



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/10/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Independence Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, November 23, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Renata Wakeley, City of Independence
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

NOV 3 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Independence
09 and CPMA-01-09**

Local file number: **A-02-09 and CPA/ZC-03-**

Date of Adoption: **October 13, 2009**

Date Mailed: **November 2, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: July 30, 2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City of Independence has received an application to annex approximately 20 acres, the existing City of Monmouth well fields. The applicant is also requesting a Comp Plan Map Amendment from Low Density Residential to Public Service and a Zone Change from Suburban Residential (Polk County) to Public Service (City of Independence designation).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Low Density Residential** to: **Public Service**

Zone Map Changed from: **Suburban Residential (SR)** to: **Public Service (PS)**

Location: **Map 8.4.28CC Lots 4000 and 4100 (see attached map)** Acres Involved: **20.17**

Specify Density: Previous: **1 du per 5 acres (Polk County Designation)** New: **N/a (Independence PS designation)**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD: 001-09 (17738) [15806]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Polk County

Local Contact: **Renata Wakeley, City Planner**

Phone: **(503) 588-6177** Extension:

Address: **105 High Street SE**

Fax Number: **503-588 - 6094**

City: **Salem**

Zip: **97215**

E-mail Address: **renatac@mwvcog.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

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

A Resolution Proclaiming the Annexation into)
into the City of Independence of Tax Lots) RESOLUTION NO. 09-1260
4000 and 4100, Tax Map 8.4.28CC)

WHEREAS, ORS 222.125 authorizes cities to annex contiguous territory without an election or a hearing where all the owners and not less than fifty percent of the electors, if any, consent in writing to said annexation; and

WHEREAS, all the owners and electors of the subject real property applied to the City in writing to annex said real property into the City, a copy of which application is attached hereto and by this reference incorporated herein as Exhibit "B"; and

WHEREAS, on October 13, 2009, the City Council held a public hearing on and approved the annexation request;

NOW, THEREFORE, THE CITY OF INDEPENDENCE RESOLVES:


Section 1. The property proposed to be annexed is described in Exhibit "A", attached hereto and by this reference incorporated herein.

Section 2. The City of Independence, having lawfully dispensed with the submission of this annexation to the voters of the City, and contiguous territory, does hereby annex the above-described real property into the City of Independence.

Section 3. The City Manager shall cause a certified true copy of this resolution to be transmitted to all persons to whom transmittal is required by statute.

Section 4. Said property shall be given a City of Independence zoning designation by separate ordinance in accordance with the provisions of Subchapter 12 of the Independence Zoning Code.

PASSED by the City Council: 10-13-09
SIGNED by the Mayor: 10-13-09
EFFECTIVE: 10-13-09


JOHN MCARDLE, MAYOR

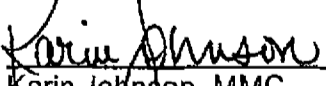
ATTEST:

Karin Johnson, MMC
City Recorder

EXHIBIT A

PROPERTY DESCRIPTION

Map & Tax Lot 8.4.28CC 4000
Map & Tax Lot 8.4.28CC 4100

LEGAL DESCRIPTION

Beginning at an iron pipe on the West boundary of the Henry Hill Donation Land Claim Notification No. 1525, Claim No. 45 in Section 33 of Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, at 58 links North of the 4 inch concrete monument at the Southwest corner of said Claim No. 45; thence North 15.18 chains to an iron pipe at the most Southerly Southwest corner of Hill Park Addition No. 4; thence North 89° 54' East 12.85 chains to the most Southerly Southeast corner of Hill Park Addition No. 4; thence South 5.90 chains to the West boundary of the Southern Pacific Railroad right of way; thence along said right of way South 13° 28' West 1.40 chains to an iron pipe on the line between Sections 28 and 33; thence continuing along right of way South 13° 28' West 8.18 chains to an iron pipe on the North boundary of the right of way of the railroad of Inman-Poulsen Lumber Company, being designated as Parcel 2 in Deed recorded in Volume 110, Page 198, Deed Records, Polk County, Oregon, thence North 89° 55' West 10.61 chains to the place of beginning.

Reserving a right of way over and across a strip of land 50 links wide along the West side of the above described tract to be used for road purposes.

ALSO: Beginning at a point on the West side of the S.P.R.R. Co. right of way which is 21.22 chains, more or less, South 12 1/2° West of the point formed by the intersection of the West side of the right of way with the South line of "I" Street of Hill's Addition to Hills Town of Independence, Oregon, said point also being the Southeast corner of a 3/4 acre tract deeded to Wendell Denlinger in Book 50, page 625, Deed Records of Polk County, Oregon, thence West along the South line of the 3/4 acre tract deeded to Wendell Hill Denlinger 2.75 chains; thence South 11.50 chains to the intersection of the West line of said R.R. right of way; thence North 12 1/2° East along said right of way to the place of beginning.

CITY OF INDEPENDENCE PLANNING DEPARTMENT

FOR OFFICE USE ONLY	
FILE NO: _____	FEE: _____
RECEIPT NO: _____	

APPLICATION FOR:

- | | | |
|--|---|---|
| Type I Action:
<input type="checkbox"/> Administrative Variance
<input type="checkbox"/> Floodplain Permit
<input type="checkbox"/> Home Occupation
<input type="checkbox"/> Minor Partition
<input type="checkbox"/> Kennel Permit
<input type="checkbox"/> Hobby
<input type="checkbox"/> Renewal - For kennel license renewal, please complete information above slashed line only. | Type II Action:
<input type="checkbox"/> Variance
<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Major Partillon
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Planned Unit Development | Type III Action:
<input type="checkbox"/> Zone Change
<input checked="" type="checkbox"/> Comprehensive Plan Map Amendment
<input checked="" type="checkbox"/> Annexation and Zone Change |
|--|---|---|

RECEIVED

JUL 23 2009

MID WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

DATE: July 20, 2009
 APPLICANT: City of Monmouth PHONE NO: 503-838-0722
 MAILING ADDRESS: 151 Main Street W.
 SITE ADDRESS: _____
 OWNER: _____ PHONE NO: _____
 (if different from applicant)

XX

TAX LOT NUMBER: 4000 + 4100 TAX MAP NUMBER: 8428cc

SURVEYOR OR ENGINEER: 4B Engineering & Consulting

ADDRESS: 3000 Market St Suite 529 Selem, OR PHONE NO: (503) 589-1115

GENERAL INFORMATION:

1) I/WE, THE UNDERSIGNED APPLICANT(S), DO HEREBY MAKE APPLICATION TO:
 (describe the request and list each item separately, designating the total acreage of the lot involved)

This request is to annex two parcels into the city of Independence. The parcels total approximately 20.17 acres in size. The request also includes changing the Comprehensive Plan Map designation from low density Residential to Public Service and changing the zoning from Suburban Residential (Polk County) to Public Service (PS).

2) LOCATION of the property (street address or distance to the nearest intersecting street or known landmark):
The property is located at the end of Fourth Street.

3) REASON(S) the above request is made. For variance applications, describe the extraordinary circumstances which apply. For all applications, describe the main uses of the subject property, and neighboring lots:

The City of Monmouth owns the subject property, which is developed with two municipal wells. The City wishes to annex the property to construct a new 1-million gallon municipal reservoir.

Exhibit B1

4) IN ORDER to assist us to evaluate your application applying the applicable law, please answer the following questions:

A) When did you acquire the property? August 8, 1968

For the purposes of this questionnaire, family member includes your wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild, the estate of any of the foregoing, or a legal entity owned by any one or combination of the foregoing.

B) Did you acquire or inherit the property from a 'family member'?

NO YES

C) If yes, when did the 'family member' acquire the property? _____

5) CERTIFIED LIST OF NAMES AND ADDRESSES of each owner (e.g. husband & wife) of all properties within the area formed by a line 250 feet from the parallel to the boundaries of the property that is the subject of this application and from any contiguous properties also owned by the applicant. (NOTE: Names and addresses of surrounding property owners are available at the Tax Assessor's office at the Polk County Courthouse. Failure to provide an accurate and complete list of surrounding property owners may invalidate any action taken on this application.)

6) ATTACHMENTS:

A. 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 tax assessor's office in the Polk County Courthouse, Dallas, Oregon.

B. 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.

C. For a zone change, comprehensive plan amendment or Urban Growth Boundary change, the names, addresses and zip codes of the owners of record of the property to be reclassified, if not shown below.

7) THE APPLICANT(S) SHALL CERTIFY THAT:

A. The above 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 Councilor Hinds at any permit issued on this application may be revoked if it be found that any such statements are false.

DATED this 20th day of July, 2009

SIGNATURES OF EACH OWNER:

(Husband and Wife) or contract purchaser. (For a zone change, comprehensive plan amendment or Urban Growth Boundary change, the owners to be reclassified):

NAME: ADDRESS:

Scott McClure, City Manager 151 Main Street W. Hammond, OR 97341

John O. Zuhra 7-20-09

Exhibit **B2**

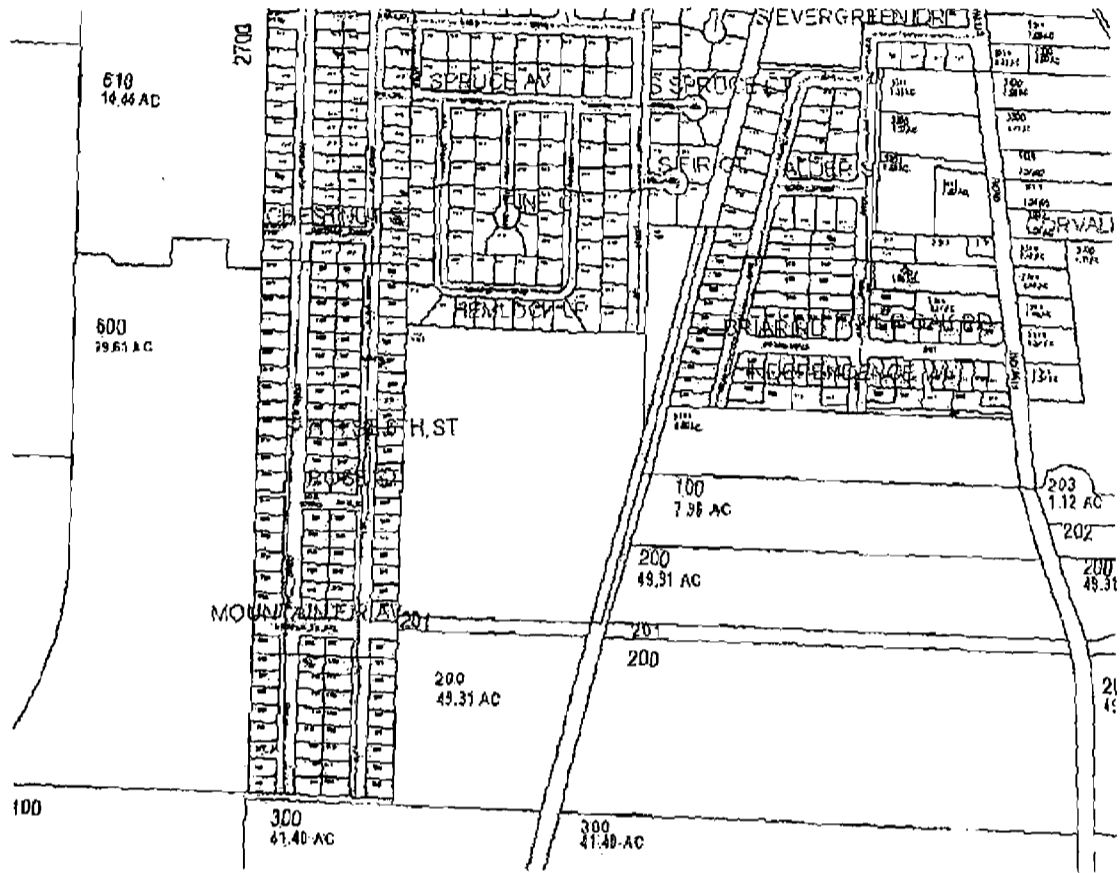


Exhibit **B3**

WARRANTY DEED

GRANTORS: HILL and BRUCE HILL, also known as 104
HILL, husband and wife, hereinafter called grantors,
convey to CITY OF MONMOUTH, an Oregon Municipal Corporation,
all that real property situated in Polk County, State of
Oregon, described as:

Beginning at an iron pipe on the West boundary of the
Henry Hill Donation Land Claim Notification No. 1525,
Claim No. 48, in Section 33, Township 8 South, Range
4 West of the Willamette Meridian in Polk County,
Oregon, at 50 links North of the 4 inch concrete
monument at the Southwest corner of said claim No.
48; thence North 15.18 chains to an iron pipe; thence
North 89° 54' East 12.85 chains; thence South 5° 30'
East 18 chains to the West boundary of the Southern Pacific
Railroad right of way; thence along said right of way
South 13° 28' West 1.80 chains to an iron pipe on the
line between Sections 22 and 23; thence continuing along
right of way South 13° 28' West 6.10 chains to an iron
pipe on the North boundary of the right of way of the
railroad of the Linn-Poulsen Lumber Company; thence North
89° 55' West 10.61 chains to the place of beginning.

Reserving a right of way over and across a strip of land
50 links wide along the West side of the above described
tract to be used for road purposes.

Also beginning at a point on the West side of the
S.P. R.R. Co. right of way which is 21.22 chains, more
or less, South 12° 1/2' West of the point formed by the
intersection of the West side of the right of way with
the South line of "I" Street of Hill's Addition to
the Town of Independence, Oregon, said point also
being the Southeast corner of a 3/4 Acre tract deeded to
Wendell Denlinger in Book 10, page 625; Deed Records of
Polk County, Oregon, thence West along the South line of
the 3/4 acre tract deeded to Wendell Denlinger 2.75
chains; thence South 12° 30' chains to the intersection
of the West line of said R.R. right of way; thence North
12° 1/2' East along said right of way to the place of
beginning.

and covenant that grantors are the owners of the above des-

WARRANTY DEED

Exhibit **B4**

212-2000

ceded property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same except as shown above.

The true and actual consideration for this transfer is \$20,000.00.

DATED this 1 day of August, 1968.

Orville H. Hill

Lucille Hill

STATE OF OREGON

County of Marion

August 1, 1968

Personally appeared the above named ORVILLE H. HILL and LUCILLE HILL, also known as IRA L. HILL, husband and wife and acknowledged the foregoing instrument to be their voluntary act before me.

