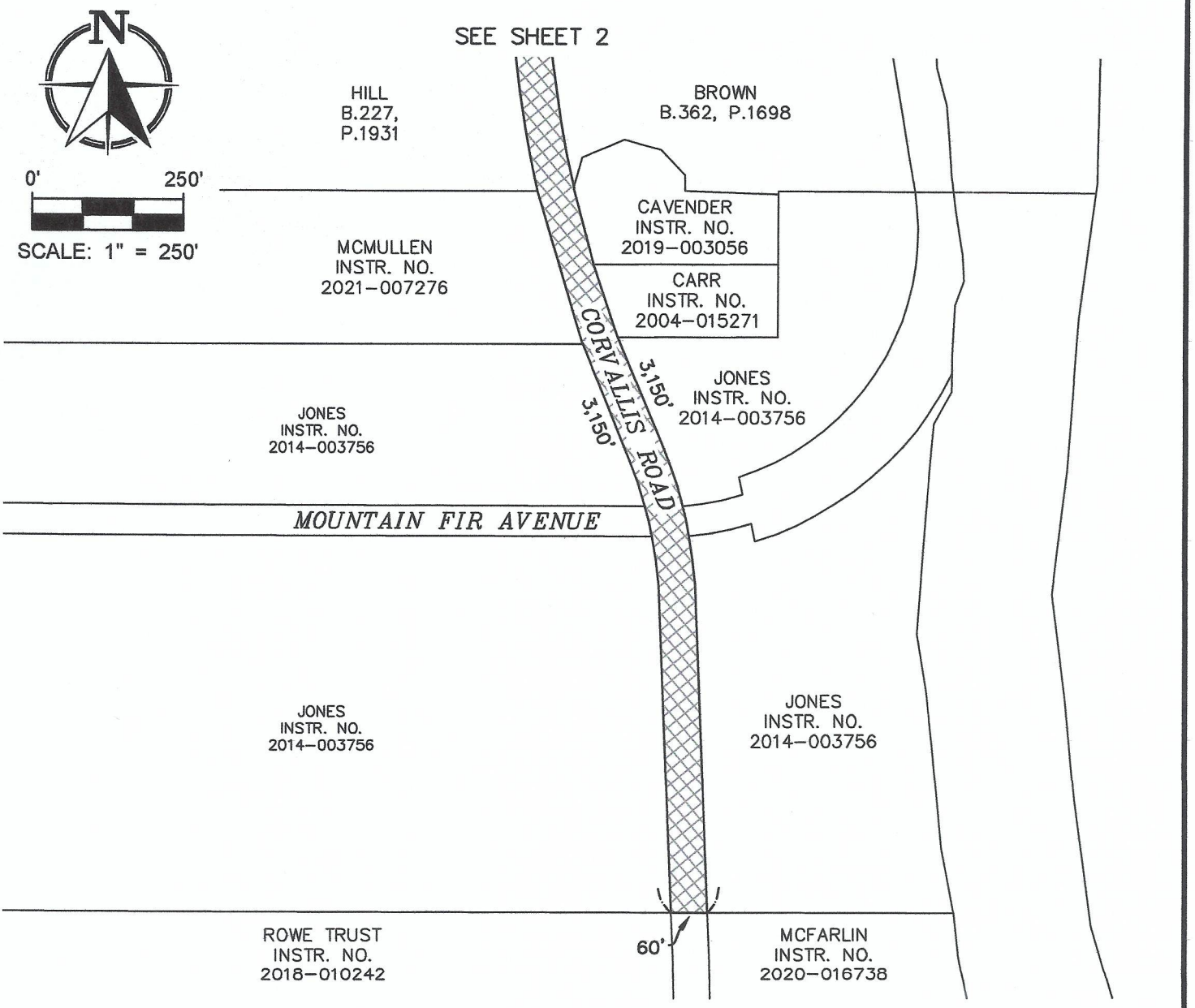
SHEET 2/3



PROPOSED ANNEXATION AREA

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6–30–2025

EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 23–477

SHEET 3/3

EXHIBIT A

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:

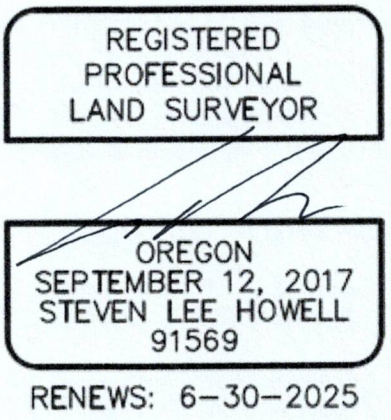
Beginning at the northeast corner of Parcel 1 of Partition Plat 2002-0030, Polk County Records, being coincident with the south line of said Hoffman Road;

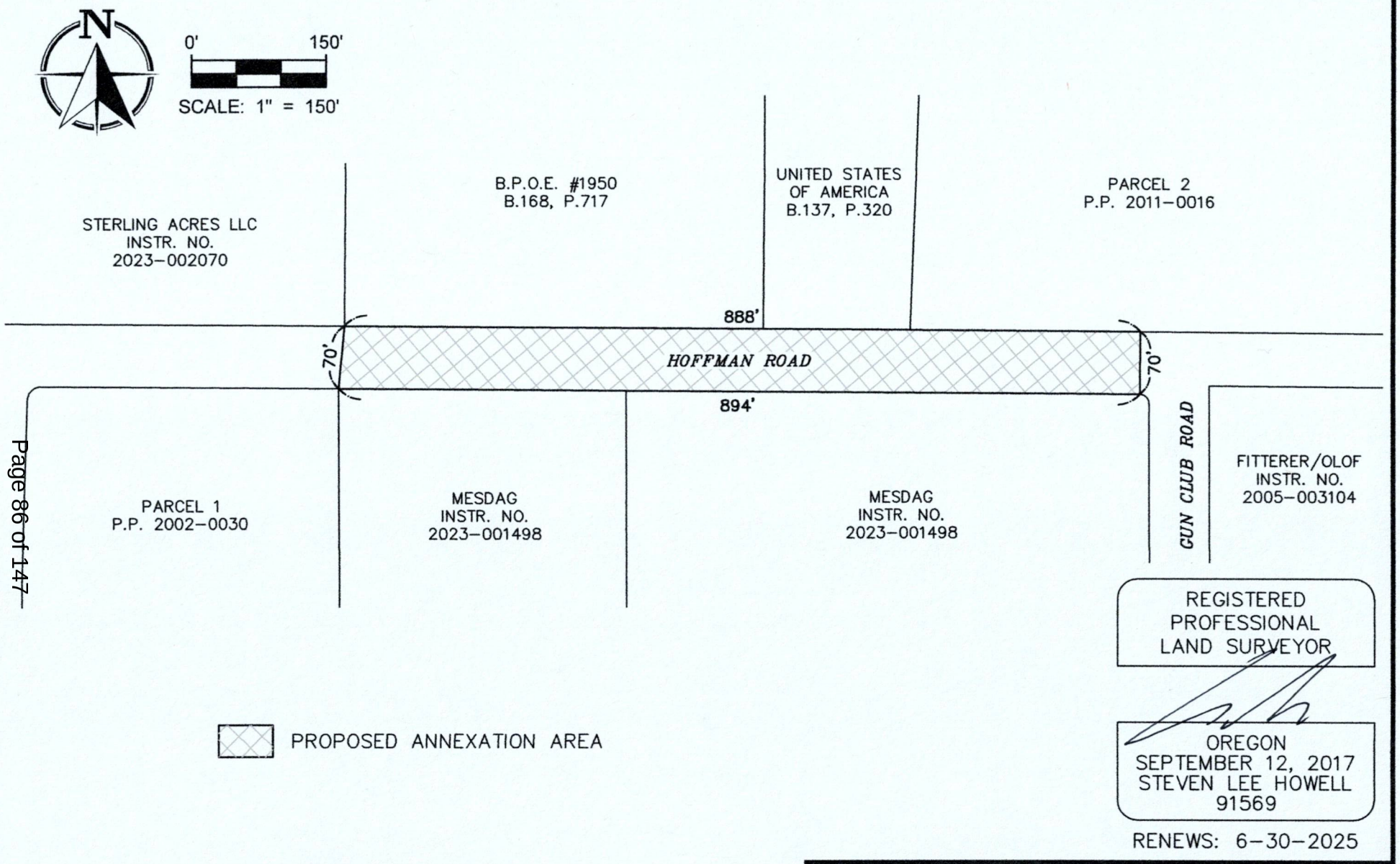
thence, going northerly approximately 70 feet to the north line of said Hoffman Road, being coincident with the southeast corner of that property conveyed to Sterling Acres LLC by Instrument Number 2023-002070, Polk County Deed Records;

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.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE NW 1/4 OF SECTION 20
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON

DATE: JANUARY 31, 2025

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23-477

SHEET
1/1

EXHIBIT A

A unit of land situated in the southwest one-quarter of Section 28, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being the west 33 feet of Lots 10, 11, 12 and 22 of HILL PARK ADDITION NO. 3, recorded in Volume 6, Page 29, Polk County Book of Town Plats, a portion of Unimproved 6th Street lying south of Maple Drive and a portion of that property conveyed to Central School District 13J by Book 336, Page 2235, Polk County Records, and further described as follows:

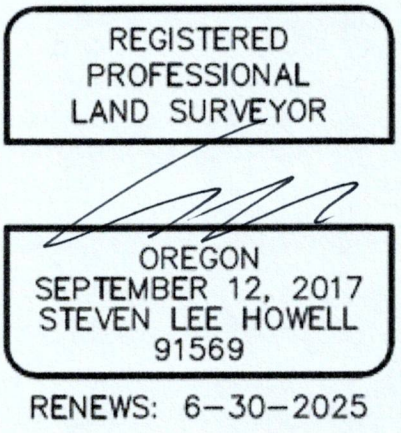
Beginning at the southwest corner of Lot 8 of said HILL PARK ADDITION NO. 3;

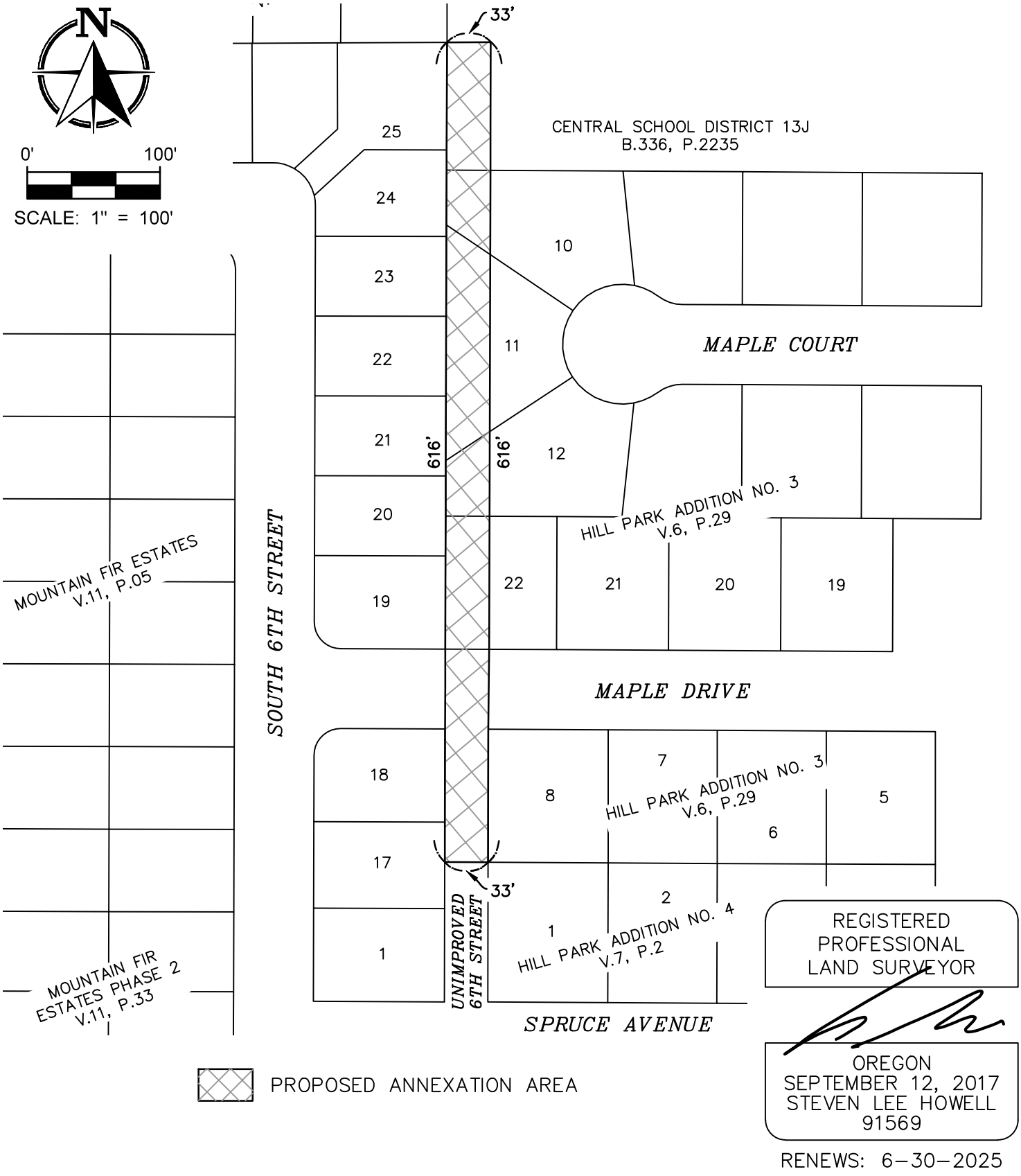
thence, going westerly along the south line of said HILL PARK ADDITION NO. 3 approximately 33 feet to the west line of said HILL PARK ADDITION NO. 3, being coincident with the east line of MOUNTAIN FIR ESTATES, recorded in Volume 11, Page 05, Polk County Book of Town Plats;

thence, going northerly along the east line of said MOUNTAIN FIR ESTATES approximately 616 feet to the northeast corner thereof;

thence, going easterly approximately 33 feet to a line parallel with and 33 feet easterly of the west line of said HILL PARK ADDTION NO. 3;

thence, going southerly along said parallel line approximately 616 feet to the Point of Beginning.





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PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE SW 1/4 OF SECTION 28
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON

DATE: JANUARY 31, 2025

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING

5230 343rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 23-477

SHEET 1/1

INDEPENDENCE
Oregon's Story Begins Here

BTYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2025-01)
STAFF REPORT

MEETING DATE: April 8, 2025

RECOMMENDATION: **APPROVE**

FILE NUMBER: AX | 2025-01

APPLICANT: City of Independence

REQUEST: Annex Certain Rights-of-Way into the City of Independence. No New Comprehensive Plan Future Land Use Designation or Zoning would be Established for the Rights-of-Way

PROPERTY: Portions of Corvallis and Hoffman Roads. Also, a portion of the old 6th Street.

FUTURE LAND USE: Existing: County – Future Land Use: Urban Reserve
Proposed: City - Undesignated

ZONING: Existing: County – Suburban Residential (SR)
Proposed: City – No New Future Land Use/Zoning Proposed

CRITERIA:
Oregon State Planning Goals
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. Potential Council Actions
V. Staff Findings – Oregon State Planning Goals
VI. Staff Findings – Independence Comprehensive Plan
VII. Staff Findings – Independence Development Code

ATTACHMENTS:
A. Rights of Way Proposed to be Annexed (1 page)
B. Legals of Proposed Annexations (8 pages)

I. BACKGROUND AND PROCESS

This application seeks to annex three rights of way into the City of Independence. These rights-of-way include portions of Corvallis Road and Hoffman Road, as well as a portion of the old 6th Street. Attachment A provides a depiction of the rights-of-way.

The annexation is proposed in part to start a process to conduct a jurisdictional transfer of county roads to city jurisdiction. The transfer is intended:

- To ensure that the construction or reconstruction of roads is completed to city public works, transportation master plan, and development code standards when development happens along the roadways.
- To streamline the process for property owners to make improvements to the roads that front their properties (some of the roadways have portions in both the city and the county and any improvement projects would require the approval of both the jurisdictions).
- To allow the city to control the speed limits and set specific speed safety zones, such as zones for parks, businesses, and schools.

In short, the change is primarily intended to ensure the consistent management and improvement of rights-of-way in the Independence Urban Growth Area.[1]

If the annexation is approved, the city would have jurisdiction over all roadways within the Independence Urban Growth Boundary except for OR-51. The Oregon Department of Transportation would retain jurisdiction over the entirety of OR-51.

II. AGENCY AND PUBLIC COMMENTS

To provide notice of the annexation, the city sent out notice to individuals within 250 feet of each of the roadway segments on March 12, 2025. No official public comments were provided regarding the application as of the date of this staff report, though several individuals did ask staff about the annexation.

III. POTENTIAL COUNCIL ACTIONS

Based on the findings below, the Council may:

- Close the hearing and consider a Council Bill to approve of the changes.
- Modify the proposal.
- Request additional information.
- Deny the proposal.

[1] In making these changes, the City has also proposed the annexation of a small part of the old 6th Street right-of-way, a portion of which has existing City zoning. Four of the properties along the former right-of-way are partially in the City and partially in the County. Any permits to develop the land would additionally require the approval of both agencies.

IV. STAFF FINDINGS – OREGON STATE PLANNING GOALS

Annexations and changes to the Independence Comprehensive Plan and Zoning Map 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), Housing (Goal 10), Public Facilities (Goal 11), Transportation (Goal 12) and Urbanization (Goal 14), which together are implemented through measures such as the Independence Comprehensive Plan and Development Code. Combined these goals seek to:

- Assure that citizens are involved in the planning process. (see Goal 1)
- "Provide and encourage a safe, convenient and economic transportation system." (see Goal 12)
- "Provide for an orderly and efficient transition from rural to urban land use." (see Goal 14)
- "Accommodate urban population and urban employment inside urban growth boundaries." (see Goal 14)

This annexation has been pursued with these provisions in mind.

The proposed annexation would allow the City of Independence to control the bulk of the roads in the Urban Growth Boundary, which would streamline the review of projects and ensure that future development meets city standards (ensuring an orderly and efficient transition of the Urban Growth Boundary from rural to urban land use). The proposal would also limit the possibility that both the County and the city would have to conduct separate reviews for projects. For example, with the existing city boundary, roads such as Corvallis Road have small strips of land that are within the city limits, and larger strips that are within the unincorporated Urban Growth Boundary. Given the configuration, an applicant is required to get approval from both the City of Independence and Polk County for an improvement to the roads. The proposed annexation would make the city solely responsible for the facilities.

Given these items, the proposal would help to promote the orderly development and maintenance of roads in the Independence Urban Growth Boundary and be consistent with the Oregon State Planning Goals.

V. STAFF FINDINGS – INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY AND THE CITY OF INDEPENDENCE

Annexation of property is additionally required to be consistent with the intergovernmental agreement between Polk County and the City of Independence for the management of the Independence unincorporated Urban Growth Boundary. Per the agreement, the city and county agree that "the type and form of development within urbanizable areas is to be guided by the municipality's adopted land use and growth management plans" (see Policy 5), though Polk County would "retain responsibility for land use decisions and actions affecting the urbanizable area until such time as annexation to the city occurs" (see Policy 6). The inherent tension between these policies is a fundamental reason to annex the facilities.

Under the agreement, the county makes decisions about the design of roads based on city standards, so long as the roadways remain under county jurisdiction. This framework requires the county to use and interpret the city development standards and runs the risk that key standards (such as the depth of rock on which the road is built, the width of a sidewalk, or the placement of a pipe) are overlooked as part of the review. If a standard is missed, the improved roadway will not conform to city standards and the city will be forced to either annex a substandard road, pay to improve the road (to meet city standards), or elect to not annex the facility because of the cost to improve the street.

To limit the possibility of errors, the proposed annexation will put the roadways completely under the jurisdiction of the city and ensure that all future plan review and inspections are conducted by the City of Independence.

VI. STAFF FINDINGS – INDEPENDENCE COMPREHENSIVE PLAN

Proposals for annexation and Comprehensive Plan/Zoning Map changes must additionally be considered following the goals and policies of the Independence Comprehensive Plan. An analysis of the annexation and redesignation/rezone, considering these policies, is presented below.

Land Use

GOAL: To encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs.

Staff Response: The Land Use Element of the Independence Comprehensive Plan seeks to encourage efficient land use, and zone land consistent with Comprehensive Plan designations. This annexation and zone change meets these intents.

Corvallis Road and Hoffman Road (as well as the undesignated portion of the old 6th Street right-of-way) would not be designated with a Comprehensive Plan or zoning designation, in keeping with the historic approach of the city to the designation of roads. All future work on the facilities would occur in accordance with the road standards in the Transportation System Plan and the Public Works Design Standards.

The portion of the old 6th Street right-of-way that is designated as Low-Density Residential (RS) would retain the existing zoning.

This approach would achieve this goal.

Urbanization

GOAL: To provide for an orderly and efficient transition from rural to urban land.

Staff Response: Goals and policies related to Urbanization in the City of Independence seek to promote the orderly and efficient transition of properties from rural to urban land use. Key policies to implement this goal seek:

- To promote coordination with Polk County to manage the Urban Growth Boundary.
- To annex land in a manner that is consistent with the Comprehensive Plan and any concept plans adopted for the area.

This proposal effectively addresses these policies. The proposal is sought to allow the city to guide the design and construction of the roads as new development occurs to ensure the orderly and efficient transition of land from rural to urban land use.

Transportation

…

Staff Response: The goals of the Transportation System Plan seek:

- To “develop and maintain a transportation system that is consistent with the community vision of a vibrant, historic, riverfront, full-service community” (see Goal 1)

- To “support the development and implementation of transportation solutions that are future focused” (see Goal 5)
- To “maintain the financial stability of the city” (see Goal 6)

This annexation supports these intents.

The proposed annexation would ensure that the city has control of roadways that are envisioned to implement the community vision in the Transportation System Plan and guarantee that the roads are built in accordance with city standards. The annexation would anticipate future development, and be fiscally responsible, ensuring that the city would manage the review and construction of any improvements to the roads. City jurisdiction over the facilities would additionally help to ensure that roads were constructed in a manner that met city standards and minimize the confusion (and cost) that may result from another jurisdiction reviewing an Independence development project.

Given these considerations, the proposed annexation would support the community vision, be future focused, and be fiscally responsible. These goals would be achieved.

V. STAFF FINDINGS - INDEPENDENCE DEVELOPMENT CODE

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, without a review by the Independence Planning Commission. Standards for the decision are presented in Subchapter 11 (Administrative Provisions), Subchapter 12 (Zone Changes and Plan Amendments) and Subchapter 14 (Annexations). These standards are presented below.

Subchapter 11: Administrative Provisions

Staff Response: The application to annex the roadways is considered a Type III action in the Independence Development Code. The application requires a Public Hearing and decision by the Independence City Council.

The annexation request is subject to ORS 222.170. At the meeting of February 11, 2025, the City Council elected to dispense with submitting the question to the electors of the city and directed staff to provide notice for a public hearing on the proposal. Following that decision, the city published notice of the hearing twice in the Polk County Itemizer-Observer, posted the notice in three locations in the city (the Civic Center, library and Heritage Museum), and sent the notice to property owners within 250 feet of the roadways on March 12, 2025. Given these items, the standards in Subchapter 11 are met.

No formal comments have been submitted as a result of the notice provided as part of the application.

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: The City of Independence has worked with Polk County, the existing agency in control of the rights-of-way, as part of this annexation. 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 City of Independence has submitted the necessary paperwork for a future land use/rezone proposal. The application would annex portions of Corvallis Road, Hoffman Road and the old 6th Street. As part of the annexation, the County Comprehensive Plan map and zoning classifications would be removed from the roadways and the City would apply an undesignated Future Land Use/Zoning classification to the roads. This standard is achieved.

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 and redesignation/rezone request per IDC Section 11.002(C). Any City Council decision on the proposal will be supported by written findings, and adoption of the change will be supported by an ordinance.

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: The annexation of the roadways is intended to be a future focused, fiscally responsible approach that will ensure that roads in the Urban Growth Area are constructed in accordance with city standards.

The annexation would help:

- To ensure that the construction or reconstruction of roads is completed to city public works, transportation master plan, and development code standards when development occurs along the roadways.
- To streamline the process for property owners to make improvements to roads fronting their properties (many of the roadways currently have portions in both the city and the county and any improvement projects would require the approval of both jurisdictions).
- To allow the city to control speed limits and set specific speed safety zones, such as zones for parks, businesses, and schools.

Given these items, the annexation would address Criteria C above. This standard is met.

Subchapter 14: Annexation

14.030 Master Plan Requirement for Southwest Independence Concept Plan Area

…

Staff Response: Subchapter 14 of the Independence Development Code deals with annexations in the Southwest Independence Concept Area. No roads are proposed to be annexed within the area. This standard is achieved.

ATTACHMENT A

CITY OF INDEPENDENCE

Proposed Right-of-Way Annexations

PORTION OF HOFFMAN ROAD

PORTION OF OLD 6TH STREET

PORTION OF CORVALLIS ROAD

CORSAIR DR
SKYRAIDER DR
STEARMAN ST
CESSNA ST
STINSON ST
PIPER ST
AIRPORT WY
AERONICA ST
LUSCOMBE ST
MOONEY ST
KBEL-YLINIEMI LN
INDEPENDENCE HW 51
HANNA RD
STRYKER RD
AIRPORT RD
N MAIN ST
HOFFMAN RD
MEADOWRIDGE AV
PARKMEADOW CT
GLAZEMEADOW ST
LAUREL RIDGE ST
JASMINE CR
MARIGOLD DR
PICTURE ST
RICHARD CT
HOWARD CT
N WILLIAMS ST
DALE CT
KELLI CT
SCOTT CT
KYLE CT
DAWN CT
N 13TH ST
WILD ROSE CT
DANIEL ST
JAMES ST
LUKE ST
E MATHEW ST
HYACINTH ST
MORNING GLORY DR
N POLK ST
BOAT LANDING ST
PICTURE ST
N WILLIAMS ST
N GRAND ST
N OAK ST
N ASH ST
N WALNUT ST
N LOG CABIN ST
THORPE ST
S 2ND ST
RIVER DR
N ASH ST
Ash Creek
N 16TH ST
RHODA LN
B ST
C ST
NORTHWAY ST
17TH ST
MONMOUTH ST
D ST
E ST
F ST
FALCON LP
S 13TH ST
RANDALL WY
SWEET CHERRY LN
TYLERS PL
S 10TH ST
S 9TH ST
S 8TH ST
S 6TH ST
S 5TH ST
S MAIN ST
G ST
H ST
I ST
S 3RD ST
ARBOR CT
RIVERWOOD CT
CEDAR CT
MAPLE CT
MAPLE DR
S SPRUCE AV
S SPRUCE CT
S FIR CT
PINE CT
CHESTNUT ST
HEMLOCK LP
BRIAR RD
RIVER OAK RD
CORVALLIS RD
S 4TH ST
S 7TH ST
MOUNTAIN FIR AV
BECKEN RD
FORD DR
OLYMPIC DR
RAINIER DR
TETON DR
GWINN ST. E.
STERLING DR E
DENALI DR E
MAXWELL AV S
RIDGEWAY AV
S.F. Ash Creek
Willamette R.