Blair Wood
Notary Public for Oregon
My commission expires 9-24-71

WARRANTY DEED

RECORDED
INDEXED
AUG 1 1968
MARION COUNTY CLERK
COURT HOUSE
MADISON, OREGON

Exhibit 15

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

An Ordinance Amending the]
Zoning Designation of Tax Lot]
Nos. 8428 CC 4000 & 4100] **COUNCIL BILL #2009-07**

ORDINANCE NO. 1479

WHEREAS, the subject property was annexed into the City of Independence by Resolution No.09-1260, and

WHEREAS, after holding a public hearing and adopting findings, the City Council approved said annexed property to be rezoned from Polk County designation of Suburban Residential (SR), to City of Independence designation of Public Service (PS), **NOW, THEREFORE**,

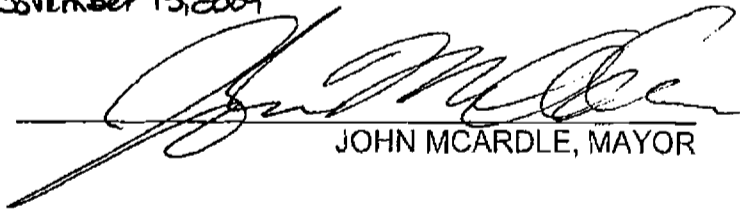
THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City of Independence hereby adopts the findings of the Staff Report as set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section 2. Property Description. The property to be rezoned is described in Exhibit "B", attached hereto and by this reference incorporated herein.

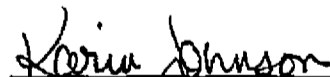
Section 3. Property Rezoned. The above-described property is hereby rezoned from Suburban Residential, to Public Service. All official maps of the City are hereby amended to conform to the changes made by this ordinance.

READ for the first time: October 13, 2009
READ for the second time: October 13, 2009
APPROVED by Council: October 13, 2009
SIGNED by the Mayor: October 13, 2009
EFFECTIVE DATE: November 13, 2009



JOHN MCARDLE, MAYOR

ATTEST:



Karin Johnson, MMC
City Recorder

EXHIBIT 'A'
STAFF REPORT



City of Independence

240 MONMOUTH STREET, P.O. BOX 7, INDEPENDENCE, OR 97351
Phone: 503.838.1212 FAX.: 503.606.3282

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

HEARING DATE: October 13, 2009

TO: Independence City Council

FILE: A-02-09 / ZC-03-09 / CPA-03-09

APPLICANT: City of Monmouth
151 Main Street W
Monmouth, OR 97361

SUBJECT PROPERTY Map 8.4.28.CC Lots 4000 and 4100 (subject parcels are located at the South end of Fourth Street). See Exhibit A.

REQUEST: The applicant is requesting approval to annex approximately 20 acres, the location of the City of Monmouth municipal wells, into the City of Independence. The applicant is also requesting a Comprehensive Plan Map Amendment from Low Density Residential to Public Service and a Zone Change from Suburban Residential (Polk County Designation) to Public Service (City of Independence designation).

APPLICABLE CRITERIA: Oregon Revised Statutes (ORS) 222.005 through 222.183; Independence Comprehensive Plan goals and policies

EXHIBITS: Exhibit A: Site Map
Exhibit B: Application materials
Exhibit C: Land Use Goals and Policies
Exhibit D: Urbanization Goals and Policies
Exhibit E: Public Facilities Goals and Policies
Exhibit F: Polk County -- City of Independence IGA
Exhibit G: September 14, 2009 Planning Commission hearing minutes
Exhibit H: Correspondence received to date

BACKGROUND:

The City has received an application for property annexation from the City of Monmouth. The subject property consists of two parcels, currently the location of two City of Monmouth well fields, totaling approximately 20.17 acres in size. The subject parcels have a current Polk County zoning designation of Suburban Residential. The subject property is within the City of Independence Urban Growth Boundary (UGB) with the Independence city limits located north and west of the subject properties.

The subject parcels are shown in the Independence Comprehensive Plan Map as having a Low Density Residential zone designation upon annexation into the city.

Access to the subject property is via Fourth Street. The area to the north, west and east is zoned Low Density Residential. The area to the north, west and east is developed with single family residences. The area to the south is zoned by Polk County as Suburban Residential and is identified in the Independence Comprehensive Plan as Low Density Residential upon annexation into the city.

The subject property does not contain identified floodplain (FEMA maps) or wetlands (National Wetland Inventory map).

PROPOSED USE:

The purpose of the land use action is to annex the subject properties into the City and change the zoning to Public Service (PS). The applicant intends to construct a new 1-million gallon municipal reservoir on the subject parcels (See Exhibit B10-B17).

ANNEXATION PROCESS:

The City uses the Oregon Revised Statutes (ORS) 222.005 through 222.183 to consider applications for annexation. Either a legislative body or owners of real property may generate a request. A legislative body may refer the annexation to vote under a general or special election or may dispense with the vote. If the legislative body does not defer the decision to the electors, it conducts a public hearing to consider the request for annexation of contiguous territory. The City is not required to approve an annexation petition.

The approval of a municipal annexation involves political, as well as land use implications. The political considerations concern taxation, granting the right to vote in City elections, and the timing of the annexation in light of the needs of the community to expand.

State law does provide a procedure for annexation:

“ORS 222.111 Authority and procedure for annexation, generally. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it by a public right

of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

While the provisions of ORS Chapter 222 regulate annexations, these statutes do not provide any specific decision criteria. Annexations need to be consistent with applicable Comprehensive Plan policies, and the policies or requirements of any other applicable planning documents, such as the Intergovernmental Agreement Between Polk County and the City of Independence regarding the Urban Growth Boundary and Management of the Urbanizable Area, Polk County-Independence IGA (See Exhibit F).

Annexation of property into the Independence city limits is by petition of the legal owner or contract purchaser to the City Council. City policy has been to have the Planning Commission hold public hearings in regard to annexations and associated land use actions, and to make a recommendation to the City Council for approval or denial. The City Council will review this application and hold a public hearing after a recommendation has been made by the planning commission.

According to the Polk County Assessor, the ownership of the land determines the “assessability” or taxation on the land and not the zoning. In the case of these two parcels, ownership by the City of Monmouth makes these parcels non-taxable as they are publicly owned.

ANALYSIS OF APPLICABLE CRITERIA

1) Annexation Petition 02-09:

The applicant and owners of the subject property have “petitioned” the City for annexation. The City is not required to annex property into the city for any development for any reason if it is not in the best interest of the city to do so.

In considering this request, the Independence City Council should consider the following questions: When should the City extend city limits to allow new development? Is there a public need that will be met by this action? The City Council should also consider the following questions: What are the impacts to city services? And is the proposal consistent with the Independence Comprehensive Plan and the Polk County – Independence IGA?

Findings: According to the applicant, they intend to connect to the city’s storm and sanitary sewer systems. The applicant does not intend to connect to city water service. Current Polk County and City land use laws limit water and sanitary system service to those within city limits. In addition, the City of Independence Comprehensive Plan Policy Urbanization (See Exhibit C) includes the following.

- 1. Independence shall not extend urban services beyond city boundaries.*

The Community Development Director has reviewed this application and provides the following comments regarding the availability of services to the proposed development: services are available and adequate. Public Works has reviewed the application and provided the following comments: This property has street frontage/access, and water and sewer are available. Public works has no conflicts. The Polk Co. Fire District stated they have no comments.

Staff concludes that adequate public facilities are currently available to serve the proposed development.

Incremental impacts associated with development of the subject property include maintenance of additional feet of storm and sewer mains and the potential for increased demand for Police and Fire/Emergency. It is hard to quantify the impact of annexing the subject property and the increased demand upon these systems. It is logical to assume that incorporation into the city limits may result in increased response calls. Currently, the applicant has suggested approximately three (3) of the twenty (20) acres will be developed- one acre for the new reservoir site and a one- acre sanitary protective radius for each existing well. The City Council should consider the entire 20 acre potential of the subject parcels when considering this application.

It appears that none of the incremental impacts resulting from development of the subject property will require additional staffing by public entities, nor will these impacts require major improvements to existing facilities beyond those constructed by developers of the property. While development of the subject property will have some incremental effect on public facilities and services, no significant adverse impacts are anticipated. The applicant will be subject to Site Design Review prior to building permit approval, as included as a recommended condition of approval, to address concerns regarding noise, construction, structure heights, lighting, buffers to residential properties, fencing, and so on.

As part of the review process, the Planning Commission and City Council must consider whether the proposed annexation is consistent with the applicable goals and policies of the Comprehensive Plan. The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

A) Land Use Goal (see Exhibit B) is *"To encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs."*

The following land use policies are applicable to this request:

7. *Independence shall designate annexed land consistent with the Comprehensive Plan designation.*

Findings: The City has designated the subject parcels to be Low Density Residential (RS) upon annexation into the city. The applicant has requested that the Comprehensive Plan be amended from Low Density Residential (RS) to Public Service (PS) and that the zone be change from Suburban Residential (Polk County Designation) to Public Service (City of Independence designation). The subject parcels were not included in the recently completely buildable lands inventory as it is not common procedure to include publicly owned lands in a buildable lands inventory, regardless of their Comprehensive Plan designation or zoning. Staff has made findings that public facilities and services are readily available for the subject property and annexation will not have a significant impact on residential housing needs as the property is currently being used for the applicant's well fields.

B) Urbanization Goal (see Exhibit C) is *"To provide for an orderly and efficient transition from rural to urban land."*

The following urbanization policies are applicable to this request:

1. *Independence shall not extend urban services beyond city boundaries.*

Findings: The purpose of the requested annexation and zone change are to permit the city to extend storm and sanitary sewer service to the Monmouth municipal well fields so that Monmouth may construct a one million gallon water reservoir. Services shall not be extended if the annexation and zone change are denied.

2. *Independence shall provide public notice of any proposed annexation or land use action and shall provide to the public an analysis of increased costs due to additional public facilities and services required.*

Findings: Notice of this proposed annexation has been provided pursuant to applicable city and state regulations. The applicant will be required to pay for the public facilities such as streets, sewer and storm drainage improvements to the site. Development of the property will result in some incremental impacts to public facilities and service providers from any development. Such impacts include, but are not limited to, additional billing costs, additional storm and sanitary sewer lines to maintain, and increased emergency response calls. Based on the size of the property, staff finds that the development will not have more than a minimal impact on these service providers.

5. *Independence shall coordinate with Polk County when considering any annexation and shall utilize the policies contained within the intergovernmental agreement between city and county regarding the management of the urbanizable area prior to any annexation or other development action.*

Findings: Notice of the proposed annexation has been provided to Polk County as required by the Polk County-Independence IGA. No comments have been received from the County to date.

Policy #4 of the Polk County-Independence IGA is the only policy within that agreement which is applicable to this request:

3. *The City and County shall encourage the development within existing urban areas before conversion of urbanizable areas to urban uses.*

Findings: With its location outside the corporate limits of the city, but within the UGB, the subject property is considered "urbanizable land". Annexation is the first step in the process of converting land from "urbanizable areas" to "urban uses". This policy does not require absolutely that development occur in all urban areas prior to the annexation of additional land, but rather states that such a practice will be encouraged.

C) Public Facilities and Services (Exhibit D). The overall policy discusses the importance of coordinating with other government and agencies in planning and providing public facilities. Water and sewer policies state that extension of services will be limited to areas within the corporate limits of the city. Public safety policies state that such services shall be maintained in a satisfactory level to protect citizens of the community. New developments that have more than a minimal effect on public safety shall not be approved.

Findings: As described in this report, public facilities are available to serve the proposed development on the subject property. Development of the property will result in some incremental impacts to public services and service providers. Such impacts include, but are not limited to, additional storm and sanitary sewer lines to maintain, potential for increased emergency and police response calls. Based on the size of the property and the proposed development, staff finds the development will not have more than a minimal impact on these service providers.

If Council approves the request, the applicant will be required to submit a site design review application. At that time, the city will have another opportunity to assess the potential impacts resulting from development of the subject property.

2) Comprehensive Plan Amendment/Zone Change 03-09

If the annexation petition is approved by the City, the following standards for zone change must also be met:

Subchapter 12 Zone Changes and Plan Amendments

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 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;*

Findings: This criterion is met. While the land has been designated as Low Density Residential upon annexation into the city, the land has already been developed with two municipal wells owned by the City of Monmouth. If the Council approves the annexation, the Polk County designation of Suburban Residential would no longer fit within the City of Independence zoning designations.

- 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;*

Findings: This criterion does not apply.

- 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.*

Findings: This criterion does not apply.

Subchapter 12 Zone Changes and Plan Amendments

12.030 Standards for Plan Amendments

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

- A) *The Comprehensive Plan designation for the land for which the plan amendment is initiated is erroneous and the plan amendment would correct the error;*

Findings: This criterion is met. While the land has been designated as Low Density Residential upon annexation into the city, the land has already been developed with two municipal wells owned by the City of Monmouth. If the Council approves the annexation, the Polk County designation of Suburban Residential would no longer fit within the City of Independence zoning designations.

- B) *Conditions in the neighborhood surrounding the land for which the plan amendment 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;*

Findings: This criterion does not apply.

- 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.*

Findings: This criterion does not apply.

Conformance with applicable Statewide Planning Goals.

Statewide Planning Goal 1: Citizen Involvement

Findings: Citizens owning property with 250 feet of the subject property were notified regarding the proposed annexation and rezoning. The City printed a public notice of the proposed annexation and rezoning in the local newspaper. Both notices invite citizens to participate in a public hearing or by submitting comments to the city prior to the public hearing as the Council considered the changes to the City's planning documents.

Statewide Planning Goal 2: Land Use Planning

Findings: The proposed annexation and rezoning will increase the City's inventory of Public Service within the city limits by approximately 20 acres and remove approximately 20 acres from the residential lands building supply. The subject parcels are bordered to the south and west by over 100 acres of land with a Low Density Residential (RS) Comprehensive Plan Designation that has not yet been annexed into the city limits.

Statewide Planning Goal 10: Housing

Findings: The proposed annexation and rezoning will increase the City's inventory of Public Service within the city limits by approximately 20 acres and remove approximately 20 acres from the residential lands building supply. The city recently conducted a buildable lands inventory to update their residential land needs and was permitted to expand the UGB to address residential lands needs over the next 20 years. The city will continue to monitor residential lands periodically thru updates to their buildable lands inventory. Staff has made findings that public facilities and services are readily available for the subject property and annexation will not have a significant impact on residential housing needs as the property is currently being used for the applicant's well fields..

Statewide Planning Goal 11: Public Facilities and Services

Findings: Staff has made findings that public facilities and services are readily available for the subject property and the annexation will have no significant adverse impacts to these facilities and services.

Statewide Planning Goal 12: Transportation

Findings: The proposed annexation and rezoning will have minimal impact upon the existing road system as the subject site will have minimal traffic travelling to and from the site. The site is currently in use for the Monmouth municipal wells and while construction of the new reservoir will have a temporary significant increase in construction traffic, the long term use of the property will have minimal visitation from Monmouth city employers and public works.