URBAN GROWTH BOUNDARY

LEGEND

City Limits | Urban Growth Boundary | Proposed Right-of-Way Annexation

EXHIBIT A

A unit of land situated in the south one-half of Section 28 and the north one-half of Section 33, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being a portion of Corvallis Road lying south of I Street, and more particularly described as follows:

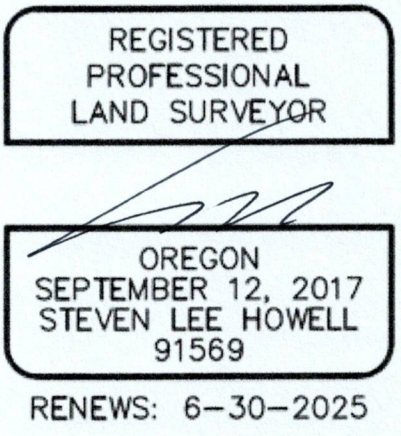
Beginning at the southwest corner of Parcel 2 of Partition Plat 2001-0014, Polk County Plat Records, being also on the east line of said Corvallis Road;

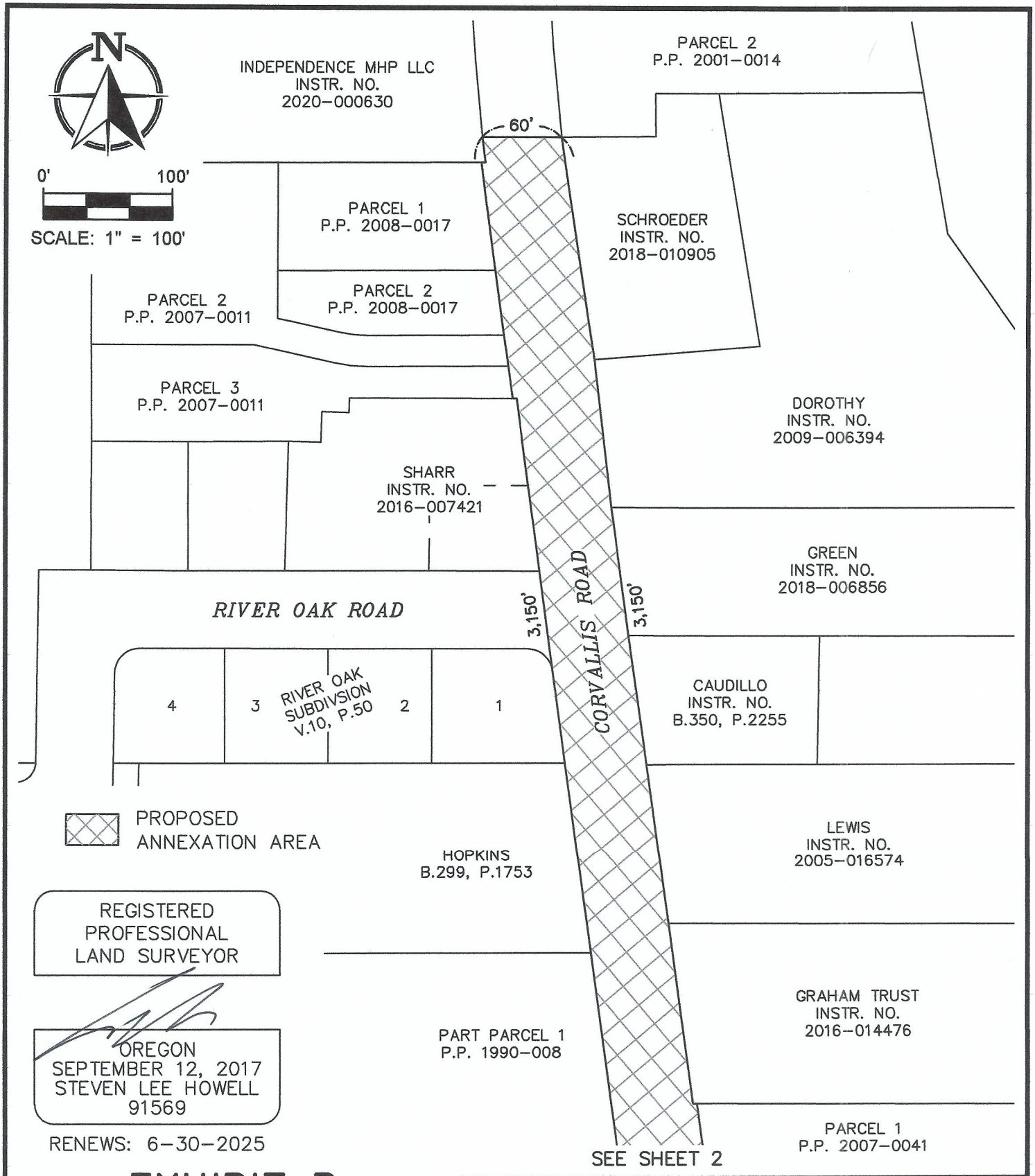
thence, going southerly along the east line of said Corvallis Road approximately 3,150 feet to the existing Urban Growth Boundary;

thence, going westerly along said Urban Growth Boundary approximately 60 feet to the west line of said Corvallis Road;

thence, going northerly along the west line of said Corvallis Road approximately 3,150 feet to a point which bears west of the Point of Beginning;

thence, going east approximately 60 feet to the Point of Beginning.





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SEPTEMBER 12, 2017
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TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
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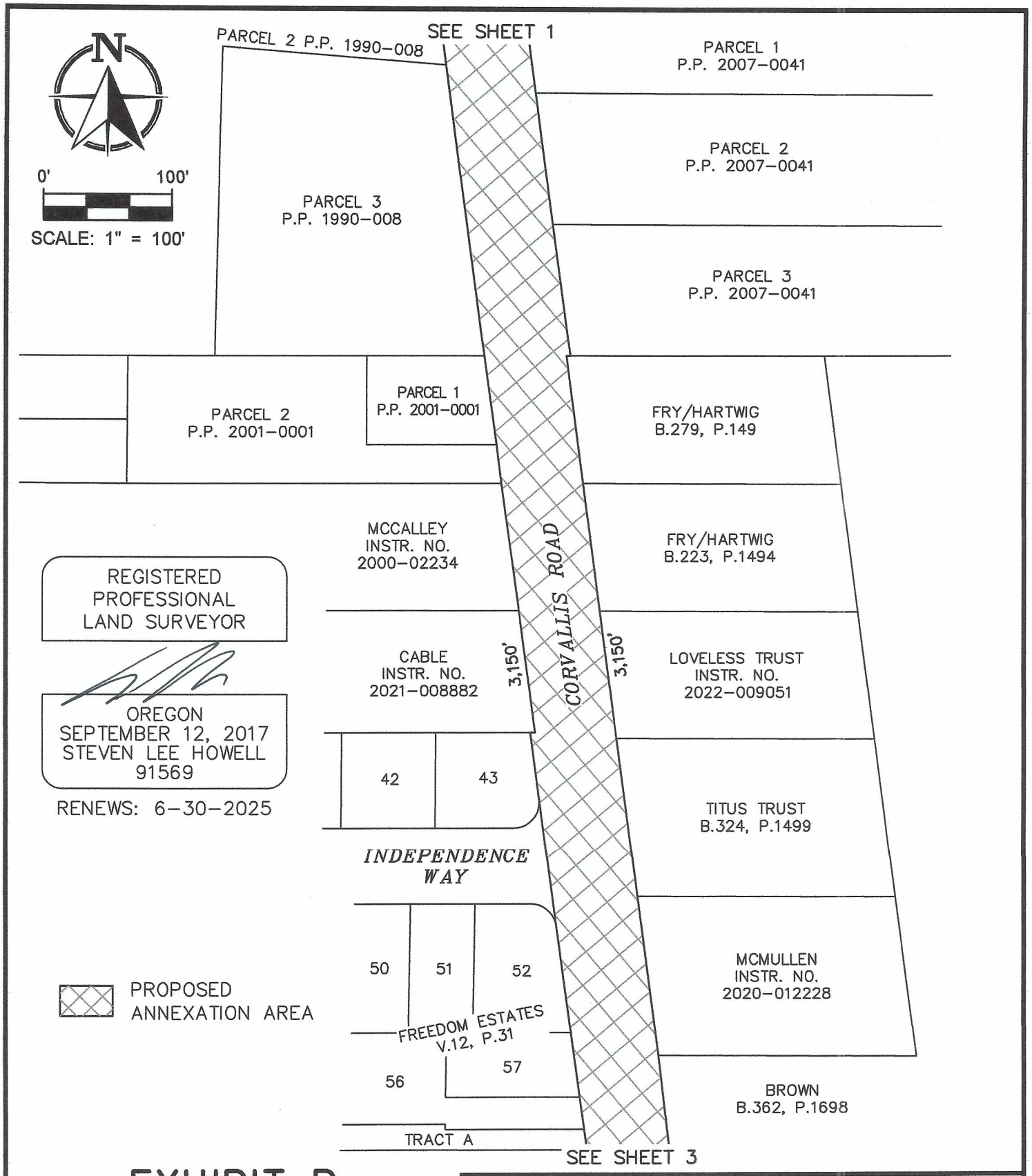


EXHIBIT B

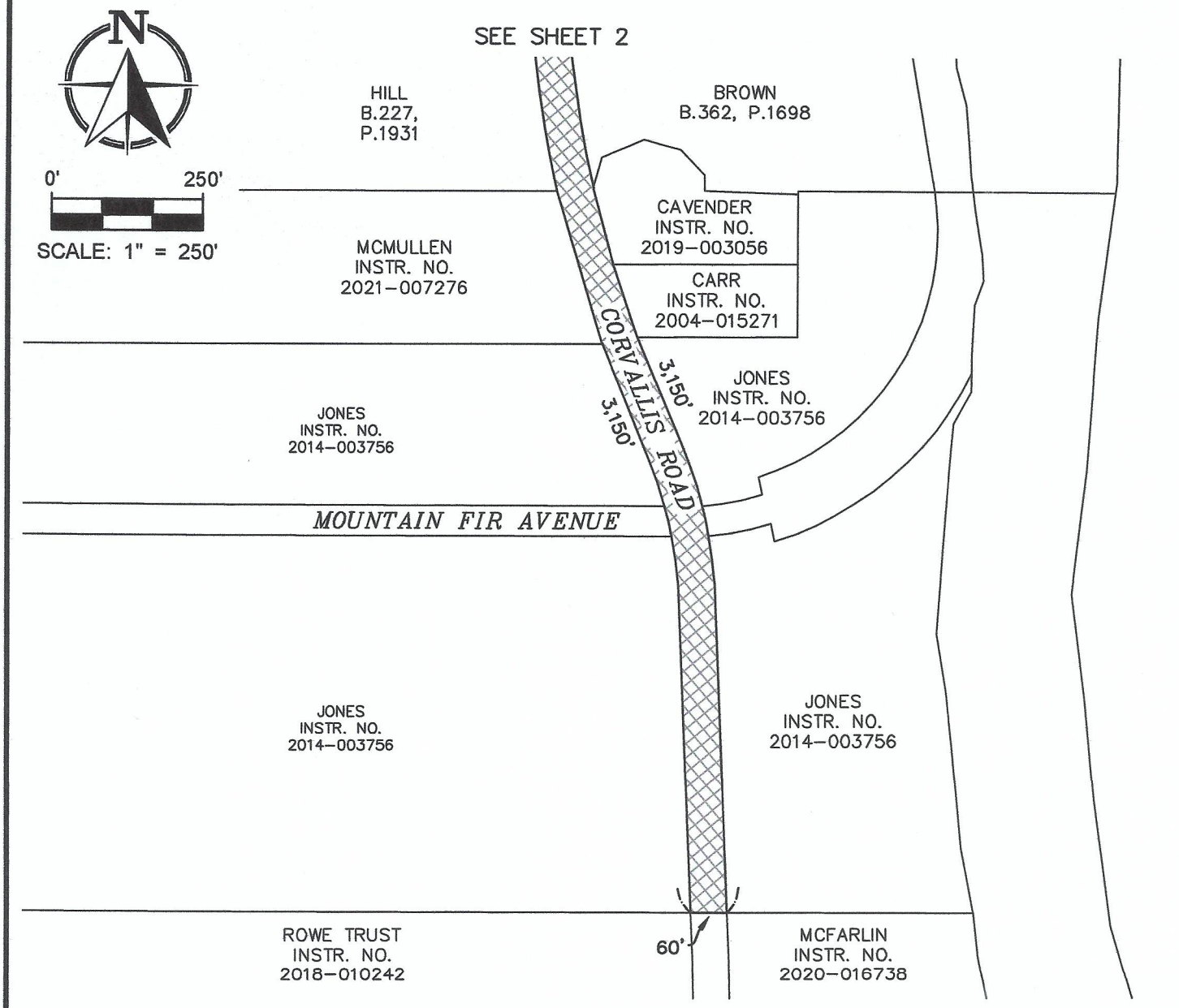
IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 23-477

SHEET 2/3



PROPOSED ANNEXATION AREA

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE S. 1/2 OF SECTION 28
& THE N. 1/2 OF SECTION 33
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON
DATE: NOVEMBER 25, 2024

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 23-477

SHEET 3/3

EXHIBIT A

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:

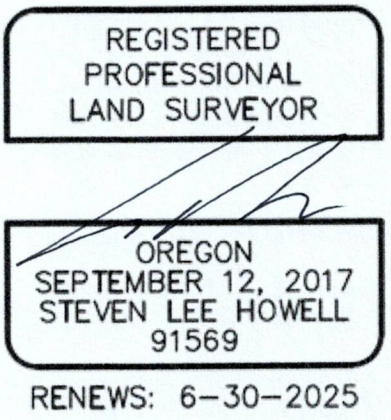
Beginning at the northeast corner of Parcel 1 of Partition Plat 2002-0030, Polk County Records, being coincident with the south line of said Hoffman Road;

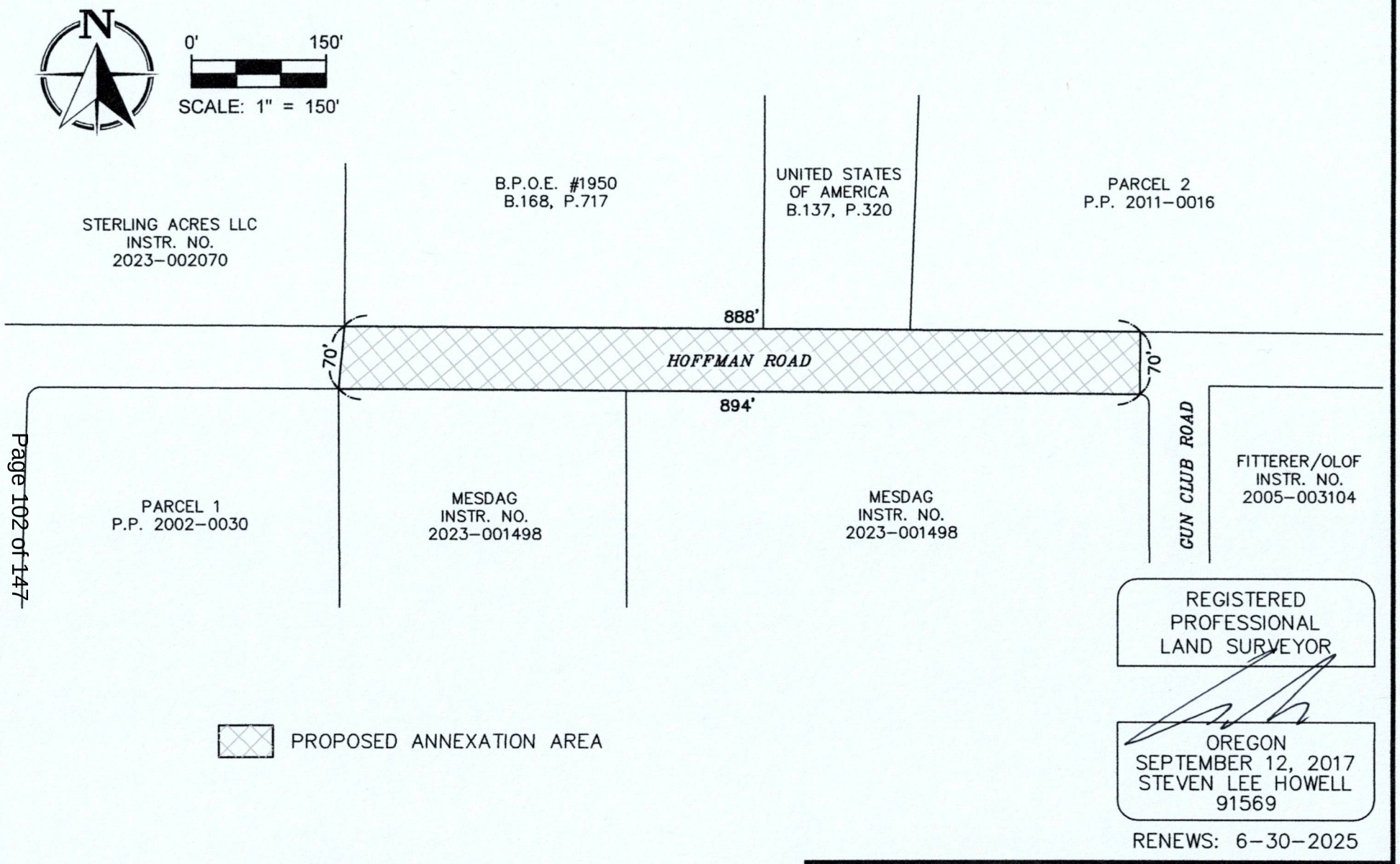
thence, going northerly approximately 70 feet to the north line of said Hoffman Road, being coincident with the southeast corner of that property conveyed to Sterling Acres LLC by Instrument Number 2023-002070, Polk County Deed Records;

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.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE NW 1/4 OF SECTION 20
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON

DATE: JANUARY 31, 2025

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING
7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23-477

SHEET
1/1

EXHIBIT A

A unit of land situated in the southwest one-quarter of Section 28, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon, being the west 33 feet of Lots 10, 11, 12 and 22 of HILL PARK ADDITION NO. 3, recorded in Volume 6, Page 29, Polk County Book of Town Plats, a portion of Unimproved 6th Street lying south of Maple Drive and a portion of that property conveyed to Central School District 13J by Book 336, Page 2235, Polk County Records, and further described as follows:

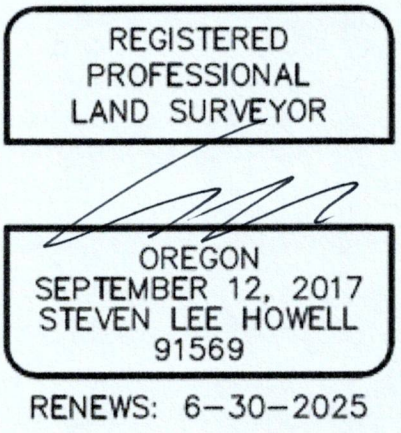
Beginning at the southwest corner of Lot 8 of said HILL PARK ADDITION NO. 3;

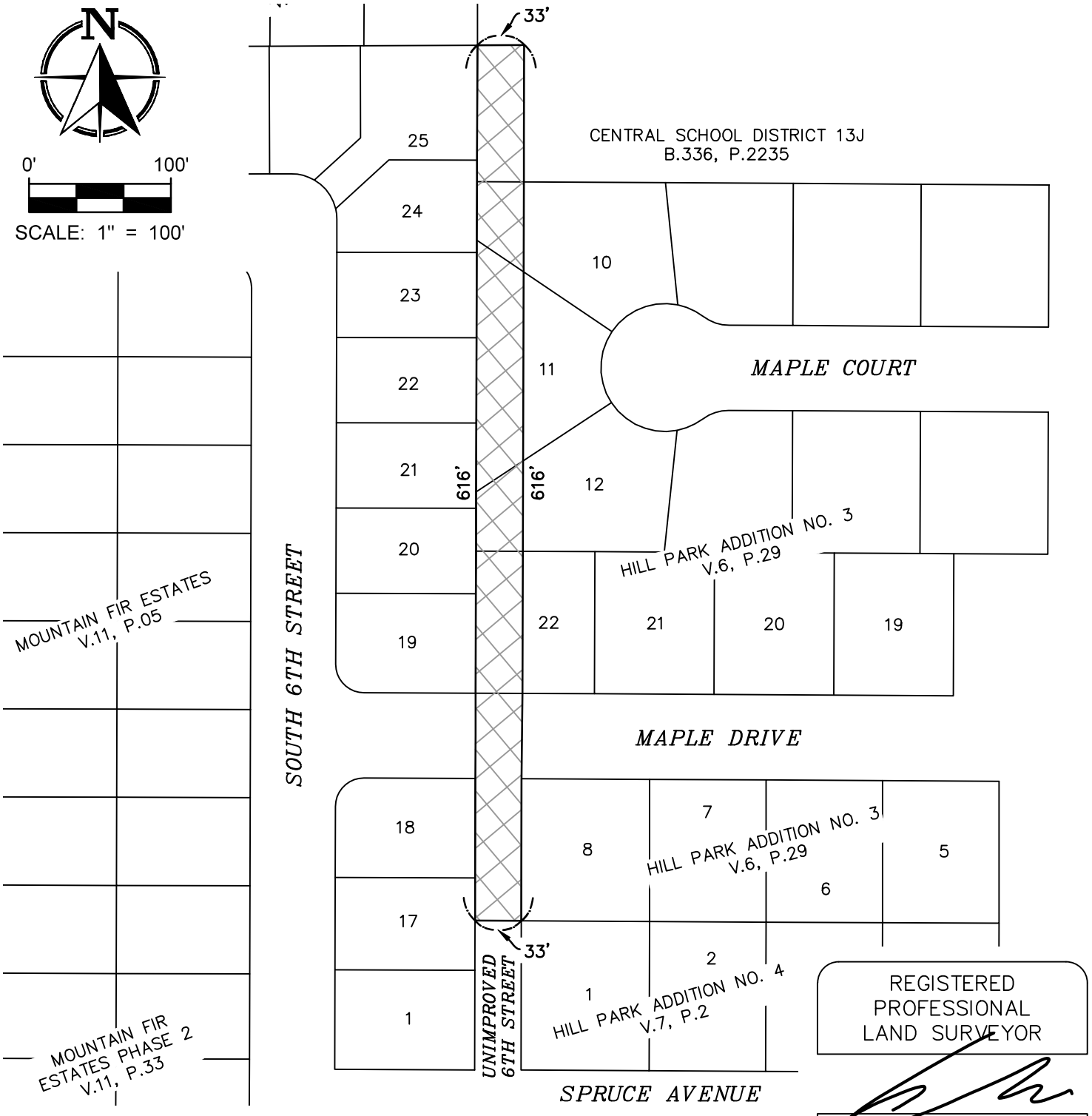
thence, going westerly along the south line of said HILL PARK ADDITION NO. 3 approximately 33 feet to the west line of said HILL PARK ADDITION NO. 3, being coincident with the east line of MOUNTAIN FIR ESTATES, recorded in Volume 11, Page 05, Polk County Book of Town Plats;

thence, going northerly along the east line of said MOUNTAIN FIR ESTATES approximately 616 feet to the northeast corner thereof;

thence, going easterly approximately 33 feet to a line parallel with and 33 feet easterly of the west line of said HILL PARK ADDTION NO. 3;

thence, going southerly along said parallel line approximately 616 feet to the Point of Beginning.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE SW 1/4 OF SECTION 28
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.
POLK COUNTY, OREGON

DATE: JANUARY 31, 2025

SURVEYED FOR: CITY OF INDEPENDENCE

FFN SURVEYING

7236 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 23-477

SHEET 1/1

INDEPENDENCE
Oregon's Story Begins Here

TYPE III ANNEXATION AND ZONE CHANGE (FILE NO. AX | 2025-01)
STAFF REPORT (ADDENDUM)

MEETING DATE:	May 13, 2025
RECOMMENDATION:	**APPROVE**
FILE NUMBER:	AX | 2025-01
APPLICANT:	City of Independence
REQUEST:	Annex Certain Rights-of-Way into the City of Independence and Redesignate/Rezone the Unclassified Rights-of-Way City - Undesignated.
PROPERTY:	Portions of Corvallis and Hoffman Roads. Also, a portion of the old 6th Street.
FUTURE LAND USE:	Existing: County – Future Land Use: Urban Reserve Proposed: City – Undesignated
ZONING:	Existing: County – Suburban Residential (SR) Proposed: City – No New Future Land Use/Zoning Proposed
CRITERIA:	Oregon State Planning Goals 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. Further Information III. Potential Council Actions

I. BACKGROUND

At the meeting of April 8, 2025, the Independence City Council considered an application to annex three rights-of-way into the City of Independence. These rights-of-way include portions of Corvallis Road and Hoffman Road, as well as a portion of the old 6th Street.

II. FURTHER INFORMATION

During the meeting, the Council heard several questions about the annexation, and encouraged staff to find out additional information about the proposal. Items raised included:

- Whether the proposal included a zone change.
- Whether the road annexation would change the taxing of the neighboring properties.
- Whether the annexation would create an island that could be annexed by the City.
- Whether Corvallis Road would require additional right-of-way.

This staff report is intended to address these issues.