SUMMARY AND RECOMMENDATION:

An annexation decision constitutes a legislative action on the part of the City Council. The provisions of ORS Chapter 222 outline the annexation process, but do not provide any clear and objective criteria or standards to evaluate a particular request. Similarly, neither the Statewide Planning Goals and associated administrative rules, nor the city's Comprehensive Plan provide any objective standards to use in reviewing an annexation application. The applicable Comprehensive Plan policies provide general guidance, but do not establish clear and objective review standards. Without these criteria, evaluation of the request focuses on whether the application is consistent with the intent of these broad policy statements.

In reviewing this request, staff has attempted to answer the following questions: (1) Are adequate public facilities and services available to serve the subject property?; (2) Is the proposal consistent with the Comprehensive Plan and the Polk County – Independence IGA?; and (3) What are the impacts to city services?

Staff has concluded that adequate public facilities are available to serve the subject property, the proposal is found to be consistent with the Comprehensive Plan and the Polk County- Independence IGA, and the impacts to city services are minimal. Staff is recommending that the Council approval be subject to the following conditions:

1. Prior to building permit approval, the applicant shall submit a Site Design Review application

On September 14, 2009, the Independence Planning Commission reviewed the application and conducted a public hearing to consider the request. No testimony was received at that hearing. At the close of the public hearing and based upon findings above and in the body of this report, the Independence Planning Commission voted to recommend that the Independence City Council **APPROVE** the application A-02-09 and CPA-03-09 and ZC-03-09.

CITY COUNCIL ACTION

1. Annexation 02-09:

- A. A motion to approve the request for Annexation 02-09:
 1. As recommended by staff, or
 2. As further amended by the City Council (stating any revisions)
- B. A motion to continue the annexation request to a date and time certain (stating the date and time).
- C. A motion to continue the annexation request indefinitely, stating at what point the City Council Commission would consider reopening the hearing.
- D. A motion to deny the request for Annexation 02-09, stating the reason(s) for denial.

2. Comprehensive Plan Amendment 03-09 and Zone Change 03-09:

A. A motion to approve the request for Comprehensive Plan Amendment 03-09 and Zone Change 03-09:

1. As recommended by staff; or
2. As further amended by the City Council (stating any revisions).

B. A motion to continue the comprehensive plan amendment and zone change request to a date and time certain (stating the date and time).

C. A motion to continue the comprehensive plan amendment and zone change request indefinitely, stating at what point the City Council would consider reopening the hearing.

D. A motion to deny the request for Comprehensive Plan Amendment 03-09 and Zone Change 03-09 stating the reason(s) for denial.

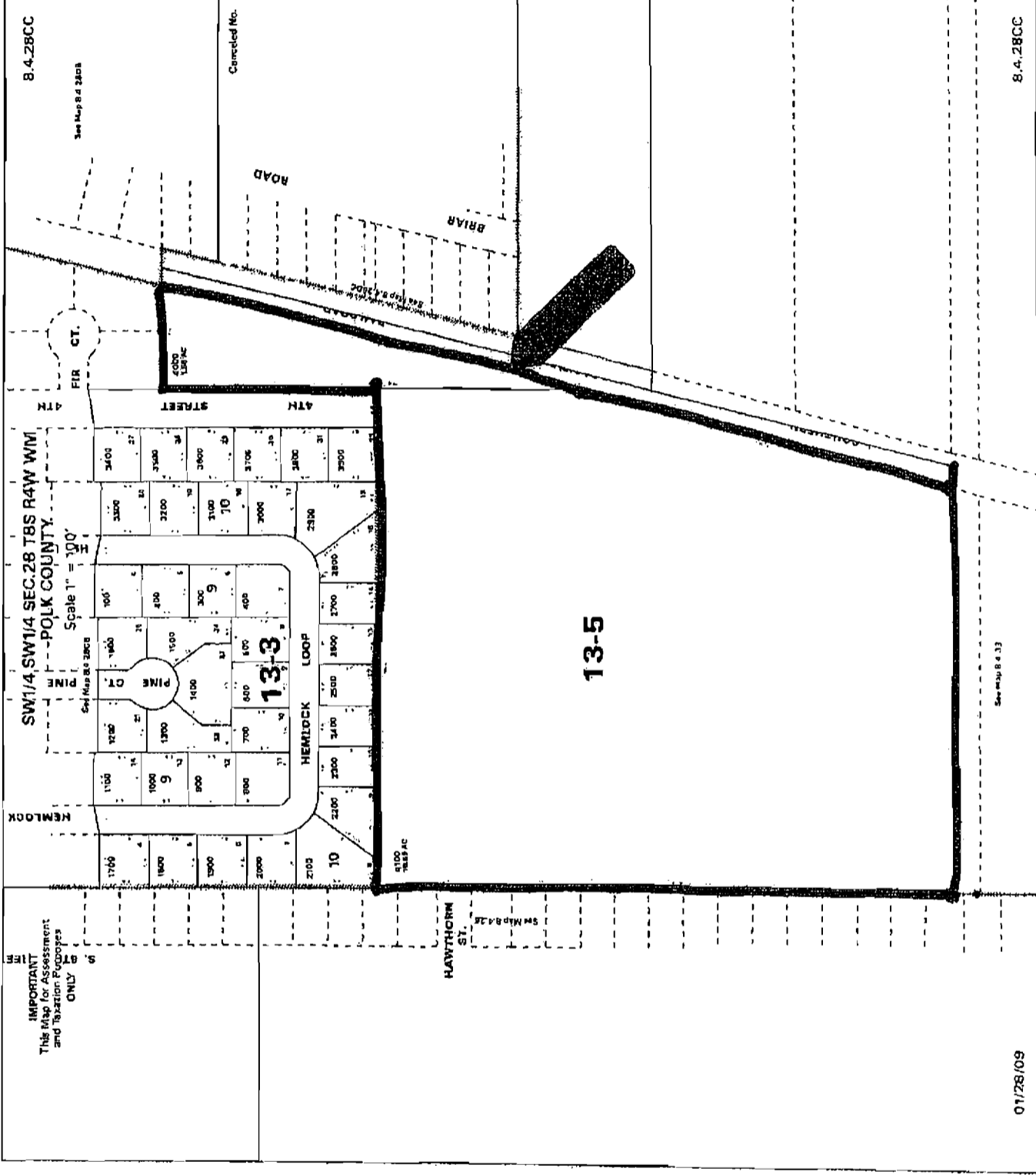


Exhibit A

CITY OF INDEPENDENCE PLANNING DEPARTMENT

FOR OFFICE USE ONLY

FILE NO: _____ FEE: _____
 RECEIPT NO: _____

APPLICATION FOR:

Type I Action:

- Administrative Variance
- Floodplain Permit
- Home Occupation
- Minor Partition
- Kennel Permit
- Hobby
- Renewal - For kennel license renewal, please complete information above slashed line only.

Type II Action:

- Variance
- Conditional Use Permit
- Major Partition
- Subdivision
- Planned Unit Development

Type III Action:

- Zone Change
- Comprehensive Plan Map Amendment
- Annexation and Zone Change

RECEIVED

JUL 23 2009

MID WILLAMETTE VALLEY
COUNCIL of GOVERNMENTS

DATE: July 23, 2009
 APPLICANT: City of Monmouth PHONE NO: 503-838-0722
 MAILING ADDRESS: 151 Main Street W.
 SITE ADDRESS: _____
 OWNER: _____ PHONE NO: _____
(if different from applicant)

XX

TAX LOT NUMBER: 4000 + 4100 TAX MAP NUMBER: 842800
 SURVEYOR OR ENGINEER: YB Engineering & Consulting
 ADDRESS: 3000 Market St Suite 527 Seaside PHONE NO: (503) 589-1115

GENERAL INFORMATION:

- 1) I/WE, THE UNDERSIGNED APPLICANT(S), DO HEREBY MAKE APPLICATION TO:
(describe the request and list each item separately, designating the total acreage of the lot involved)
This request is to annex two parcels into the city of Independence. The parcels total approximately 20.17 acres in size. The request also includes changing the Comprehensive Plan Map designation from low density Residential to Public Service and changing the zoning from Suburban Residential (Polk County) to Public Service (PS).

- 2) LOCATION of the property (street address or distance to the nearest intersecting street or known landmark):
The property is located at the end of Fourth Street.

- 3) REASON(S) the above request is made. For variance applications, describe the extraordinary circumstances which apply. For all applications, describe the main uses of the subject property, and neighboring lots:
The City of Monmouth owns the subject property, which is developed with two municipal wells. The City wishes to annex the property to construct a new 1-million gallon municipal reservoir.

Exhibit BI

4) IN ORDER to assist us to evaluate your application applying the applicable law, please answer the following questions:

A) When did you acquire the property? August 8, 1968

For the purposes of this questionnaire, family member includes your wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild, the estate of any of the foregoing, or a legal entity owned by any one or combination of the foregoing.

B) Did you acquire or inherit the property from a 'family member'?

/ NO YES

C) If yes, when did the 'family member' acquire the property? _____

5) CERTIFIED LIST OF NAMES AND ADDRESSES of each owner (e.g. husband & wife) of all properties within the area formed by a line 250 feet from the parallel to the boundaries of the property that is the subject of this application and from any contiguous properties also owned by the applicant. (NOTE: Names and addresses of surrounding property owners are available at the Tax Assessor's office at the Polk County Courthouse. Failure to provide an accurate and complete list of surrounding property owners may invalidate any action taken on this application.)

6) ATTACHMENTS:

A. 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 tax assessor's office in the Polk County Courthouse, Dallas, Oregon.

B. 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.

C. For a zone change, comprehensive plan amendment of Urban Growth Boundary change, the names, addresses and zip codes of the owners of record of the property to be reclassified, if not shown below.

7) THE APPLICANT(S) SHALL CERTIFY THAT:

A. The above 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 Councilor Hinds at any permit issued on this application may be revoked if it be found that any such statements are false.

DATED this 20th day of July, 2009

SIGNATURES OF EACH OWNER:

(Husband and Wife) or contract purchaser. (For a zone change, comprehensive plan amendment or Urban Growth Boundary change, the owners to be reclassified):

NAME: ADDRESS:

Scott McClure, City Manager 151 Main Street W. Hanks, OR 97361
Jeff D. Zuber 7-30-09

Exhibit **B2**

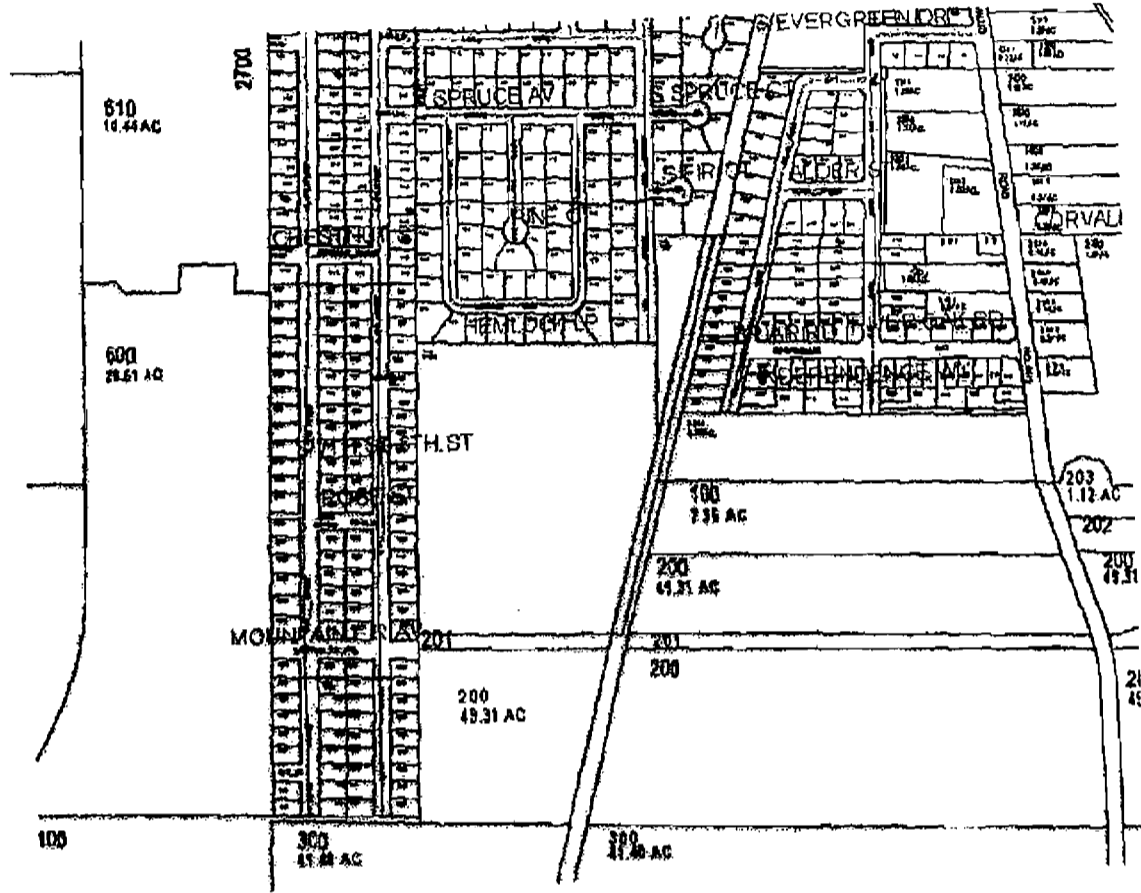


Exhibit **B3**

WARRANTY DEED

Donald G. Hill and Lucille Hill, also known as DA
Hill, husband and wife, hereinafter called grantors,
do hereby convey to CITY OF MONMOUTH, an Oregon Municipal Corporation,
all that real property situated in Polk County, State of
Oregon, described as:

Beginning at the 1.000 pole on the West boundary of the
Henry Hill Donation Land Grant, Multnomah County, Oregon,
County No. 23, 50 Acres, 1/2 of the Section 36 South, Range
1 West, of the Willamette Meridian in Polk County,
Oregon, 12.12 chains North of the 1.000 pole, to
commence at the Northwest corner of said land, to
the place north 15.12 chains to an iron pipe, thence
west 3.20 chains to a 1.000 pole, thence south 1.000
chains to the East boundary of the Southern Pacific
Railroad, 10.000 chains along said right of way
North 1.20 chains to a 1.000 pole, thence south
1.000 chains to a 1.000 pole, thence east 1.000 chains
to a 1.000 pole, thence south 1.000 chains to an iron
pole on the Northwest corner of the right of way of the
Oregonian Lumber Company, thence North
1.20 chains to the place of beginning.