Zone Change. As stated during the hearing, every annexation of land into the City of Independence includes an associated zone change. The current zoning for the roadways is County – Suburban Residential. With the annexation, the Suburban Residential designation would no longer apply, as the City does not have the designation.

To match the designation of the roads in Independence, the proposed designation is City – Undesignated for Corvallis Road, Hoffman Road, and the small portion of S. 6th Street that does not have City zoning. The small portion of the old 6th Street that has City zoning would retain the current zone Low-Density Residential (RS).

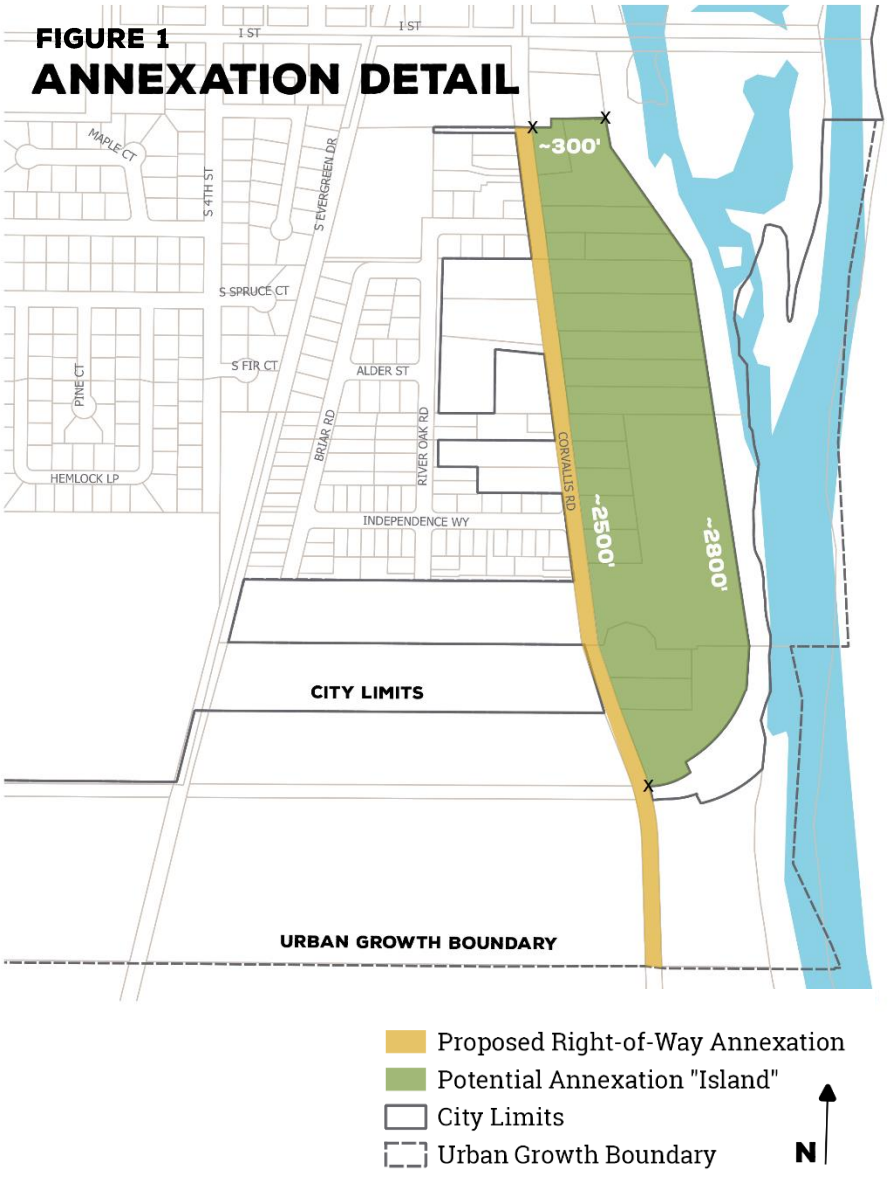
Given this combined application for an annexation and zone change, the application is considered a Type III application subject to IDC 11.002(C)(3).

Change in Taxes. Additionally, as stated during the hearing, the annexation of the roadways would not change the tax codes (or the amount of taxes due) for the neighboring properties. This fact was confirmed by staff as part of a conversation with Polk County Assessor Valerie Patoine on April 14, 2025. The proposal would annex the roadways but would not annex the neighboring land. As such, the neighboring properties would continue to be subject to unincorporated Polk County taxes and would not be subject to city taxes.

Creation of an Island. Further, at the hearing, several residents expressed concern over whether the annexation of the road would create an "island" of property that the City could use as a basis for future annexations.

As staff stated at the hearing, "island" annexation requirements do not apply if the territory:

> *(a) Is surrounded entirely by water; or*
>
> *(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory (see 222.750(3)).*



The requirements also do not apply if the property is not surrounded by the City.

For portions of property east of Corvallis Road in particular, the City boundary that would be created by the annexation of the right-of-way would exceed the 25 percent allowance in ORS 222.750(3). The total boundary of the area would be approximately 5,600 feet, and the portion of boundary that would include Corvallis Road would be approximately 45 percent of the total (see Figure 1). Given this total, the City could not use the road annexation to trigger the "island" annexation provisions.

Right-of-Way Widths. Lastly, at the hearing, a resident expressed concern over the future width of Corvallis Road (including whether any land dedications would be required). The proposed road is classified as a Minor Arterial in the Independence Transportation System Plan and is anticipated to be 66 feet wide, except when a turn lane is required (when 74 feet is necessary). The road currently varies between 60 and 66 feet in width, and the City will require future applicants that have annexed into the city to dedicate additional right-of-way (when necessary) as part of their proposed development projects.

The current annexation would only annex the existing right-of-way and would not include any additional width from surrounding properties.

III. POTENTIAL COUNCIL ACTIONS

Based on these considerations and the findings in the original staff report, staff continue to recommend that the City Council approve of the proposal.

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: Kenna West, City Manager
MEETING DATE: May 13, 2025
SUBJECT: New Owner Liquor License Applicant

[ ] Information Only [X] Action Requested

Statement of Issue:

JST Grocers LLC has purchased the Independence Grocery Outlet (1405 Monmouth Street) and has made an application with the Oregon Liquor and Cannabis Commission for a Retail Off-Premises Sales License. This license would allow for the continued sales of beer, cider and wine from the location for off-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:

Jason and Sandy Thornton, JST Grocers LLC, have recently purchased the Independence Grocery Outlet. In order to continue the sales of beer, cider and wine, they have submitted an application to the Oregon Liquor and Cannabis Commission. The previous owners of Grocery Outlet had a license to sell beer, cider and wine as well, meaning there will be no change in the business as far as alcohol sales are concerned.

JST Grocers LLC currently owns and operates Grocery Outlets in both Dallas and Newberg, Oregon. Jason and Sandy Thornton are using personal savings to finance the purchase of the Independence Grocery Outlet and have over 36 years of experience in retail, big box stores.

A background check was completed on Jason and Sandy Thornton. 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

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: After completing 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.

OREGON LIQUOR & CANNABIS COMMISSION

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): JSTGrocers LLC

Proposed Trade Name: Grocery Outlet Independence

Premises Address: 1405 Monmouth St **Unit:**

City: Independence **County:** Polk **Zip:** 97351

Application Type: ○ New License Application ◉ Change of Ownership ○ Change of Location

License Type: Off-Premises Sales ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Jason Thornton **Phone:** 503-949-1611

Mailing Address: 1405 Monmouth St

City: Independence **State:** Oregon **Zip:** 97351

Email Address: jbsethornton@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): JSTGrocers LLC

Proposed Trade Name: Grocery Outlet Independence

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: City of Independence

Optional Date Received Stamp

Date Application Received: 04/08/2025

Received by: Myra Russell

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.

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: 04/08/2025 - 10:11:18 AM MT**

Transaction Number: [redacted]
Visa — [redacted]
Status: Successful

Account #	Item	Receipt Number	Void Receipt Number	Quantity	Item Amount
Grcoery Outlet	LIQUOR LICENSE Grcoery Outlet			1	$75.00

TOTAL: $75.00

Billing Information
Jason Thornton
2008 DEERWIND CT NW
SALEM, OR 97304
jbsethornton@gmail.com

Transaction taken by: Admin mrussell

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: Kenna West, City Manager
MEETING DATE: May 13, 2025
SUBJECT: New Owner Liquor License Applicant

[ ] Information Only [X] Action Requested

Statement of Issue:

Insta Mart LLC, doing business as A1S Market, has purchased the A1 Market (295 Deann Drive) and has made an application with the Oregon Liquor and Cannabis Commission for a Retail Off-Premises Sales License. This license would allow for the continued sales of beer, cider and wine from the location for off-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:

The shareholders of Insta Mart LLC, Veeraiah Tarigopula, Prem Gandhamaneni and Nirdosh Dhakal, have purchased the A1 Market which is located at 295 Deann Drive. In order to continue the sales of beer, cider and wine, they have submitted an application to the Oregon Liquor and Cannabis Commission. The previous owners of A1 Market had a license to sell beer, cider and wine as well, meaning there will be no change in the business as far as alcohol sales are concerned.

This is the first business that has been purchased by Insta Mart LLC, but partner Nirdosh Dhakal has extensive experience in owning and operating other similar types of businesses, including another A1 Market, in Oregon. These other businesses are located in Newberg, Gresham and Portland.

Each of the business partners were interviewed and a background on each was completed. Insta Mart LLC is currently licensed through the Oregon Secretary of State's Office. I did not locate any alcohol-related incidents or other items which would preclude any of the applicants 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

OREGON LIQUOR & CANNABIS COMMISSION

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): Insta Mart LLC

Proposed Trade Name: A1S Market

Premises Address: 295 Deann Dr Unit:

City: Independence County: Polk Zip: 97351

Application Type: ○ New License Application ◉ Change of Ownership ○ Change of Location

License Type: Off-Premises Sales ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Veeraiah Chowdary Tarigopula Phone: 5038695857

Mailing Address: 15850 NW Linder St

City: Portland State: OR Zip: 97229

Email Address: instamartllc2025@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): Insta Mart LLC

Proposed Trade Name: A1S Market

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.

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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: 04/22/2025 - 5:13:30 PM MT**

Transaction Number: [redacted]
Visa — [redacted]
Status: Successful

Account #	Item	Receipt Number	Void Receipt Number	Quantity	Item Amount
A1 Market	LIQUOR LICENSE A1 Market			1	$75.00

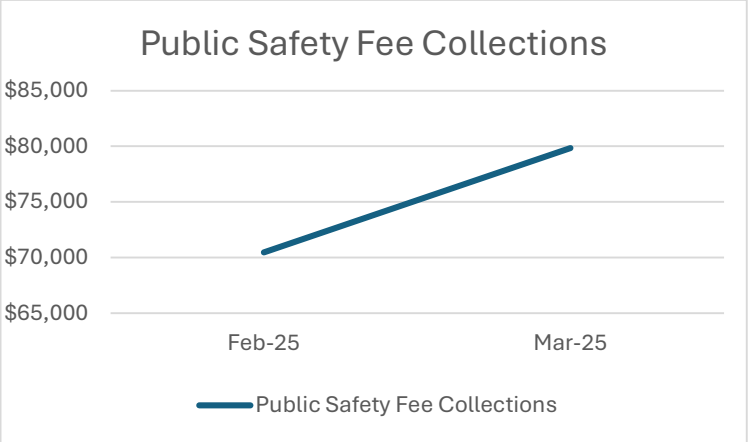
TOTAL: ***$75.00***

Billing Information
VEERAIAH TARIGOPULA
15850 NW Linder ST.
Portland, OR 97229
instamartllc2025@gmail.com

Transaction taken by: Admin mrussell

Public Safety Fee

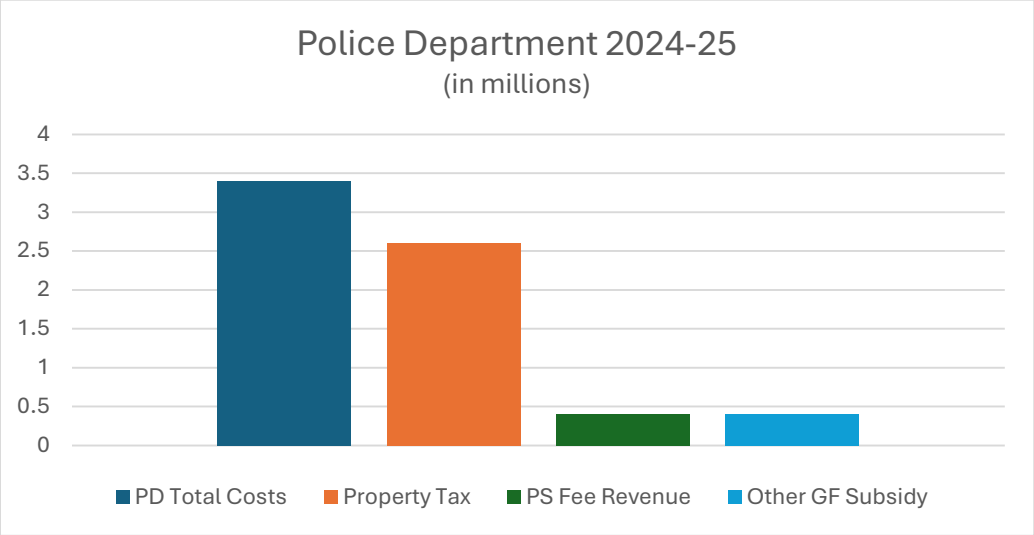
City staff monitors the Public Safety Fee administered through the utility bills. The first charges were billed in January and collected in February. With the fee set at $20 per month the City has collected a total of $150,320 through March. The chart below illustrates collections by month.



The increase in collections in March ($9,300) reflects a timing issue--- amounts billed and amounts collected do not always align in the same month.

Given an average of approximately $80,000 per month, we expect to collect a total of approximately $400,000 by June 30, 2025.

The Police Department's projected costs through June of 2025 are approximately $3.4 million. General Fund property tax revenue is estimated at $2.6 million, and the Public Safety Fee will bring in an additional $400 thousand. This results in a remaining subsidy from the General Fund of around $400 thousand for fiscal year 2024-25.

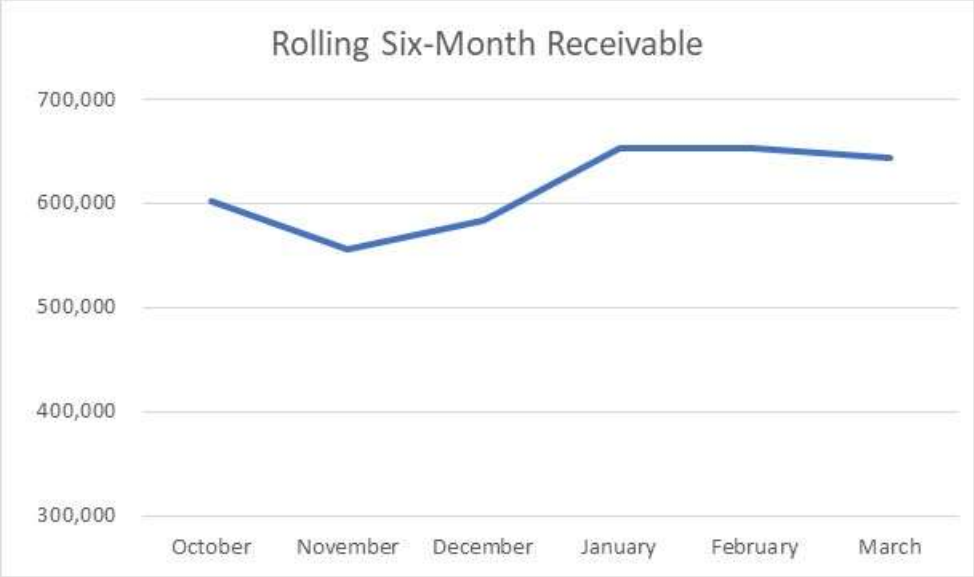


Utility Rate Revenues

With the beginning of the new fiscal year in July water, sewer, and storm drain charges increased to City customers. A rate increase was implemented for water base charges of 5.5% and usage of 5.4%, along with increases of 5% each in sewer and storm drain charges went into effect on the first of July. As of January 1, 2025, the city implemented a tiered rate structure for water usage to encourage conservation and more fairly allocate costs to high-usage accounts for their share of water.

The table below highlights water billing and collection statistics over the last six months.

	Accts Receivable	Billed	Collections %	AR % Current
October 2024	602,526	547,101	102%	87%
November 2024	555,191	493,671	109%	85%
December 2024	583,479	524,186	94%	86%
January 2025	652,916	615,135	82%	87%
February 2025	653,331	583,446	100%	85%
March 2025	644,350	585,255	101%	87%



The chart above illustrates the monthly water accounts receivable over the previous six months. The dip in receivables in November reflects lower water usage and lower-than-expected payments. Collections were down slightly in December consistent with prior year trends. Collections exceeded amounts billed in both February and March. Overall, collections and accounts receivable remain stable, with no significant increase in delinquent accounts. The Finance team continues to monitor trends in utility billing and collections monthly.

Independent Audit of the City's Financial Statements

The City's audited financial statements for fiscal year 2023–24 were formally presented to the City Council at its first meeting in April. As part of the audit process, the auditors identified some findings related to compliance with Oregon Local Budget Law. These findings primarily involved expenditures in certain departments or fund categories that exceeded the adopted budget authority.

In the General Fund, the City budgets by department. When the budget was adopted for the 2023–24 fiscal year, each department was assigned a maximum authorized spending amount. Over the course of the year, adjustments to the budget may be made—with City Council approval—to accommodate operational needs. If total expenditures in a department exceeded its final approved budget, the auditors noted it as an over-expenditure.

It is important to emphasize that these findings do not indicate the City spent beyond its available resources. Rather, they reflect technical compliance issues with the structure of budget authority, not concerns related to cash flow.

Attachment A to this report outlines each audit finding, provides context for how it occurred, and details the City's response or corrective actions. This information will continue to be included in future quarterly reports until all findings are fully resolved.

Debt Summary

The City continues to make all scheduled principal and interest payments on outstanding debt obligations. On most obligations, the principal is paid annually, and interest payments are made semi-annually.

The table below provides a summary of outstanding debt including original issue amount, principal and interest payments made during the 2024-25 fiscal year, and balance outstanding as of the end of this fiscal year.

Description	Original Amount	2024-25 Principal	2024-25 Interest	Balance 6/30/2025
2013 Gen Oblig Bonds	$5,255,000	$275,000	$122,719	$2,660,000
2013 Sewer Rev Bonds	2,900,000	90,000	57,650	1,685,000
2015 MINET FFC	4,145,000	240,000	79,485	1,950,000
2016 Water FFC	1,335,000	65,000	27,650	835,000
2016 FFC (ICC)	8,070,000	40,000	296,406	7,760,000
2017 FFC (ICC)	4,035,000	415,000	100,800	2,105,000
2017 MINET FFC	2,160,000	305,000	29,057	590,000
2019 Chase Loan (Wtr Rts)	800,000	80,947	11,310	345,814
2020 Chase Loan (Museum)	650,000	65,384	7,715	347,376
2020 MINET FFC	4,780,000	0	143,050	4,780,000
2021 Bus Oregon – Indy Lndg	2,904,580	93,916	76,957	2,719,332
2017 CWSRF Loan - WWTP	6,810,429	93,340	411,641	6,717,089
2025 Umpqua LOC	7,500,000	0	0	500,000

Interfund Loans

There are several outstanding interfund loans between the Urban Renewal Projects Fund and other city funds. Each loan has scheduled annual or semi-annual payments of principal and interest until fully paid off. The following table indicates the annual payments due on each loan, the outstanding amounts at the end of the 2024-25 fiscal year, and the year in which each loan will be paid off.

URA loan payable to:	Annual payment	Loan balance at 3/31/2025	Final Maturity
General Fund	$502,159	$3,867,234	TBD
General Fund	2,204	6,546	2027-28
Econ Dev Loan Fund	14,465	28,714	2026-27
Econ Dev Loan Fund	14,501	43,070	2027-28
Sewer Fund	14,465	28,714	2026-27
Sewer Fund	29,001	86,142	2027-28
Trans SDC Fund	95,460	283,542	2027-28
Trans SDC Fund	45,392	245,896	2030-31
Water SDC Fund	6,566	19,504	2027-28
Water SDC Fund	34,417	186,441	2030-31
Sewer SDC Fund	9,866	29,303	2027-28
Sewer SDC Fund	51,853	280,899	2030-31
Storm SDC Fund	3,863	11,476	2027-28
Storm SDC Fund	979	5,300	2030-31
Parks SDC Fund	62,023	335,993	2030-31

The repayment schedule for the URA loan from the General Fund will likely be adjusted based on available cash flows within the URA.

MINET Receivable

As of June 30, 2024, the City has recorded a receivable from MINET totaling $7,865,000. For external financial reporting, in accordance with Generally Accepted Accounting Principles (GAAP), the City has historically maintained an allowance for doubtful accounts in the same amount. This allowance was originally established due to concerns about MINET's ability to meet its obligations. There have been no amounts written off as uncollectible.

Since the renegotiated repayment schedule was implemented, MINET has made all scheduled payments to the City. We have budgeted to receive the next payment as scheduled in FY 2025-26. Given the consistent payment history and reduced risk, staff intends to discuss removing the allowance from our reporting in the audited financial statements for the fiscal year ending June 30, 2025, with our auditors.

CITY OF INDEPENDENCE
AUDITOR FINDINGS RELATED TO FY 2023-24 FINANCIAL STATEMENTS

FINDING 1 – Budgeting Reserves

This was a technical finding noted during the audit. It does not reflect any loss of funds, misuse of resources, or substantive financial issue. It is a matter of how information was recorded or presented, rather than a problem with how City funds were managed.

How it Occurred

The City's budget document includes information about funds that are set aside for future needs. In the budget resolution that adopts the 2024–25 budget, these amounts were shown separately. However, they should simply be included as part of the overall ending fund balance, rather than shown as money that has been officially set aside, or "appropriated," for a specific use.

Corrective Action Plan

When preparing the budget resolution for the 2025–26 fiscal year, staff will adjust how the information is presented. Instead of showing future reserved amounts as if they have already been approved for specific spending ("appropriated"), these funds will simply be included as part of the overall ending balances. The City's full budget document will still show the details of these reserved amounts to keep the public informed.

FINDING 2 – Budgeting the Urban Renewal Projects Fund

This was a technical finding related to how the City's Urban Renewal Projects Fund was categorized in the budget. Operating funds must include certain types of spending categories in their appropriations. While the fund was properly accounted for and no money was lost or misused, the budget presentation did not fully meet the technical formatting requirements.

How it Occurred

The City budgeted this fund as an operating fund, following standard practices. Upon further review, it was determined that different budgeting requirements apply to the Urban Renewal Agency (URA) Projects Fund due to the specific nature of its expenditures.

Corrective Action Plan

As we prepare the City's 2025–26 budget, staff will correctly budget the URA Projects Fund as a debt service fund, since the only expenses from this fund are payments on interfund loans.

FINDING 3 – Budgeting for Interfund Loans

This was a technical finding related to how interfund loan payments were presented in the budget. It did not affect the accuracy of the City's financial records or result in any loss of funds. It simply requires an adjustment to how these items are shown in future budgets to align with state requirements.

How it Occurred

The City budgeted interfund loan payments and receipts in a manner consistent with how interfund transfers are typically handled. After further clarification of budget requirements, staff recognize that a different approach is needed for interfund loans.

Corrective Action Plan

As we prepare the City's 2025–26 budget, staff will budget interfund loan payments as debt service in the fund making the payment and show them as revenue in the fund receiving the payment.

FINDING 4 – Budget Over-Expenditures

Summary and How it Occurred

General Fund – Administration. There was an overage of $57,585 in one area of the budget for contract and professional services. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure was mainly due to higher-than-expected costs for contract and professional services. Legal and audit expenses exceeded the amounts planned in the budget, even after mid-year adjustments. Some additional costs also came from covering the services of a contract Finance Director during the year.

General Fund – Finance. There was an overage of $17,265 in one area of the budget for dues, memberships, and subscriptions. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure was mainly due to higher-than-expected costs for dues, memberships, and subscriptions. These increases happened during the year and were not caught in time for a budget adjustment. It's important to note that many of these costs were for essential computer and cybersecurity software needed to keep City systems secure.

General Fund – Human Resources. There was an overage of $9,694 in the budget for dues, memberships, and subscriptions and contract services. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure was mainly due to higher-than-expected costs for dues, memberships, and subscriptions, along with some unexpected legal expenses related to negotiations. These cost increases happened during the year and were not identified in time to adjust the budget. Many of the

dues and memberships were essential for computer and cybersecurity software needed to keep City systems safe and secure.

General Fund – Building Inspection. There was an overage of $11,509 in personnel costs. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure was due to a temporary part-time inspector, which was not originally included in the adopted budget. While the position helped meet important workload needs, the related costs were not formally added through a budget amendment during the year.

Transportation Fund – Personnel Services. There was an overage of $12,545 in personnel costs. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure happened because, partway through the year, the City shifted how personnel costs were spread across different funds. This change was made to follow budget rules and to make the City's budget clearer and more transparent for the community.

Grants Fund – Capital Outlay (ARPA FUNDS). There was an overage of $462,830 in capital outlay. This over-expenditure happened because ARPA funds were used for water infrastructure projects without a formal budget amendment. However, the City Council had already given direction on how these funds should be spent, and all spending followed that guidance. In addition, all expenditures were properly reported to the federal government as required.

Tourism and Events Fund – Materials and Services: There was an overage of $34,792 in materials and services. The over-expenditure in this fund was mainly due to costs for Indy Days and Summer Series events.

Parks SDC Fund – Capital Outlay: There was an overage of $34,959 in Capital Outlay. This over-expenditure occurred because the original budget for this fund did not include land improvements, and no budget amendment was made to add them. The funds were used to make important improvements to our community parks, helping to enhance public spaces for everyone's benefit.

Facilities, Vehicle, and Equipment Replacement Fund – Personnel Services: There was an overage of $1,847 in Personnel Services. However, because of savings in other areas made up for it, the overall fund was not overspent. Personnel costs came in slightly higher than expected by the end of the year, mostly due to staffing needs. Because administrative staffing was limited, the increased costs were not identified in time to adjust the budget with an amendment.