Reserving a right of way over and across a strip of land
50 feet wide along the West side of the above described
tract to be held for road purposes.

And beginning at a point on the West side of the
1.000 pole right of way which is 1.20 chains, more
or less, North 1.20 chains West of the point formed by the
intersection of the West side of the right of way with
the South line of 1.20 street of Hill's Addition to
Hill's Second Independence, Oregon. Said point also
being the Southeast corner of a 1/4 acre tract owned by
Wendell Dealinger in Book 10, Page 1351 Deed Records, Polk
County, Oregon, thence West along the North line of
the 1/4 acre tract owned by Wendell Dealinger 7.15
chains, thence South 1.20 chains to the intersection
of the West line of said E. F. right of way, thence North
1.20 chains East along said right of way to the place of
beginning.

and covenant that grantors are the owners of the above des-

...of all encumbrances and will warrant
and defend the same against all persons who may lawfully
claim the same, except as otherwise herein provided.
The true and actual consideration for this assignment
is \$100,000.00.
Witness my hand and seal of office this 1st day of August, 1958.

Orville H. Hill

Lucille Hill

...and acknowledged the foregoing instrument to be their voluntary
act and deed.

John R. ...
Notary Public for Oregon
My commission expires 1-1-59

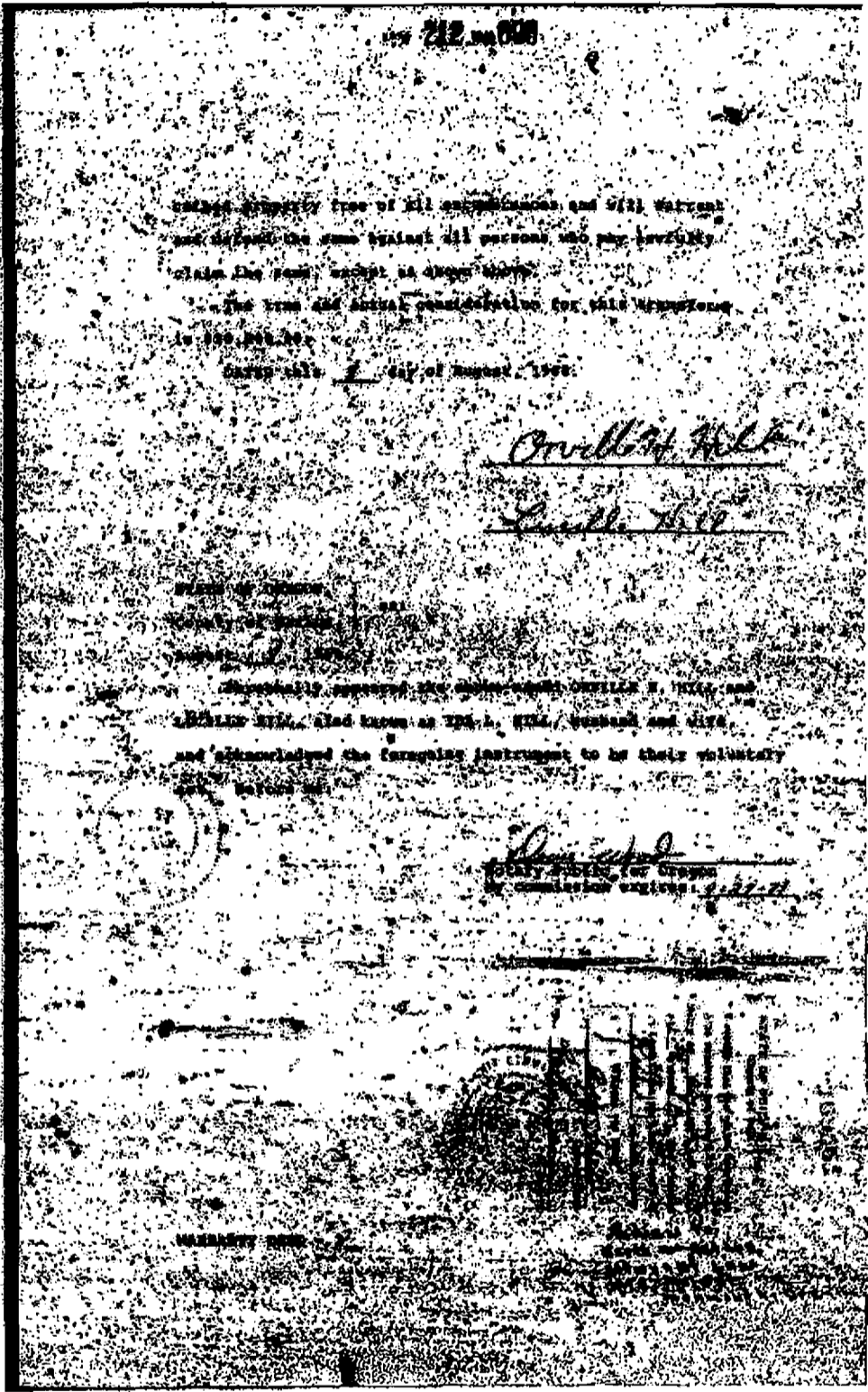


Exhibit B5

FOLK COUNTY WEBMAPS
Real Property Map Summary for the
Current Tax Year

Account Info

Map Taxlot: 8428CC 4100
Account Number: 325640
Acres: 18.59
Sq Ft: 809780
Primary Situs:

Property Class: 241
RMV Property Class: 401
MA: 04
SA: 17
NH: 000
Value Unit: 19901-2

Owner Info

Owner: CITY OF MONMOUTH
Mailing Address: 151 MAIN ST W MONMOUTH, OR 97361

Value Summary Info (AV:Assessed Value, RMV:Real Market Value)

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
1305	146130	0	146130	1494740	1670	1496410
Grand Total			146130			1496410

Property Info

Number Houses: 0 Number Buildings: 1
FloorPlanImage: [Click to view image](#)

Improvement Info

Stat Class: 300 Code Area: 1305
Stat Class Type: FARM BLDG Stat Class Desc: Farm Bldg
Effective Year: 1990 Total Sq Ft: 120
Improvement Image: [Click to view image](#)

**City, County, Fire, School
Districts & Land Size Info**

Account Number:	Taxcode:	Acres:	District:
325640	1305	18.59	CENTRAL SD 13J BONDS AFTER 2001
325640	1305	18.59	CENTRAL SD 13J BONDS PRIOR 2001
325640	1305	18.59	CENTRAL SD 13J

Exhibit B6

325640	1305	18.59	POLK COUNTY FD #1
325640	1305	18.59	POLK COUNTY
325640	1305	18.59	POLK COUNTY FD #1 LOCAL OPTION

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations. Report generated on: 7/13/2009 using data produced on: 1/16/2009.

Exhibit B7

POLK COUNTY WEBMAPS
Real Property Map Summary for the
Current Tax Year

Account Info

Map Taxlot: **8428CC 4000**
Account Number: **325637**
Acres: **1.58**
Sq Ft: **68825**
Primary Situs:

Property Class: **941**
RMV Property Class: **401**
MA: **04**
SA: **17**
NH: **000**
Value Unit: **19901-2**

Owner Info

Owner: **CITY OF MONMOUTH**
Mailing Address: **151 MAIN ST W MONMOUTH, OR 97361**

Value Summary Info (AV: Assessed Value, RMV: Real Market Value)

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
1305	24800	3600	28400	127040	6830	133870
			Grand Total	28400		133870

Property Info

Number Houses: **0** Number Buildings: **2**
FloorPlanImage: [Click to view image](#)

Improvement Info

Stat Class: **300** Code Area: **1305**
Stat Class Type: **FARM BLDG** Stat Class Desc: **Farm Bldg**
Effective Year: **1990** Total Sq Ft: **120**

Improvement Image: [Click to view image](#)

Stat Class: **500** Code Area: **1305**
Stat Class Type: **COMMERCIAL** Stat Class Desc: **Commercial Other Improvements**

City, County, Fire, School
Districts & Land Size Info

Account Number: Taxcode: Acres: District:

Exhibit 88

325637	1305	1.58	CENTRAL SD 13J BONDS PRIOR 2001
325637	1305	1.58	POLK COUNTY
325637	1305	1.58	CENTRAL SD 13J BONDS AFTER 2001
325637	1305	1.58	POLK COUNTY FD #1
325637	1305	1.58	POLK COUNTY FD #1 LOCAL OPTION
325637	1305	1.58	CENTRAL SD 13J

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Exhibit **01**

The responses to questions submitted by Renata Wakely:

a) Will the improvements be connected to Independence sewer, water and power for the restroom, sinks, etc? My experience on similar projects has been that (even without a restroom) you would need to connect to city sewer for the sink and emergency wash facilities. Is the current inertie pump station tied into Independence services?

Response: Storm and sanitary sewers will be connected to the Independence systems, we are still considering the exact locations for each, however, the sanitary (toilet, sinks, etc.) will most likely be directed southerly for an approximate distance of 100' from the site and then west to connect to the Independence system.

We anticipate routing the storm water to the east to an existing drainage ditch. Water will be supplied directly from the Monmouth water system. Power will be provided from PP&L through a new 200 amp, 3-phase electrical service. The existing inertie pump station is now connected to both cities, Independence AND Monmouth, which is required in order to properly function as a mutual water facility. Power is provided from PP&L. There are no other services.

b) Has Polk County required or requested this annexation and if so, do you have any documentation from them on this?

Response: To our knowledge, Polk County has not requested this annexation directly, in fact, our initial contact with them indicated their desire for us to contact and work with Independence and Monmouth on the annexation.

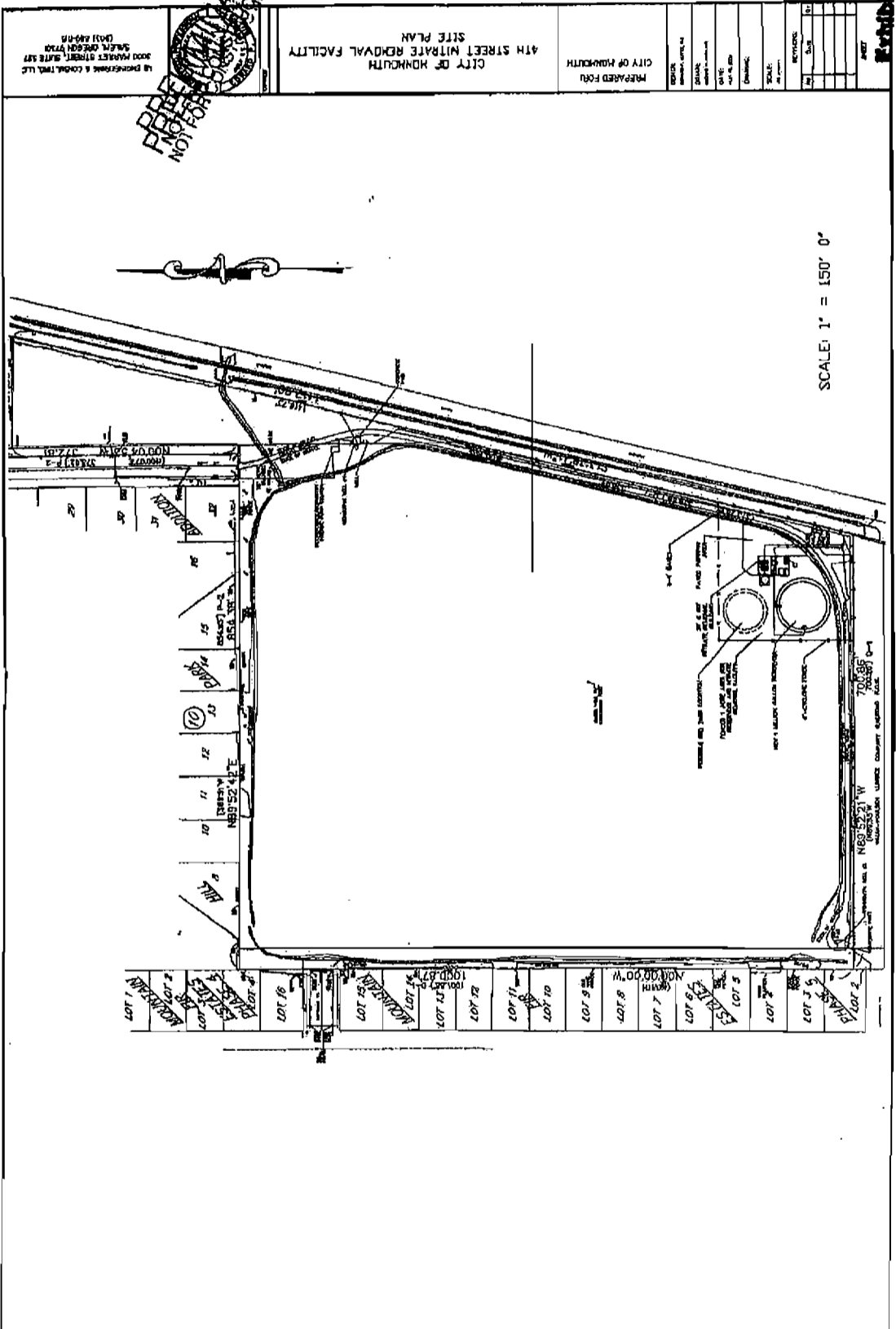
c) Do you know of limitations to development surrounding these wells? It looks like approx. 2 of the 20 acres are proposed for development at this time and I need to look at the total site potential. Are you aware of restrictions within 'x' number of feet surrounding the water wells that would further restrict the remaining 18 acres?

Response: In addition to the area required for the reservoir, pump station, and related ancillary needs, each well site (2 Monmouth wells exist-City Wells #4 and 5) needs a sanitary protective radius of 100', or diameter of 200'. From past experience, a square area of one (1) acre (208.7' x 208.7') for each well, with the well established as the center of the acre in both directions works well for the required protective area. Obviously, this would need to be adjusted to fit the existing available land owned by Monmouth in each direction.

I trust that I have adequately responded to your questions, however, let me know if I can provide any further information.