Water Fund – Personnel Services: There was an overage of $45,759 in Personnel Services. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure happened because, partway through the year, the City shifted how personnel costs were spread across different funds. This change was made to follow

budget rules and to make the City's budget clearer and more transparent for the community.

Water SDC Fund – Materials and Services: There was an overage of $50 in Materials and Services. However, because savings in other areas made up for it, the overall fund was not overspent. There was a very small overage in materials and services at the end of the year. While staff worked to monitor costs, this minor difference was not identified in time to make a budget amendment.

Sewer Fund – Personnel Services: There was an overage of $39,021 in Personnel Services. However, because savings in other areas made up for it, the overall fund was not overspent. This over-expenditure happened because, partway through the year, the City shifted how personnel costs were spread across different funds. This change was made to follow budget rules and to make the City's budget clearer and more transparent for the community.

Corrective Action Plan

For all of the items mentioned in Finding 4, staff is keeping a closer eye on department spending during the current 2024–2025 fiscal year. If any potential overages are identified, staff will bring a budget adjustment to the City Council for approval in May or June 2025.

Information Services Equipment Fund – Materials and Services: There was an overage of $37,291 in materials and services. This fund is being closed, and its remaining balance is being moved into the General Fund, as it is no longer serving its original purpose. As part of this transition, the 2023–2024 budget did not fully account for expenditures from the fund. This was a minor oversight during the process of consolidating and streamlining City funds.

Corrective Action

This fund is scheduled to be closed during the 2024–2025 fiscal year as planned, so no further action is needed.

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: 05/13/2025
SUBJECT: Contract Award – Lagoon #1 Biosolids Removal (#2024-05)

[ ] Information Only [X] Action Requested

Statement of Issue:
City Council consideration of contract award for the Lagoon #1 Biosolids Removal project.

Background:
The city advertised a request for proposals in the Itemizer-Observer and the Daily Journal of Commerce on March 5th. The closing date for proposals was April 16, 2025, and the city received a total of four proposals. The proposal scoring tabulation is as follows from highest to lowest with a possible 200 points total.

- American Process Group 188 Points
- Bioterra 181 Points
- Synagro 179 Points
- Merrell Bros 169 Points

American Process Group (APG) is the recommended proposer in accordance with ORS 279C.375 and OAR 137-049-0395(1). The city issued a Notice of Intent to Award on April 23, 2025, and no protests were received.

Fiscal Impact:
This project is in the FY 2024-2025 and the FY 2025-2026 City Budget in the Sewer Fund.

Options:
1. *Authorize the City Manager to execute a contract with American Process Group.*
2. *Reject all proposals in accordance with ORS 279C.395.*

Recommendation/Suggested Motion:
Staff recommends Option 1.

Suggested Motions:
"I move to award the biosolids removal contract to American Process Group in the amount of $2,794,878.97 and authorize the City Manager execute the contract and any change orders within the approved budget."

Attachments:
May 5, 2025 DEQ Notice of Contract Approval

Oregon
Tina Kotek, Governor

Department of Environmental Quality
Clean Water State Revolving Fund
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5696
FAX (503) 229-6124
TTY 711

May 5, 2025

Gerald Fisher, PE
Public Works Director
City of Independence

Re: Wastewater Treatment Plant Improvements
CWSRF Loan No. R47603
Biosolids Removal and Disposal Project Contract Approval

Dear Mr. Fisher,

The Department of Environmental Quality has reviewed the bid review checklist, bid tabulation, low bidder's package, proof of advertisement, and Davis-Bacon/BOLI wage rates for the above referenced project submitted to the DEQ on 24 April 2025 and 2 May 2025.

All CWSRF documents have been found to be in order and the Department **approves** the award of a contract to **American Process Group LLC** for a total bid amount of **$2,794,879** to be funded through the above referenced CWSRF.

The First-Tier subcontractor listed in the approved bid submission are: Horner Enterprises, Inc. and Forslund Crane Inc. There are no DBE subcontractors listed for this project.

Should the need for additional subcontractors on this project arise at a later date, all CWSRF requirements should be complied with including the "Six Good-Faith Efforts" to recruit DBE subcontractors. The City needs to submit the necessary written documentation to DEQ if this occurs. Please note that a number of the CWSRF forms need to be provided by all of the subcontractors and retained by American Process Group in their file.

As a reminder, this project is required to fulfill the requirements of:

- Both **Davis-Bacon** and **BOLI** wage rates and to pay the higher of the two rates during construction.
- **American Iron and Steel** requirements. Because the project is receiving CWSRF funding, *the entire project* needs to comply with AIS.
- **City's responsibility to maintain project documentation**. City must retain project files and records for six years after project completion. CWSRF does not collect all documents, but they may be requested at a later date. Examples include the American Iron and Steel De Minimis tracking sheet, wage-related Standard Form 1445 for Employee Interviews, and subcontractor contract insert forms.

Next Steps after Contract Award:

- Provide me with a copy of:

    - the executed Contract, and
    - the Notice to Proceed.
- Coordinate the Pre-construction meeting: I will plan to participate to provide further guidance on the remaining CWSRF procedures, so *please coordinate scheduling of this meeting with me*.

Feel free to contact me if I can provide further assistance. I can be reached at (503) 229-6018 or via email at rebecca.kramer@deq.oregon.gov.

I look forward to working with the City on this project.

Sincerely.

/s/ Rebecca Kramer

Rebecca Kramer
Clean Water State Revolving Fund Project Officer

CITY OF INDEPENDENCE
MEMORANDUM

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: May 13, 2025
SUBJECT: Resolution #25-1631, Creation of an Ad Hoc Board for Independence Days

[ ] Information Only [X] Action Requested

Statement of the Issue
Due to ongoing budget constraints and reduced staffing capacity, the City is no longer able to organize and operate the annual Independence Days celebration. Interest has been expressed by community members and Council to explore other operating options including whether an external organization could assume responsibility for the event moving forward. A request has been made to form an Ad Hoc Board composed of Council members and community representatives to evaluate options and provide a recommendation to the full Council regarding the event's future.

Background
For the past three years, the City of Independence has taken the lead role in funding and operating the Independence Days celebration. However, current fiscal limitations and staffing challenges—including the resignation of the City's lead staff member responsible for the event—have made continued City-led operations unsustainable.

Independence Municipal Code Chapter 2, Article III, Section 2-68 authorizes the City Council to establish temporary advisory bodies to consider matters of interest to the City. When forming an Ad Hoc Board, Council must define the number of members, the scope of duties, and the duration of service.

Discussion
In light of public interest and the Council's desire to thoughtfully evaluate options, staff recommends the formation of a temporary advisory board to review the structure, funding, and future management of Independence Days as follows:

<u>Proposed Ad Hoc Board Structure:</u>

- Name: Ad Hoc Board for Independence Days
- Duration: 3 months from the date of appointment, with the option to extend once for an additional 3 months by motion and vote of the Council
- Membership: Five members total—three (3) City Councilors and two (2) interested community members

- Purpose: To provide the Council with a recommendation on the future of Independence Days, including consideration of alternative management models or organizational partners

Scope of Work:

The Ad Hoc Board will engage stakeholders and gather input from, among others, the following individuals and groups:

- Members of the current Independence Days Commission
- Community members or groups that the members of the Committee determine have an interest in Independence Days
- Local organizations potentially affected by or interested in the event's future, such as the Independence Downtown Association and Monmouth-Independence Rotary Club
- Downtown business owners
- City staff currently involved in the event, including the Downtown Manager, Public Works Department, and Police Department
- The Assistant City Manager, regarding recent outreach efforts to external organizations
- Any organizations expressing interest in taking over or supporting the event

At the conclusion of its term, the Ad Hoc Board will provide a recommendation to the Council regarding the form and future of Independence Days.

Appointment of Members

Under the City Charter and Municipal Code, the Mayor has the authority to appoint members to City boards, commissions, and committees, subject to Council approval. Mayor Schwarzler has communicated that her recommendations for appointments to the Ad Hoc Board for Independence Days include:

Community Members:

- Miranda Garrison – Owner of a downtown business impacted by the Independence Days event; has expressed interest in serving.
- Vidal Pena – Longtime community volunteer with involvement in past Independence Days celebrations; has expressed interest in serving. At the time of this report's publication, a response regarding participation was still pending.

Council Members:

- Councilor Boisvert – Current Council Liaison to the Independence Days Commission; has expressed interest in serving.
- Councilor Morton – Experienced in community service and event planning; has served on numerous boards, commissions, and committees, including volunteering for Independence Days. Has expressed interest in serving.
- Councilor Roden – Has shown interest in the Independence Days event; at the time of this report's publication, a response regarding participation was still pending.

Recommended Motion

Staff recommends the following motion:

"I move that the Council adopt Resolution #25-1631 approving the formation of the Ad Hoc Board for Independence Days as proposed and confirm the Mayor's recommended appointments."

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

A Resolution Establishing an Ad Hoc Board to]
Review the Structure, Funding, and Future]
Management of the Independence Days]
Celebration and Approving Mayor Schwarzler's]
Recommended Appointment)

RESOLUTION NO. 25-1631

WHEREAS, the City of Independence has organized and operated the annual Independence Days celebration for the past three years; and

WHEREAS, due to ongoing budget constraints and staffing limitations, the City is no longer able to continue organizing and operating the event in its current form; and

WHEREAS, there is community and Council interest in evaluating alternative models for sustaining the celebration, including whether an external organization may be able to assume responsibility for the event; and

WHEREAS, Independence Municipal Code Chapter 2, Article III, Section 2-68 authorizes the City Council to establish temporary advisory bodies for the purpose of considering specific matters of interest to the City; and

WHEREAS, the Council finds that the formation of an Ad Hoc Board to evaluate options and provide a recommendation regarding the future of Independence Days is in the public interest;

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

Section 1. Formation and Purpose of the Ad Hoc Board

There is hereby established the Ad Hoc Board for Independence Days, which shall serve as a temporary advisory body to the Council.

- **Purpose**: The Board shall evaluate the current structure, funding, and administration of the Independence Days event and provide a recommendation to the Council regarding the City's continued involvement and/or transition of responsibilities.
- **Duration**: The Board shall serve for a period of three (3) months from the date of appointment. The Council may extend the duration once for an additional three (3) months by motion and vote.
- **Membership**: The Board shall consist of five (5) members—three (3) City Councilors and two (2) interested community members.

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Section 2. Scope of Work

The Board shall engage relevant stakeholders and gather input from, but not be limited to, the following:

- Members of the current Independence Days Commission
- Community members or groups with an interest in the event
- Local organizations potentially impacted by or involved in the event (e.g., Independence Downtown Association, Monmouth-Independence Rotary Club)
- Downtown business owners
- City staff currently supporting the event, including the Downtown Manager, Public Works Department, and Police Department
- The Assistant City Manager, regarding ongoing outreach to external organizations
- Any other organizations expressing interest in managing or supporting the event

At the conclusion of its term, the Board shall provide a recommendation to the Council regarding the future structure and management of the Independence Days celebration.

Section 3. Appointment of Members

Pursuant to the City Charter and Municipal Code, the Mayor has the authority to appoint members to boards and committees, subject to Council approval. The Council hereby confirms the Mayor's recommended appointments to the Ad Hoc Board as follows:

Community Members

- Miranda Garrison
- Vidal Pena (pending confirmation)

Council Members

- Councilor Boisvert
- Councilor Morton
- Councilor Roden (pending confirmation)

ADOPTED by the City Council:
SIGNED by the Mayor:

_____
KATE SCHWARZLER, MAYOR

ATTEST:

_____
Myra Russell, City Recorder

Management Team Notes
Wednesday, April 9, 2025

Present: Myra, Fred, Gerald, Shawn, Rob, Amanda, Jason, Emmanuel, Patrick, Amy

- Pending agenda review.

Fred:

- Out the Past Two Plus Weeks. Working half days (plus or minus) and doing some remote work for the rest of the week.
- Annexation Hearings – Two annexation public hearings were considered by City Council on April 8th. One was for the annexation of a portion of 6675 Corvallis Road, and the other was for the annexation of certain rights-of-way. One of the hearings was continued to May 13th, and the other passed a first reading and will be considered again on May 13th.
- Gun Club Rezone – A public hearing for a rezone on Gun Club Road, including the property that contains the Legacy Oaks Apartments and the neighboring four acres, occurred at the Planning Commission meeting on April 7th. The rezone would change the area from Medium Density Residential to High-Density Residential. The City Council will consider the proposal in May.
- Historic Preservation Commission – Two public hearings are scheduled for the meeting on April 21. One is for siding changes to 451 S. 2nd and the other is for the reestablishment of the transom windows at 260-278 S. Main.
- Trolley – In coordination with Monmouth as the lead agency, we are continuing to look for trolley funding.
- Project Review – Reviewing various development permits.

Rob:

- Compiling the budget document for distribution first to staff for review, then to the Budget Committee on the 16th.
- Working on responses to audit findings – will include in quarterly financial reports going forward until resolved.
- Compiling a summary of debt and interfund loans (balances and transactions) for the Council to include in quarterly financial reports as ongoing information.
- Reprioritizing departmental activities and tasks with vacancy of Finance Manager position. Includes reevaluating and updating internal controls and approvals to maintain appropriate separation of duties.