Respectfully, Edward Butts, 4B Engineering, Salem, OR

Exhibit B10



18 PROFFERS & COLBY, INC.
 3000 MARKET STREET, SUITE 127
 SALT LAKE CITY, UT 84119
 (801) 488-4000

CITY OF HONOLULU
 4TH STREET NITRATE REMOVAL FACILITY
 SITE PLAN

PREPARED FOR
 CITY OF HONOLULU

DATE: 10/11/07
 DRAWN BY: J. [unreadable]
 CHECKED BY: [unreadable]

NO.	DESCRIPTION
1	4th Street
2	1st Street
3	2nd Street

Exhibit B11

PERMISSORY
 NOT FOR CONSTRUCTION

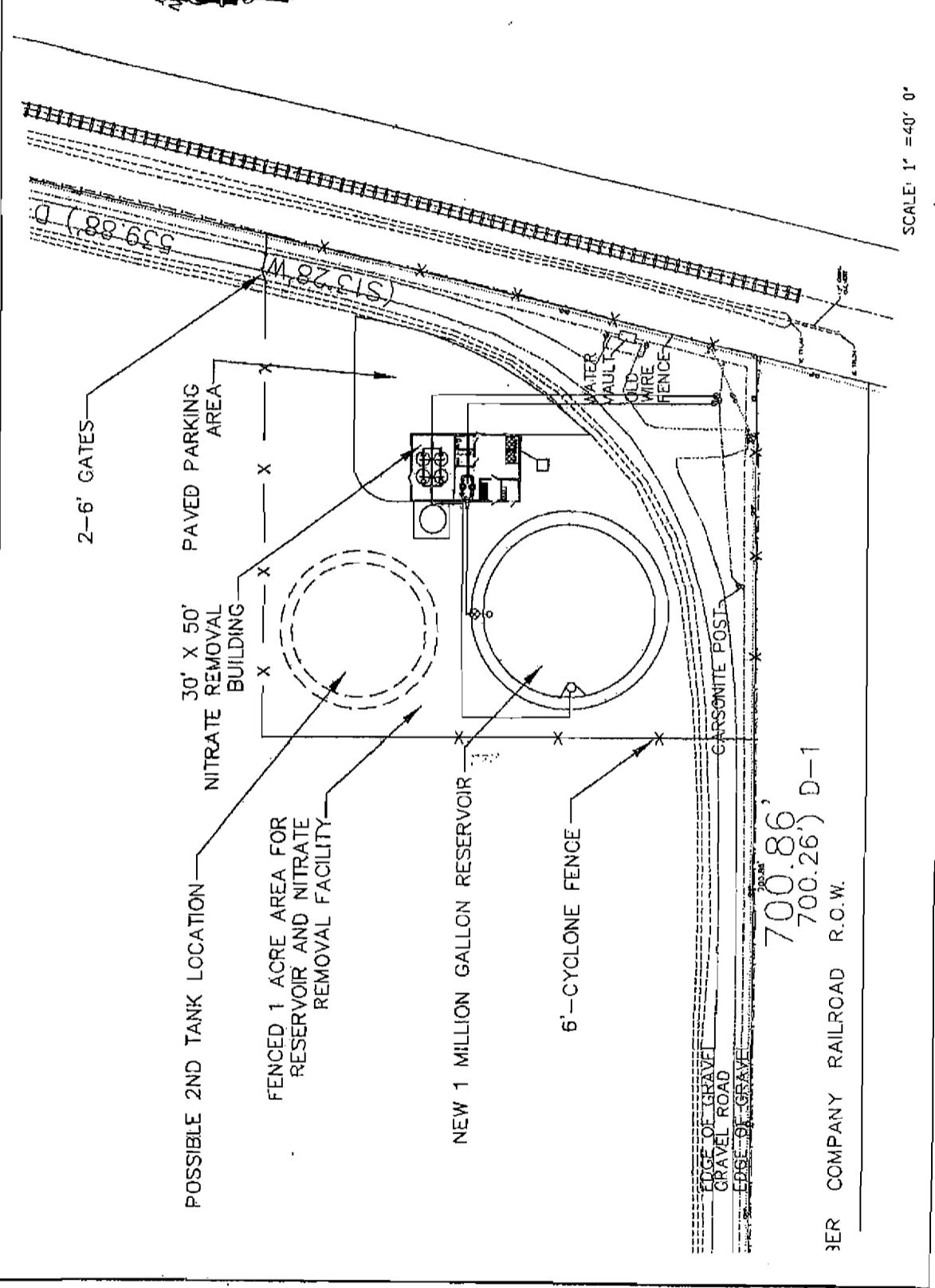
CITY OF MONMOUTH
4TH STREET NITRATE REMOVAL FACILITY
SITE PLAN

PREPARED FOR:
CITY OF MONMOUTH

DATE: _____
SCALE: _____
BY: _____

18 ENGINEERING & CONSULTING, LLC
5000 HARVEY STREET, SUITE 202
MONROE, LOUISIANA 70133
(504) 885-9115

EXHIBIT **B12**



18 BRIDGEVIEW & COMPANY, LLC
 3200 MARKET STREET, SUITE 207
 SALEM, OREGON 97301
 (503) 546-1115

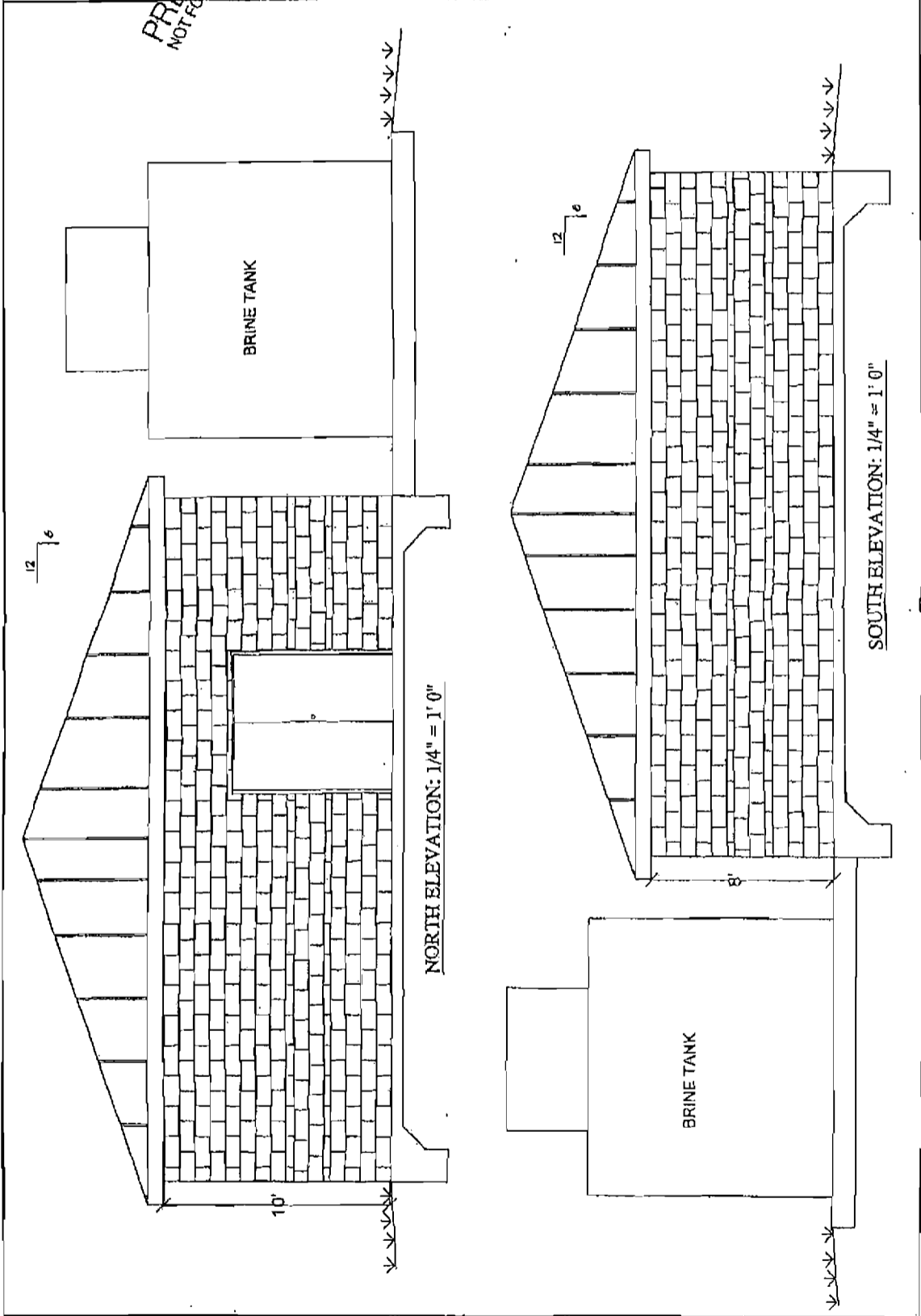
PRELIMINARY
 NOT FOR CONSTRUCTION

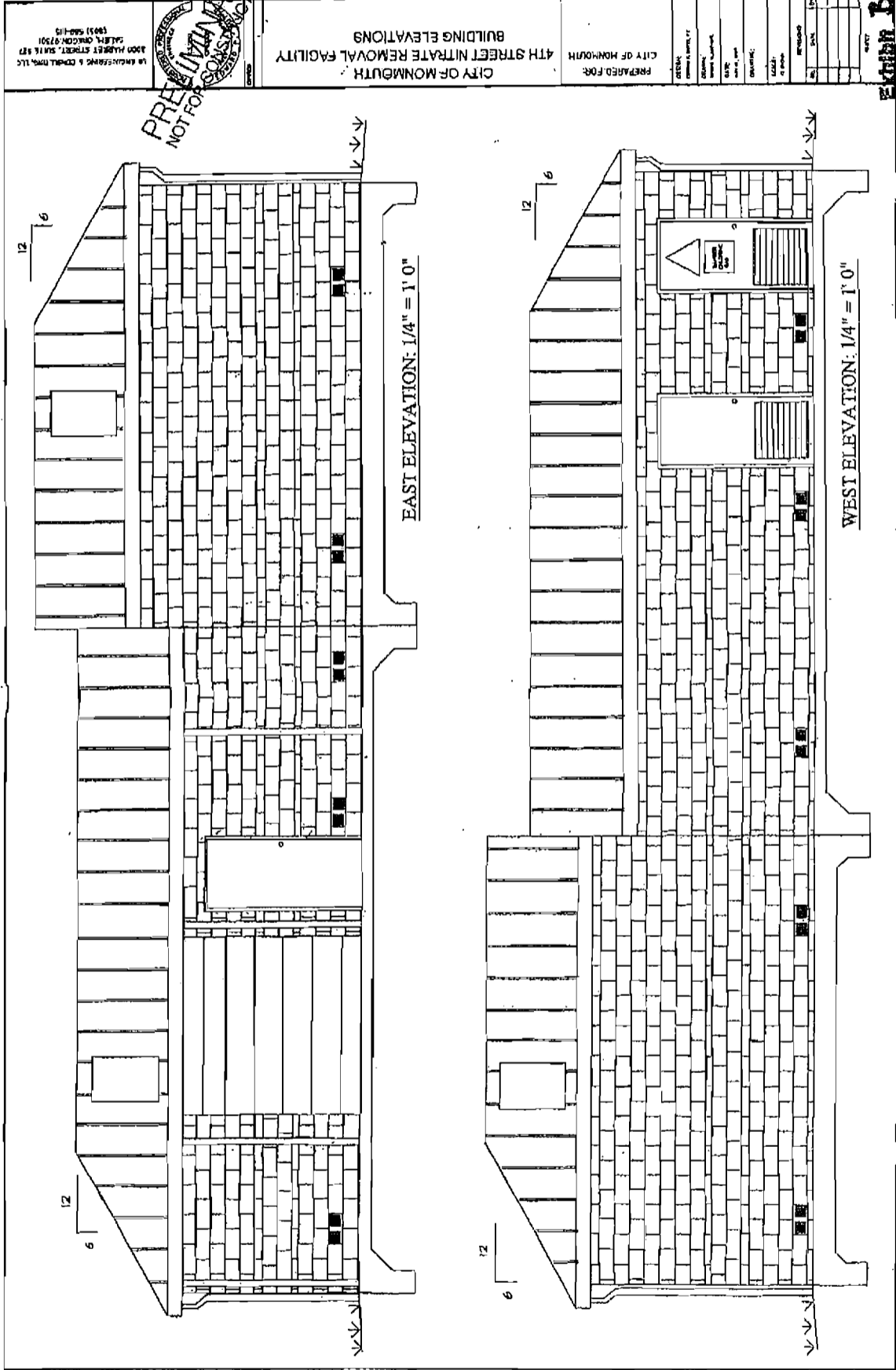
CITY OF MONMOUTH
 4TH STREET NITRATE REMOVAL FACILITY
 BUILDING ELEVATIONS

PREPARED FOR
 CITY OF MONMOUTH

PROJECT NO.		
DATE		
SCALE		
DESIGNED BY		
CHECKED BY		
DATE		
REVISIONS		
NO.	DATE	DESCRIPTION

Sheet
Exhibit
013





EAST ELEVATION: 1/4" = 1' 0"

WEST ELEVATION: 1/4" = 1' 0"

PRELIMINARY
NOT FOR CONSTRUCTION

LA ENGINEERING & CONSULTING, LLC
1300 PARKWAY STREET, SUITE 107
SALFORD, ONTARIO, CANADA
(905) 544-1115

CITY OF MONMOUTH
4TH STREET NITRATE REMOVAL FACILITY
BUILDING ELEVATIONS

PREPARED FOR:
CITY OF MONMOUTH

DESIGNER:	LA ENGINEERING & CONSULTING, LLC
DATE:	2024.04.15
PROJECT:	4TH STREET NITRATE REMOVAL FACILITY
SCALE:	1/4" = 1' 0"
DATE:	2024.04.15
PROJECT:	4TH STREET NITRATE REMOVAL FACILITY
SCALE:	1/4" = 1' 0"
DATE:	2024.04.15

Exhibit B.M

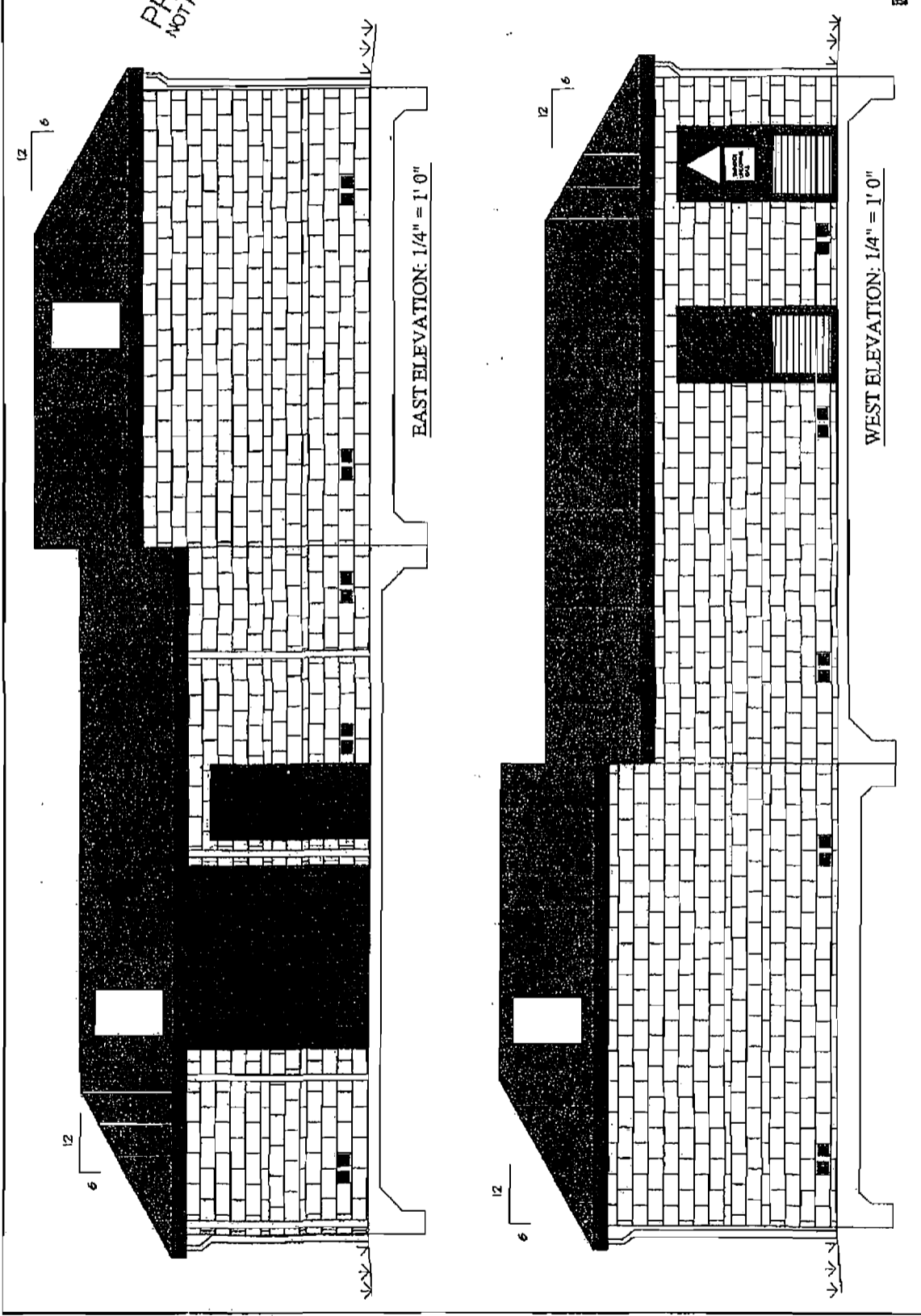
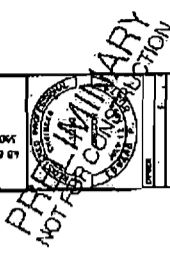
AD ENGINEERING & CONSULTING, LLC
 5800 MARKET STREET, SUITE 521
 SALEM, OREGON 97301
 (503) 599-4115

CITY OF MONMOUTH
 4TH STREET NITRATE REMOVAL
 BUILDING ELEVATIONS

PREPARED FOR:
 CITY OF MONMOUTH

CHECKED: []
 DRAWN: []
 DATE: []
 SCALE: []
 SHEET: [] OF []

Exhibit PB



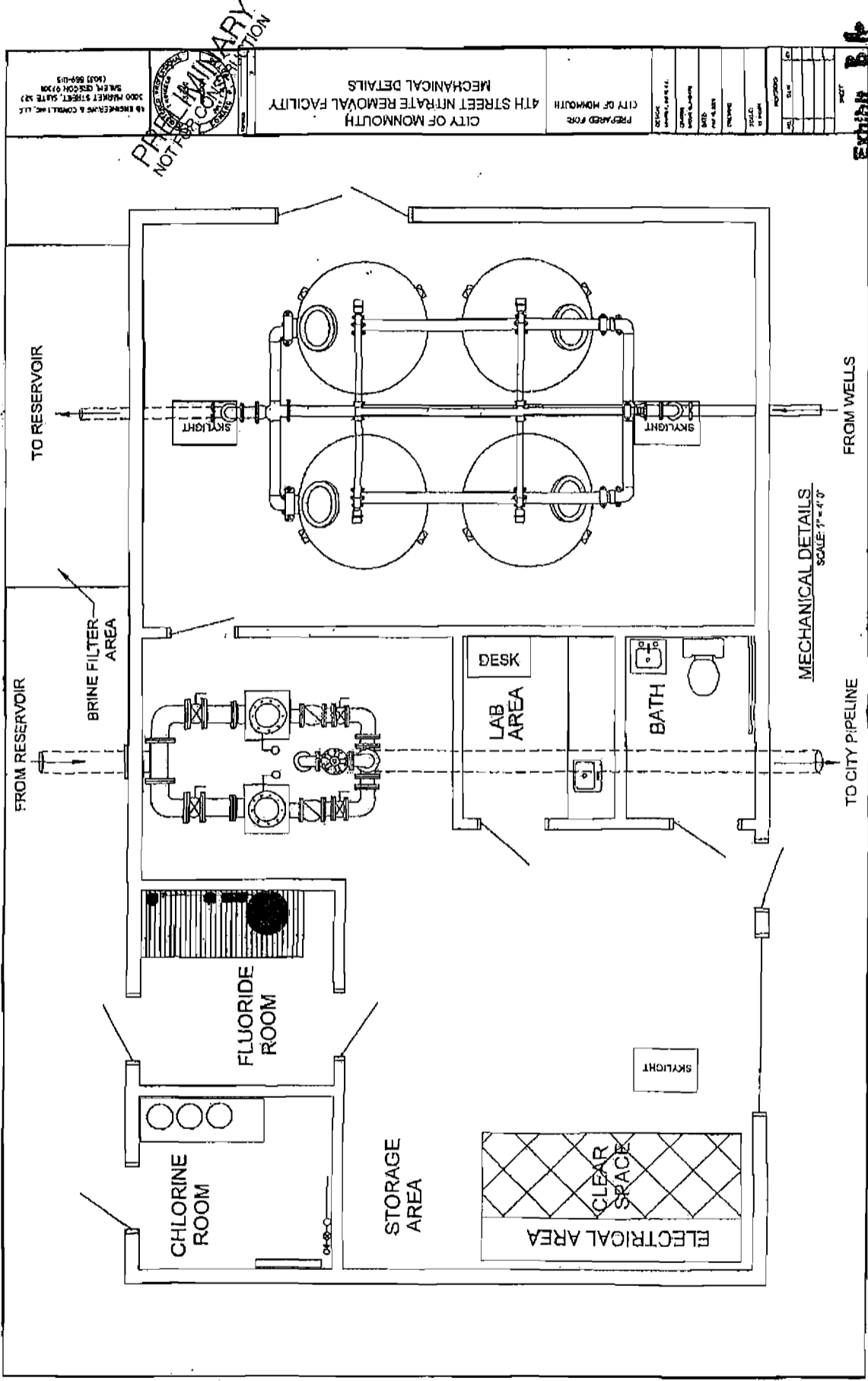
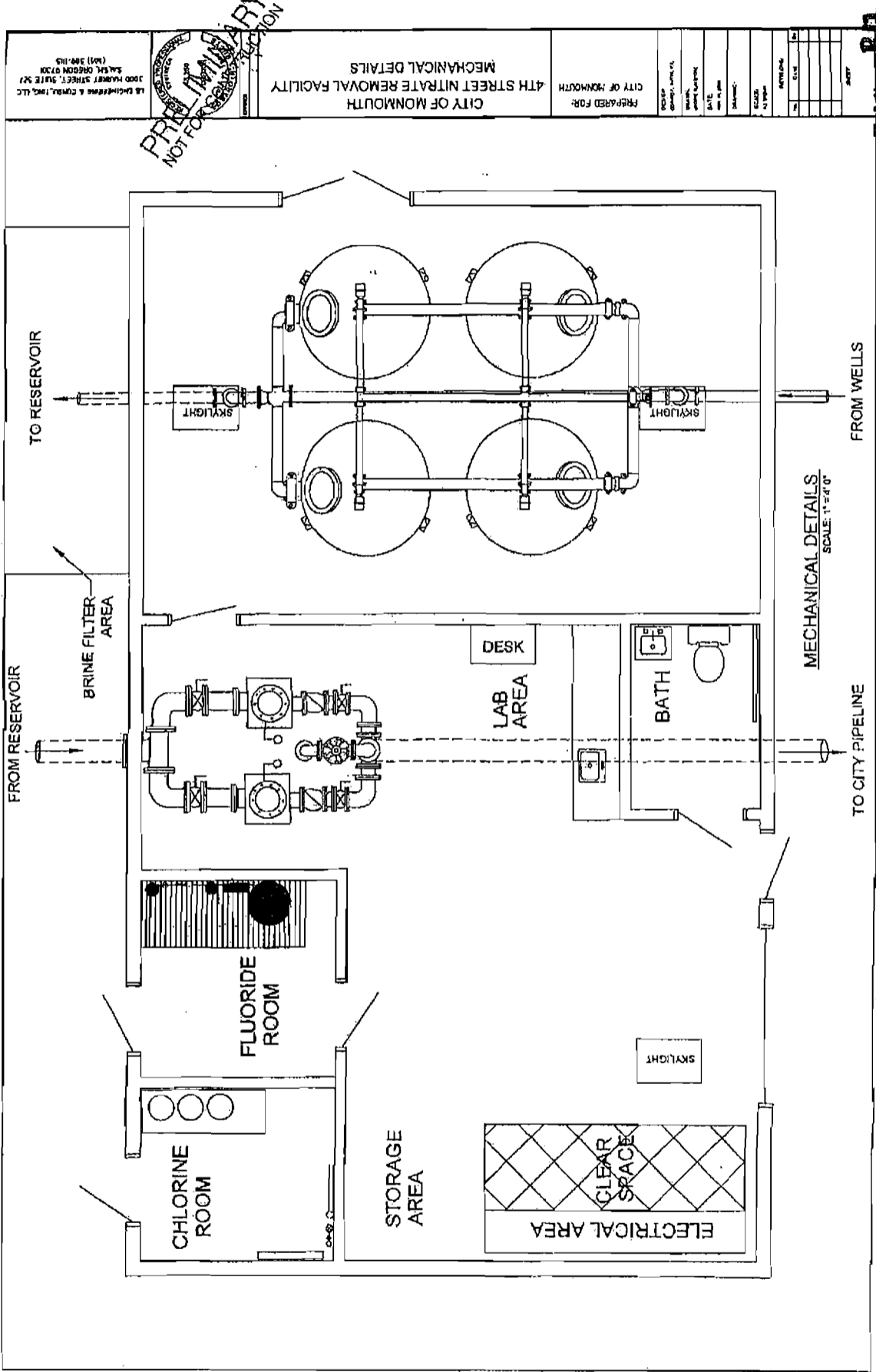


Exhibit B



48 Engineering & Construction, LLC
 1300 MARKET STREET, SUITE 201
 SALEM, OREGON 97331
 (503) 388-1133

CITY OF MONMOUTH
 4TH STREET NITRATE REMOVAL FACILITY
 MECHANICAL DETAILS

PREPARED FOR:
 CITY OF MONMOUTH

DATE:	12/15/11
SCALE:	AS SHOWN
PROJECT:	4TH STREET NITRATE REMOVAL FACILITY
NO.	MECH-001
REV.	0
BY:	AS
CHECKED BY:	AS
DESIGNED BY:	AS
DATE:	12/15/11
SCALE:	AS SHOWN
PROJECT:	4TH STREET NITRATE REMOVAL FACILITY
NO.	MECH-001
REV.	0
BY:	AS
CHECKED BY:	AS
DESIGNED BY:	AS

CITY OF MONMOUTH
 4TH STREET NITRATE REMOVAL FACILITY
 MECHANICAL DETAILS

PRIME CONSULTANTS
 NOT FOR CONSTRUCTION

EXHIBIT B7

LAND USE

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

Policies

1. Independence shall update and revise land use designations when necessary to accommodate demonstrated need for changing circumstances.
2. Independence shall establish and utilize low, medium and high density residential land use designations.
3. Independence shall establish and utilize a commercial land use designation.
4. Independence shall establish and utilize an industrial land use designation.
5. Independence shall insure that new industrial uses will be compatible with surrounding uses.
6. Independence shall, by use of land use designations and proper zoning techniques establish the downtown central business district as the primary commercial area within the City and encourage it's continuation as such.
7. Independence shall designate annexed land as residential land unless presently designated otherwise.

URBANIZATION

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

Policies

1. Independence shall not extend urban services beyond city boundaries.
2. Independence shall provide public notice of any proposed annexation or land use action and shall provide to the public an analysis of any increased costs due to additional public facilities and services required.
3. Independence shall review the urban growth boundary at least every 5 years to determine its adequacy given changing circumstances and population.
4. Independence shall coordinate with Polk County and the City of Monmouth in developing a phased growth plan.
5. Independence shall coordinate with Polk County when considering any annexation and shall utilize the policies contained within the intergovernmental agreement between city and county regarding the management of the urbanizable area prior to any annexation or other development action.

PUBLIC FACILITIES AND SERVICES

Overall Policy

It shall be the policy of the City of Independence to investigate the feasibility of cooperation and coordination with other government and quasi-governmental agencies in planning and providing public facilities and services. Wherever feasible, cooperative projects should be promoted to insure the most economic and efficient provision of services to the citizens of the City of Independence.

Schools

Recognizing the need for identifying additional school sites is important to the planning process. It is critical to reserve adequate acreage in a suitable location in order to have the site available when needed. Therefore, the following policies have been formulated as a guide to the future location of schools:

1. The City of Independence recognizes the need and the ability of the Central School District to plan all elements of the services they provide. However, the City shall encourage and promote cooperative planning between the city and the district regarding any development or program having a direct bearing on school location or city services.
2. The location of future school sites should be planned to provide locations apart from existing schools and as near the center of residential neighborhoods as possible. Locations should be accessible from collector or arterial streets, however, should be set back far enough to protect the teaching environment from noise and pollution and the student population from dangerous pedestrian-vehicular traffic conflicts.
3. Future school sites should be sufficiently large to provide school facilities that may be expanded as the need arises. Encouragement should be given to multi-uses of school property such as open space and neighborhood parks.
4. Wherever possible, schools should be planned to serve multiple community purposes. In addition to normal school operations, schools can be used for other activities such as meetings of various types of community and civic groups and as a place to hold various community functions such as public meetings, charitable events, theater presentations, etc.