Amanda:

- Working on Human Resources projects many of which are confidential
- Designing and implementing recruitment strategies
- Initiating the hiring process for open position within the Finance department

Gerald:
Project Updates

- 2018-03 Polk Well #4: Moving forward with change order to construct electrical connection.
- 2022-03 Polk Co Hoffman-Gun Club Rd SRTS: County working on drainage issue.
- 2022-09 WWTP Upgrade: 90% design underway.
- 2022-12 OR 51–5th St SRTS Crossing: Reviewing scope of work.
- 2022-13 Sunset Park Improvements: Working on electrical connection for pathway lights.
- 2022-17 9th St PS Ph 2-3: Design on same schedule as WWTP upgrade.
- 2023-04 Surface Water Treatment Plant: Project on hold.

- 2023-06 Stormwater Master Plan Update: Project on hold until model is done.
- 2023-09 Road Annexation-Juris Transfer: Waiting on Polk Co. Annexation on 4/9/25.
- 2023-11 Parks Master Plan Update: Second open house scheduled for 06/12/25, and virtual open house on 06/13/24. Parks Board review of documents scheduled for 04/25/26, and 07/17/25.
- 2023-12 Chestnut St Bridge: Project to be managed by Marion County.
- 2023-13 Corvallis Rd Waterline: Bidding in the late summer 2025.
- 2024-01 ODOT ADA Upgrades: Constructing anticipated in 2025.
- 2024-04 Polk-Main Intersection Improvement: Design underway.
- 2024-05 Biosolids Removal (Lagoon 1): Proposals due 4/16/25 and award on 5/13/25.
- 2024-07 F Street Water Tower Structural Assessment: Submitted request for scope of work.
- 2024-08 Polk WTP Pump Upgrade: Kick-off meeting scheduled for today.
- 2024-09 Sludge Survey: Approved scope of work request.
- 2024-10 Water Loss Survey: Approved scope of work request.

Administrative Updates

- Staff updating public works standards and detail drawings.
- Staff working on multiple development applications, design, and construction reviews. The following is a status update on larger projects still underway. Projects with no progress or plan approvals have been removed.
    a. 2021-02 SW Crossing: Plans approved.
    b. 2022-18 478 S Main Mixed-Use: Construction underway.
    c. 2023-02 Brandy Meadows 5-6: Plan approval final extension to 08/27/25.
    d. 2023-14 601 Stryker Rd Industrial: Construction underway.

Shawn:

- Working on options for Indy Days - met with chamber, talking with potential contractors or purchasers of the event.
- Had a kickoff meeting with the HUD TA folks who will be helping us review the URA, hope to see some fairly quick results from that.
- Internship meeting at WOU tomorrow - anyone need or looking for someone?
- BRIC grant canceled. We spent a lot of time on it and had a good shot at funding design for the drinking water plant ($7M) but the entire program has been canceled.

Jason:

- The Osprey live stream is back up and running. Rumors are circulating that an Osprey was spotted on April 3rd sitting on top of the camera. I've been unable to confirm.
    - Some Osprey live stream stats since the restart five days ago:
        - 39 new subscribers to our YouTube channel.
        - 3,200+ unique people have viewed the live stream and on average they watch for 1 hour and 13 minutes.
- Our new public fingerprinting machine is scheduled for installation and validation on April 23rd. I expect to start offering our public fingerprinting services again starting on April 24th.
- Parts to repair our finance server have been delayed due to supply chain issues. They are now expected to arrive April 10th.
- I've been assisting Monmouth with their IT budgeting needs in anticipation of their switch from Polk County IS to a contract with us.
- MINET budget committee is scheduled to meet May 22nd.
- Progressing through the workstation upgrade project.
- A firmware update to the mobile surveillance trailer has corrupted the modem in the trailer. The trailer is currently offline until a fix is available.

- There have been issues with email delivery of messages from our answering service. However, text messages are still being delivered to Officers on duty. This is a minimal impact to operations. The company has been contacted for a resolution.

Myra:

- Cancelled iCompass contract, switching to CivicPlus which includes agenda management and public records requests, 2 modules for less than one agenda module with iCompass.
- Working on letters/emails to new board and committee applicants, updating all the lists.

Management Team Notes
Wednesday, April 23, 2025

Present: Myra, Gerald, Shawn, Rob, Amanda, Amy, Emmanuel, Fred, Lyle, Kenna

- Pending agenda review.

Fred:

- Out Often over the Past Few Weeks.
- Annexation Hearings – Two annexation public hearings occurred at the City Council meeting on April 8th. One was for the annexation of a portion of 6675 Corvallis Road, and the other was for the annexation of certain rights-of-way. One of the hearings was continued to May 13th, and the other passed a first reading and will be considered again on May 13th.
- Gun Club Rezone – A public hearing for a rezone on Gun Club Road, including the property that contains the Legacy Oaks Apartments and the neighboring four acres, occurred at the Planning Commission meeting on April 7th. The rezone would change the area from Medium Density Residential to High-Density Residential. The City Council will consider the proposal in May.
- Historic Preservation Commission – Two public hearings occurred at the meeting on April 21. One was for siding changes to 451 S. 2nd and the other was for the re-establishment of the transom windows at 284-286 S. Main.
- Trolley – Continuing to look for trolley funding.
- Project Review – Reviewing various development permits.

Emmanuel:

- MI Trolley video with Richard Bunse had a great response; feedback is tell more stories
- Ride along yesterday
- PSMP video and outreach and meeting
- APWA conference coverage
- Touch a truck and Indy Days promotions
- Wall that Heals promotions
- Newsletter week

Lyle:

- Department is down another patrol officer (now at 4 patrol) due to an injury. It is possible that they will be out for the remainder of the year.
- Sergeants and Lieutenant are taking on additional shifts to maintain 24/7 coverage.
- Oral board interviews next week for 6 police officer applicants.
- Backgrounds continue on a lateral, and a part-time officer.

Amanda:

- Employee Appreciation Week (May 5–9):
  - We're celebrating Employee Appreciation Week with a special treat!
- Agent of Record Proposals:
  - We are currently in the process of reviewing agent of record proposals.
- Diaper Drive Donations:
  - Donations for the diaper drive are still being accepted. Thank you to everyone who has contributed so far!
- Finance Manager Position:
  - The Finance Manager position is open and we are currently accepting applications.
- Police Officer Interviews:
  - Interviews for the open officer position will take place at the end of the month.

Rob:

- Recruiting Finance Manager

Gerald:

Project Updates

- **2018-03 Polk Well #4**: Electrical connection work underway and project anticipated to be completed by 06/30/25.
- **2022-03 Polk Co Hoffman-Gun Club Rd SRTS**: County working on drainage issue.
- **2022-09 WWTP Upgrade**: 90% design underway.
- **2022-12 OR 51–5th St SRTS Crossing**: Working on adjustment of scope to remain within budget.
- **2022-13 Sunset Park Improvements**: Approved electrical connection work for pathway lights.
- **2022-17 9th St PS Ph 2-3**: Design on same schedule as WWTP upgrade.
- **2023-04 Surface Water Treatment Plant:** Project on hold due to property acquisition.
- **2023-06 Stormwater Master Plan Update:** Master plan work underway.
- **2023-09 Road Annexation-Juris Transfer:** Waiting on Polk Co. jurisdictional transfer on 04/30/25. Annexation of Corvallis and Hoffman scheduled for **05/13/25**.
- **2023-11 Parks Master Plan Update:** Second open house scheduled for **06/12/25**, and virtual open house on 06/13/24. Parks Board review of documents scheduled for **04/25/26**, and 07/17/25.
- **2023-12 Chestnut St Bridge:** Grant received and project to be managed by Marion County.
- **2023-13 Corvallis Rd Waterline:** Bidding in the late summer 2025. Need annexation and jurisdictional transfer of roadway to proceed with project.
- **2024-01 ODOT ADA Upgrades:** Constructing anticipated in 2025.
- **2024-04 Polk-Main Intersection Improvement:** Design underway.
- **2024-05 Biosolids Removal (Lagoon 1):** Notice of Intent to Award to go out today. DEQ to review and approve proposal and award. Award scheduled on **5/13/25**.
- **2024-07 F Street Water Tower Structural Assessment:** Scope approved and kick-off meeting scheduled for **05/08/25**.
- **2024-08 Polk WTP Pump Upgrade:** Design underway.
- **2024-09 Sludge Survey:** Work on Lagoon 2-4 to begin by June and Lagoon 1 after biosolids removal.
- **2024-10 Water Loss Survey:** Work to begin at the end of summer.

Administrative Updates

- Staff updating public works standards and detail drawings.
- Staff working on multiple development applications, design, and construction reviews. The following is a status update on larger projects still underway. Projects with no progress or plan approvals have been removed.
    a. 2021-02 SW Crossing: Plans approved.
    b. 2022-18 478 S Main Mixed-Use: Construction underway.
    c. 2023-02 Brandy Meadows 5-6: Plan approval final extension to 08/27/25.
    d. 2023-14 601 Stryker Rd Industrial: Construction underway.

Shawn:

- Exploring Moderate Income Revolving Loan Fund
- Attended regional housing summit organized by SEDCOR
- Oregon Museum Association conference next week. I'm presenting and doing a couple walking tours.
- Sherwood staff were in town Friday to talk downtown revitalization - they're working on an old town revitalization strategy

Jason:

- Completed file integrity monitoring project for workstations that have access to CJI.
- Continuing to work on Windows 11 upgrade project.
- Completed implementation of a new immutable backup system – this should help protect us further in the event of a ransomware attack.
- Completed repairs to the Finance server.
- The Admin server room suffered an HVAC failure after hours. I was able to arrive onsite and set up temporary fans to keep things cool.
    - The Facilities Department has a fix in place but believes there are still issues that need to be investigated.
- Completed installation and validation of new fingerprinting machine. (pending)
- April 29th through May 1st I'll be attending the National Cyber Crime Conference.
- May 6th I'll be attending the Oregon Digital Government Summit.

Amy:

- The wetland information panels are complete and have been sent to the printer. The dedication event in the park is scheduled for June 28.
- We have a field trip from IES scheduled this week.
- The Oregon Museums Association conference will be held in Independence from April 27–29, with events taking place at multiple locations throughout the community. We're expecting around 100 registered attendees to be in town for the event. The museum is hosting multiple workshops and tours during the conference.
- Donna Sinclair will be in the museum on May 1st at 6pm to discuss the history and legacy of Vanport.

Myra:

- Out April 27-29 at OACA Conference.
- Working on Budget Meeting schedule/agenda for upcoming meetings

PENDING CITY COUNCIL AGENDA ITEMS: 4/23/2025

MAY 13, 2025 - 6:63 PM	MAY 27, 2025 - 6:30 PM
Agenda items due: Noon, 05/07/2025	Agenda items due: Noon, 05/21/2024
» Public Hearing: Right of way- Continued	» Council Meeting-Public Hearing: Gun Club Rezone (Evander)
» CB 2025-04 Second Reading	» Council Meeting- Council Bill for Gun Club rezone (Evander)
» Liquor License -Grocery Outlet (Gilbert)	» Work Session-Council Procedure-Council Bills, Public Hearing (West)
» Liquor License -A1 Market-*possible* (Gilbert)	»
» Q3 Financial report (Moody)	»
» Contract Award-Lagoon 1 Biosolids removal (Fisher)	»
»	»
»	»
» Liaison Reports: Library Board, Museum Board	»
» and Continuum of Care	»
» Minutes/Misc Corresp/Notes/PAC	»
+ Urban Renewal Agency Meeting, if needed	***+ Urban Renewal Agency Meeting, if needed***
JUN 10, 2025 - 6:30 PM	**JUN 24, 2025 - 6:30 PM**
Agenda items due: Noon, 06/04/2025	Agenda items due: Noon,06/18/2024
» Budget Adoption (Moody)	» Potential Infill fieldtrip
» Regional Water Treatment Plant Intergovernmental Agreemer	»
» Budget Adjustment(Moody)	»
»	»
»	»
»	»
»	»
»	»
»	»
» Liaison Reports: Traffic Safety, Historic Preservation,	»
and Planning Commission	»
» Minutes/Misc Corresp/Notes/PAC	»
+ Urban Renewal Agency Meeting, if needed	***+ Urban Renewal Agency Meeting, if needed***
JUL 8, 2025 - 6:30 PM	**JUL 22, 2025 - 6:30 PM**
Agenda items due early b/c 7/4 Agenda items due: Noon, 06/30/2025	Agenda items due: Noon, 07/16/2024
»	»
» Q3 Board/Committee Appointments	»
»	»
»	»
»	»
»	»
»	»
» Liaison Reports: MINET, Parks Board,	»
and Independence Days Commission	»
» Minutes/Misc Corresp/Notes/PAC	»
+ Urban Renewal Agency Meeting, if needed	***+ Urban Renewal Agency Meeting, if needed***

Future Items:
Update Fee Schedule (Events fees - parks)
Franchise Agreements (updates ongoing)
Resolution: Purchasing Authority *(West)*
Interfund loan policy (Moody)
Code Change-HB3395 (Evander)
Work Session-Dusk to Dawn
Fema picm

Future Council Work Sessions:
URA Followup (Moody)

Future PW Agenda Items:
Code and Utility Billing

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 & Rec Committee: Councilor Roden
MINET: Councilor Sorce
Traffic Safety Commission: Councilor Roden
Continuum of Care: Councilor Corr