Solid Waste

The amount of solid waste generated in Independence warrants management. To achieve the proper disposal of solid wastes and keep environmental hazards to a minimum, it is the policy of the City of Independence to:

1. Conserve natural resources and reduce the solid waste requiring disposal by supporting and encouraging recycling of solid wastes.
2. Support the Chemeketa Region Solid Waste Management Program.

Sewage Disposal and Drainage System

The extension of sewer services in Independence is essential to the City's future development since most of the soil is unsuitable for septic tank drain fields. Therefore, it is the policy of Independence that:

1. Extension of sewer services shall be preceded by a careful evaluation of the costs and benefits of the community; and
2. Extension of sewer service shall be limited to areas within the corporate limits of the city; and
3. Preference shall be given to development proposals adjacent to existing sewage mains.

Water Service

The provision of water service can be used effectively to guide and promote timely development in Independence. Therefore, it is the policy of Independence that:

1. Extension of water service shall be preceded by an evaluation on the overall benefits to the community; and
2. Extension of water service shall be contained to areas within the corporate limits of the city; and
3. Preference shall be given to development proposals adjacent to existing water mains.

Policy. Fire Protection and Ambulance Service

Police, fire protection and ambulance services are crucial factors for the safety and well-being of the citizens of Independence. Therefore, it is the policy of Independence that:

1. Public Safety services shall be maintained at a satisfactory level to protect the citizens of Independence; and
2. Mutual aid agreements and other types of cooperative public safety agreement shall be continued at their present level and expanded in the future where feasible; and
3. New developments shall be carefully evaluated to determine the effects the development may have on public safety services. Should the development have more than a minimal effect on public safety services, the development shall not be approved.

Library Services

Library services play an important role in the well-being of a community by affording all citizens access to reading materials and other library related services. Therefore, it is the policy of the Independence that:

1. The City will encourage use of the library and its facilities; and
2. The City will continue to support the Chemeketa Cooperative Regional Library Service in its efforts to improve library service in the region; and
3. Should a new facility be planned in the future, it should be as centrally located as possible to provide easy access to all citizens.

Community Health and Social Services

Providing health and social services for those who need it and may not be able to afford it is an important task for both Polk County and the City of Independence. It shall, therefore, be the policy of the City to maintain those services at their present level.

INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY
AND
THE CITY OF INDEPENDENCE
REGARDING THE URBAN GROWTH BOUNDARY
AND MANAGEMENT OF THE URBANIZABLE AREA

An Agreement made and entered into on FEBRUARY 3, 1993, by and between the City of Independence, a municipal corporation hereinafter called "City", and Polk County, a political subdivision of the State of Oregon, hereinafter called "County",

WHEREAS, IT APPEARING to City and County that ORS Chapter 197 and the Land Conservation and Development Commission (LCDC) Goal No. 14 on Urbanization require that an urban growth boundary be established around each incorporated city in the State of Oregon, and that the "establishment and change of the boundary and the comprehensive plan shall be a cooperative process between a City and the County or counties that surround it"; and

WHEREAS, pursuant to the above-noted statutory duty and Statewide Goal No. 14, and the authority granted by ORS Chapter 190 concerning intergovernmental agreements, City and County have, pursuant to law, initially decided upon a comprehensive plan, urban growth boundary, urbanization policies, and revision procedures for the area surrounding the City of Independence, and desire to link a continuing planning process to capital improvement programs, operating budgets, subdivision and land use regulations within such area; and

WHEREAS, the intent of the urban growth program for the City is as follows:

1. Promote the orderly and efficient conversion of vacant land from agriculture and other uses to urban uses within the urban growth boundary in order to conserve and protect environmental, energy, economic and social resources;
2. Assure the protection of agricultural lands outside the urban growth boundary;
3. Promote the retention of lands in agricultural production within the urban growth boundaries until needed for urbanization;
4. To prepare for the orderly provision of public facilities and services to accommodate and serve as a guide for urban development on those lands within the Urban Growth Boundary and outside of the city limits;

930244

5. To contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided; and,
6. To make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area, since urban services are interrelated, coordination is best achieved by a single government unit.

NOW, THEREFORE, the City and County adopt the hereinafter noted urban growth boundary, urbanization policies, and revision policies which shall serve as the basis for decisions pertaining to development and land uses in the area between the city limits of Independence and the applicable urban growth boundary, such area being referred to hereinafter as the urbanizable area. It is the intent of the parties that the boundary and policies as expressed herein shall be consistent with Oregon State law, the Polk County Comprehensive Plan, and the Independence Comprehensive Plan.

1. Future urban development shall be contained within the geographical limits of the urban growth boundary as agreed upon and identified by the City and Polk County as Exhibit "A" to this agreement.
2. The County and the City hereby adopt, by reference, the findings of fact contained within the City's adopted land use plan used to justify the Urban Growth Boundary as shown in Exhibit "A" to this agreement. Should the findings of fact change and necessitate a change in the Urban Growth Boundary, both the City and the County will follow the amendment procedures provided as Exhibit B to this agreement, and adopt the new findings of fact by reference by resolution or ordinance.
3. The Urban Growth Boundary shall be reviewed periodically according to the review schedule in the respective comprehensive plans.
4. The City and County shall encourage the development within existing urban areas before conversion of urbanizable areas to urban uses.
5. The type and form of development within urbanizable areas is to be guided by the municipality's adopted land use and growth management plans, plans which shall have been coordinated with those of Polk County. The City and the County will encourage the development of land within the urbanizable area in accordance with the designated use for such land.

6. Polk County will retain responsibility for land use decisions and actions affecting the urbanizable area until such time as annexation to the City occurs. The urbanizable area has been identified by the City and the County as such and is considered to be available, over a period of time, for urban expansion.
7. County zoning and planning will reflect and support the intent of the City's coordinated and adopted land use plan for the urbanizable area in order to protect that area from random development actions.
8. The City and the County will work to ensure that their respective comprehensive plans and subsequent amendments are consistent with each other.
9. Upon the mutual adoption of the urban growth boundary identified in paragraph 1 above, all land use actions which fall within the urbanizable area thereafter shall be consistent with the City's Comprehensive Plan.
10. Development within the urban growth area shall be subject to Subsection 61.041 Development Standards for Manufactured Homes Located Outside Manufactured Home Parks, of the City Code.
11. Immediately following the adoption of the above-noted mutually agreed upon Urban Growth Boundary, the City and County shall develop and maintain a system of exchange of information and recommendations relating to the urban growth area. Thereafter, information on subdivision applications and other land use activities being considered within the urban growth area by the County shall be forwarded by the County to the City for comments and recommendations. In cases where the action requires a comprehensive plan amendment or zone change by the City, the County shall allow the City 120 days to comment. In all other land use applications, the County shall allow 45 days for the City to respond before making a final decision. Any such decisions will be in compliance with the City's Comprehensive Plan.
12. The City and County will establish a formal process for review and action on development proposal; public improvement projects; and implementing regulations and programs which pertain to the urbanizable area:
 - a. The City will make recommendations to the County with regard to the following items which are under legal jurisdiction of the County:
 - 1) Zone changes.

- 2) Conditional use permits.
- 3) Capital improvement programs.
- 4) Public improvement projects.
- 5) Recommendations for the designation of health hazard areas.
- 6) Variances.
- 7) Subsurface sewage disposal (capability statement).
- 8) Building permits, when septic tank approval is requested for a residential building, the requirements of 12.C.2 shall be met.

b. The County will make recommendations to the City with regard to the following items which are under legal jurisdiction of the City:

- 1) Transportation facility improvements or extensions.
- 2) Public water supply, sanitary sewer or drainage system improvements or extensions.
- 3) Other public facility or utility improvements or extensions.
- 4) Capital improvement programs.
- 5) Requests for annexation.

c. 1) Planned unit developments, subdivisions and minor or major partitions of lands within the U.G.B. and contiguous with the Independence City limits will not be allowed without prior annexation to the City of Independence.

2) Partitioning of non-contiguous lands within the U.G.B. may be permitted when the resultant lots are not less than five acres in net area. No variances to reduce the lot area shall be given. In addition, where non-contiguous lands are proposed for partitioning, "pre-platting" of lots shall be approved by Polk County and the City of Independence and shall meet the following conditions:

A) Meet the development requirements of the jurisdiction issuing the building permit,

B) The "pre-plat" shall be a recorded instrument,

C) Street rights-of-way for abutting and internal streets shall be dedicated to the public to the width required by the code requirements of the City of Independence.

D) The centerline for future arterial and collector streets shall be identified; an easement, to the jurisdiction issuing the building permit, precluding buildings within the eventual right-of-way of the future street, plus a twenty foot setback on each side of the right-of-way shall be created along the identified centerline.

E) Easements to the jurisdiction issuing the building permit of not less than 10 feet in width and precluding buildings may be required for the future location of public utilities.

F) All easements shall be a recorded instrument.

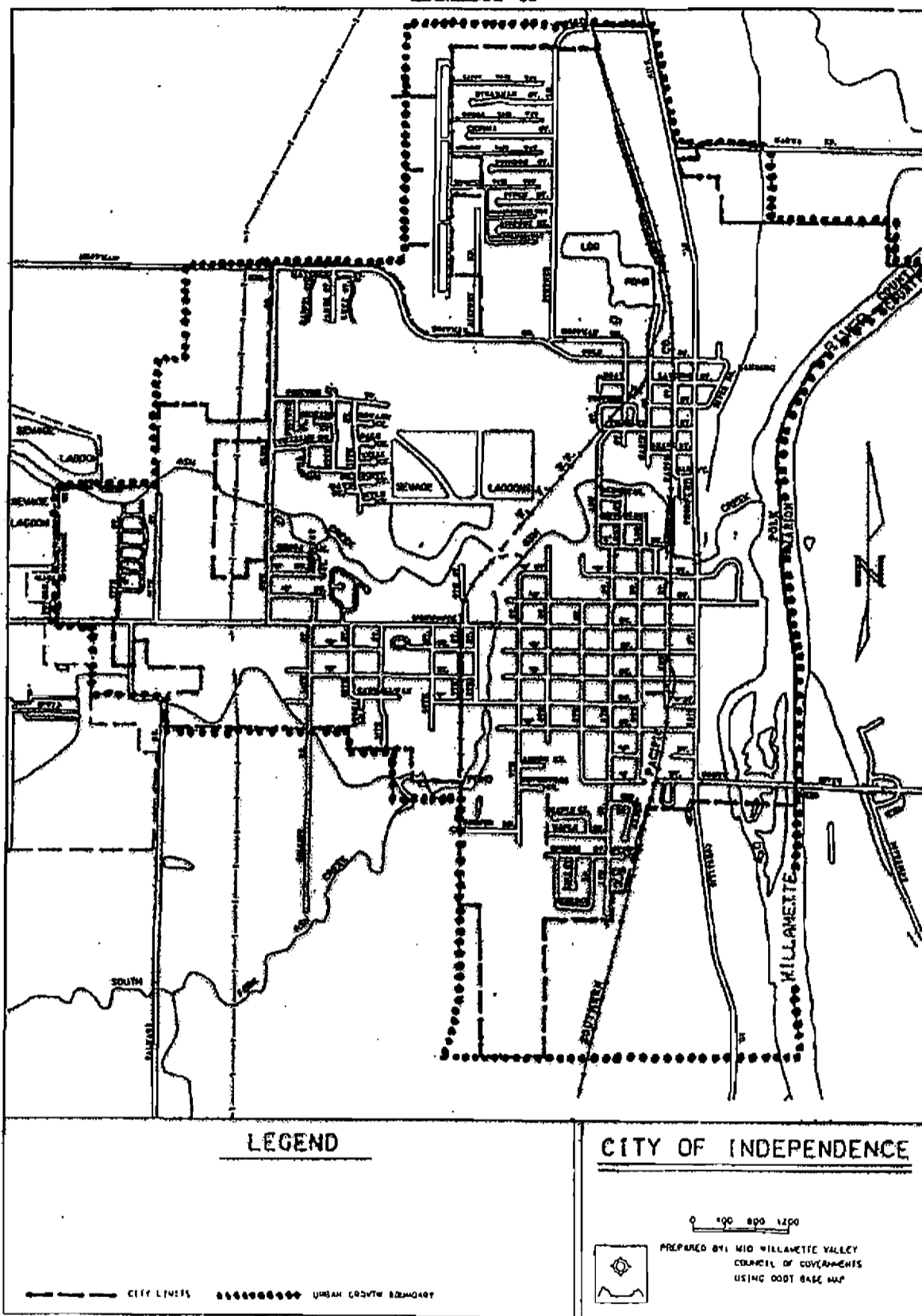
G) A non-remonstrance agreement to the City of Independence for water and sewer improvements shall be required.

H) An agreement to annex to the City of Independence shall be signed.

- d. Whichever jurisdiction, City or County, has authority for making a decision on one of the above-listed items shall formally request the other jurisdiction to review the proposal and recommend action. If the City and County disagree as to the action which should be taken, or if there is a need for clarification of issues, the County Board of Commissioners and the City Council will meet to discuss a resolution of the matter.
13. The City of Independence and Polk County will refrain from the development, creation, or extension of sewer or water service to those areas lying within the Urban Growth Boundary but outside the incorporated limits of the City of Independence until such time that such areas are first annexed to the City of Independence, except where these services are already being provided or where the City has a legal commitment to provide such services, and only if such services can be provided in the amount or level required by such an action. The City may annex without providing such services, or annex providing partial services when necessary.
14. Division of lands and development of property within the urbanizable area will be in accordance with a Growth Management Program adopted by both parties.

15. Polk County will not create any special districts for the provision of utilities, transportation, recreation or other public facilities or services unless:
 - a. Such districts encompass all of the area within the Urban Growth Boundary, and have been approved by both parties; or
 - b. Such districts:
 1. Are approved by both parties.
 2. Recognize the City as the ultimate provider of urban services.
 3. Are created with adequate safeguards so that they can be phased into the City.
 4. Are to be managed by the County as a county service district.
 5. Are consistent with the Growth Management Program as adopted by both parties.
16. This agreement may be amended at any time by concurrence of both parties after each party has conducted a public hearing.
17. This agreement may be terminated by either party provided that the following procedure is used:
 - a. A public hearing shall be called by the party considering termination. That party shall give the other party notice of hearing at least 40 days prior to the scheduled hearing date. This 40-day period shall be used by both parties to seek resolution of any differences.
 - b. Public notice of the hearing shall be in accordance with applicable state and local statutes and goals.
 - c. An established date for termination of the agreement shall be at least 180 days after the public hearing in order to provide ample time for resolution of differences and reconsideration of the decision.

EXHIBIT A



LEGEND

—— CITY LIMITS ······ URBAN COUNTY BOUNDARY

CITY OF INDEPENDENCE

0 100 200 300



PREPARED BY: MID WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS
USING ODOT BASE MAP

930146

"EXHIBIT B"

CITY OF INDEPENDENCE

PLAN AMENDMENT PROCEDURES

A. Amendments to the Urban Growth Boundary.

Amendments to the urban growth boundary must be concurred in by the City of Independence and Polk County.

B. Amendments to the Comprehensive Plan other than Amendments to the Urban Growth Boundary.

Amendments to comprehensive plan which apply within the urban growth boundary must be concurred in by the City of Independence and Polk County. Amendments to the comprehensive plan which apply only within the City's incorporated limits may be enacted by the City.

C. Notice.

Notice of all proposed amendments which apply within the urban growth boundary must be given to Polk County.

D. Legislative Amendments.

Amendments to the urban growth boundary or to other parts of the comprehensive plan which are legislative in character shall be adopted in accordance with Oregon law for the enactment of legislative acts.

E. Quasi-judicial Amendments and Rules of Procedure.

Amendments to the urban growth boundary or to other parts of the comprehensive plan which are quasi-judicial in character shall be adopted in accordance with Oregon law for taking quasi-judicial action. The City shall adopt rules of procedure to govern the initiation and processing of amendments to this plan.

F. Review and Revision.

The Independence Comprehensive Plan shall be subject to major review and, where necessary, revision every five years commencing in 1984. Except for quasi-judicial plan changes, plan amendments should, wherever possible, be reserved for those years when the plan undergoes major review. The plan and implementation measures will be routinely reviewed at

least every two years with revision being made where necessary.


G. Initiation.

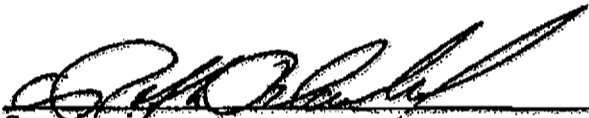
A plan amendment may be initiated by any owner of real property in the City or by any person residing in the City or within the Independence urban growth boundary, or by the City of Independence.

IN WITNESS WHEREOF, the respective parties hereto have caused this Agreement to be signed in their behalf the day and year first above written.

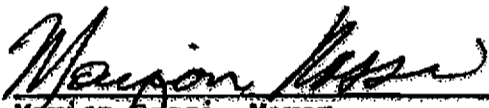
POLK COUNTY BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner

CITY OF INDEPENDENCE


Marion Rossi, Mayor


Erik V. Kazianka, City Manager

INTENT OF URBAN RESERVE DESIGNATION

An Urban Reserve designation recognizes that:

- a) The Urban Growth Boundary was designed to provide the supply of land available for the City's urban growth needs to the year 2000;
- b) All the land within the Urban Growth Boundary does not need to be developed immediately;
- c) The type and form of development of land between existing municipal limits and the adopted Urban Growth Boundary is to be based upon an adopted land use plan which has been coordinated with the County; and
- d) That agreements between Polk County and its municipalities limit the provision of public sewer or water service to areas within the city limits, except where these services are already in-place and available to new development outside city limits.

The Urban Reserve designation addresses itself toward protecting the intent and integrity of the City's coordinated and adopted land use plan by limiting random development actions which could stand in the way of logical, planned development. The Urban Reserve designation recognizes that the provision of adequate levels of public facilities and services should guide urban development, and not the other way around.

The Urban Reserve designation acknowledges that lands under such a designation will eventually be developed for urban uses. The designation identifies those lands which can be preserved until needed for urban purposes and annexed.

The Urban Reserve designation shall reflect and be in support of the County's Urban Land Development policies, and the policies and intent statements contained within the intergovernmental agreement adopted by Polk County and each municipality regarding the development and management of urbanizable lands.

**CITY OF INDEPENDENCE
PLANNING COMMISSION
MONDAY, SEPTEMBER 14, 2009
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Vice Chair Eric Puig.

II. ROLL CALL

Commissioners Present: Eric Puig, Tom Takacs, Bill Nicassio, Anna Reynaro,
Andrew Wynings
Staff Present: Renata Wakeley, Community Development Specialist, and
Shawn Irvin, Community Development Technician
Visitors Present: Sharon Hopkins; Julie Leggs; John Weber; Lisa McCalley;
John Titus; Richard Hopkins; Michelle Lewis

III. APPROVAL OF MINUTES

ACTION:

Commissioner Takacs moved to approve minutes of the July 6, 2009 Regular Meeting as submitted;
Commissioner Nicassio seconded. Motion passed unanimously:

AYES: Puig, Takacs, Nicassio, Reynaro, Wynings
NAYS: None
ABSTENTIONS: None

IV. ACTION ITEMS

A. Annexation/Zone Change/Comp Plan Map Amendment:

A-02-2009/ZC-03-2009/CPMA-03-2009, City of Monmouth, Applicant

1. Vice Chair Puig declared the public hearing opened.
2. Vice Chair Puig called for conflicts of interest, biases or ex-parte contacts. None declared.
3. Site Visits: None declared; all commissioners are familiar with the site.
4. Staff Report: Applicable criteria: ORS 222.005 through 222.183 and the Independence Comprehensive Plan goals and policies. Land use statement read by Associate Planner Renata Wakeley. The report as contained in the agenda packet was summarized by Planner Wakeley. If the applications are approved, the applicant intends to construct a new one-million gallon municipal reservoir. City policy is for the planning commission to hold public hearings regarding annexations and associated land use actions, then forward a recommendation of approval or denial to city council. The City Council will review this application; a public hearing is scheduled for October 13, 2009 council meeting agenda. Further summarization of the staff report was presented. Staff recommends approval of the application.
6. Testimony: Planner Wakeley noted no written comments were received.
 - a. No verbal testimony offered.
7. Commission Discussion:
 - a. Commissioner asked the purpose for annexation of this property. Ms. Wakeley stated if the applicant desired city services (water/sewer), they could not be provided outside city limits. He then asked if the planned reservoir was for Monmouth; Ms. Wakeley said the new reservoir would be just for the city of Monmouth.

- b. Commissioner asked where Monmouth was getting water now. Monmouth PW engineer said the primary source is in Marion County.
- c. Commissioner wanted to confirm that the property is within the Independence urban growth boundary; Ms. Wakeley replied that it is. Further discussion of urban growth boundary in that area ensued.
- d. Commissioner asked if standards were similar/same for Independence and Monmouth; Ms. Wakeley stated Independence standards would apply.
- e. Commissioner Puig asked about the area – if 20 acres were necessary for a reservoir and pump station. Ms. Wakeley stated that that is the size of the property owned by Monmouth. She directed commissioners to Exhibit B-11 for a visual aid.
- f. Commissioner Reynaro asked what permitted uses are under public service zone. Ms. Wakeley read the permitted uses contained in the current development code. Further discussion of annexation/taxation. Commissioner Puig asked if the entire parcel was proposed for zone change from residential to public service; that if in the future, the city of Monmouth wanted other use(s) on the unused portion of the parcel, a zone change would be necessary. Ms. Wakeley confirmed.
- g. Commission discussion followed regarding procedure.
- h. Commissioner Reynaro asked location of the wells within the 20 acre parcel. Ms. Wakeley directed commissioners to the information in the agenda packet.

ACTION:

Commissioner Nicassio moved to recommend the City Council approve the request for Annexation #02-2009, as recommended by staff; motion seconded by Puig. Motion passed:

AYES: Puig, Takacs, Nicassio, Wynings
NAYS: None
ABSTENTIONS: Reynaro

DISCUSSION OF ZONE CHANGE: Ed Butts, contract engineer for City of Monmouth (and also City of Independence) gave history of site use and presented commissioners with proposed use of site. Further deliberation.

ACTION:

Commissioner Takacs moved to recommend the City Council approve the Zone Change and Comprehensive Plan Map Amendment, as recommended by staff; motion seconded by Nicassio. Motion passed:

AYES: Puig, Takacs, Nicassio, Wynings
NAYS: None
ABSTENTIONS: Reynaro

B. Zone Change/Comp Plan Map Amendment:
ZC/CPMA-02-2009, City of Independence, Applicant

1. Community Development Technician Shawn Irvine summarized the Staff Report. He noted all Land Use statements presented by Planner Wakeley in the previous hearing were applicable. Applicable criteria: ORS 222.005 through 222.183 and the Independence Comprehensive Plan goals and policies and Independence Development Code Subchapter 12 – Zone Changes and Plan Amendments. The report as contained in the agenda packet was summarized by Community Development Technician Shawn Irvine. Staff recommends approval of the application.
2. Public Hearing opened.
3. Testimony: Mr. Irvine noted no written comments were received.
 - a. No verbal testimony offered.
4. Commission Discussion.

ACTION:

Commissioner Reynaro moved to recommend the City Council approve the Zone Change and Comprehensive Plan Map Amendment as recommended by staff; Commissioner Nicassio seconded. Motion passed:

AYES: Puig, Takacs, Nicassio, Wynings, Reynaro
NAYS: None
ABSTENTIONS: None

C. Annexation/Zone Change/Comp Plan Map Amendment:
ANX/ZC/CPMA-01-2009, City of Independence, Applicant

1. Community Development Technician Shawn Irvine addressed commissioners. This application is for an annexation and zone change of former railroad right-of-way, located along Willamette River, south of the Independence bridge and turning west until 6th Street. Mr. Irvine referenced rules and procedures as read by Renate Wakeley at the first hearing. Mr. Irvine then summarized the staff report as contained in the agenda packet. Commissioner asked for clarification of location.

2. Commissioner Puig declared the hearing opened.

3. Testimony: No written testimony received.

A. Testimony in Favor:

1. None

B. Testimony Opposed:

1. Michelle Lewis, rural Independence. Ms. Lewis noted receiving notice, stating her concern. Approximately 2-3 years ago, the city attempted annexation of property along Corvallis Road. She is concerned that this is a 'sneaky attempt' to create an island for the purpose of annexation. She brought pictures of the site, as taken from her property. She stated concerns regarding not being able to fence the property, and increased access that would be possible from the city site. She asked the benefit of annexing the property.

2. Richard Hopkins, rural Independence. Mr. Hopkins thanked the commission for the opportunity to speak. His property is on the west side of Corvallis Road. His concern parallels Ms. Lewis'; that this is creating an island, and properties within the island could be annexed without a vote of the property owners. He stated he understood that cities could extend services outside their city limits. He stated that about 3 years ago, a forced annexation of his property was attempted. He recommends: 1. break annexation so that properties east and west of Corvallis Road are not islands, which could be accomplished by not annexing Corvallis Road; 2. If all property is one tax lot, then pass a resolution stating they will not force annexation of that island being created. He opposes annexation of his property; his taxes would increase to \$6,295 from \$4,448.

3. Lisa McCauley, rural Independence. Also believes this is a 'sneaky, underhanded way of getting the properties annexed into the city'. Does not think it would be fair to be forced into an annexation. Her property could not be subdivided, due to the way the city was built around her. Does not feel she should have to get rid of animals if brought into the city. She stated her concern about not receiving a notice.

4. John Titus, rural Independence. Had questions regarding property; used to be gravel company, then greenway, then signs appeared that was owned by state parks. If true, then old railroad property adjoining the river be leased from the state for 100 years. He reported that he and other property owners helped to pay for the water line that passes his property, and he now pays the city double the city rate. He agrees with statements from previous speakers.

5. John Weber, rural Independence. Thanked for opportunity to attend. In complete accordance with previous speakers. Part of family that lost tremendous amount of property when dam put in on the Columbia River. Noted that city has rights to wells, and that Monmouth has rights to wells on Marion County side. Asked if Independence benefitted from having Monmouth reservoirs within the city of Independence. Asked city interest in the islands in the river. He noted how much the river has risen in the past 10 years.

C. Rebuttal Testimony from those in favor:

1. Shawn Irvine: Any structures being built would just be well heads – an elevated platform that would be out of the 100-year flood plain, similar to those on the city's north well field. Mr. Irvine fielded several questions from the audience regarding the site.

Mr. Irvine stated that in regards to access, for homeland security, the city must provide a fenced barrier around the wells; over the winter, there will be discussions with public works how people can still access the area.

Mr. Irvine stated that the property is intended not just for municipal water uses, but for public recreation, as well. Further audience statements were provided regarding access.

2. Ed Butts, City of Independence engineer addressed comments shared by audience to the commissioners. He stated that the problem with providing quality water to area residents has been increased demand. The city has grown more rapidly than most cities of this size. Extremely limited to the sources they can obtain that has sufficient quality. The blockage along the path is true; happens quarterly, as a series of tests are required for well development. Not anticipating using these wells for a winter supply. The city has implemented successful well head protection at the north well field site which will be used on the new site.

Audience member: If wells for summer use only, why necessary to build above the flood plain level and why are fences required, and that fences and elevated platforms are more likely to be vandalized.

D. Rebuttal Testimony from those opposed:

1. Audience member (female, unidentified): If wells for summer use only, why necessary to build above the flood plain level and why are fences required, and that fences and elevated platforms are more likely to be vandalized.

2. Judith Wilson, rural Independence. She pointed out the location of her property; she stated she was approached by the city for an easement, but refused. She stated she has same concerns regarding parked cars and the fence. She is also concerned about an increase of property taxes if annexed. Mr. Puig asked her to keep her comments regarding the annexation application.

3. Audience member (male, unidentified): asked who would have future control over gravel bar if it moves. Mr. Puig stated that question will be left to the engineers. Mr. Irvine stated that the Army Corps of Engineers regulate anything in the river, including the gravel bars. The city would not be able to move the gravel bar or do any work without permits from the Corps.

E. Commission Deliberation:

Commissioner asked about island annexations. Neither Ms. Wakeley nor Mr. Irvine had statute or administrative rules with them in order to address question.

Commissioner asked need for annexation for entire property. Mr. Irvine replied for ease of provision of services. Although only a portion of the property is needed for the wells, the remaining portion on the south end, west of Corvallis Road continues to S. 6th Street and is identified in the city's transportation plan as a collector/arterial to Hwy. 99W.

Commissioner Q&A regarding the property and proposed use followed.

Audience members addressed chair, who then reminded them that this portion of the meeting was commission deliberation. He stated he would allow additional comments, as long as it pertained to the annexation only.

1. Richard Hopkins. Lives on west side of Corvallis Road, and owns a large parcel on the east side. Heading south of existing wells, about 100 yards, there is an old trestle, deep ravine. Transportation from the city of Independence, going south, can only go about 100 yards; cannot see any

reason to annex the last portion south, as it would take a huge bridge project. If only recommended annexation up to the trestle, and no more and including the portion on the west side of Corvallis Road, many in the audience would be happy.

Further commissioner deliberation followed. Mr. Irvine stated that staff would be agreeable to removing the third tax lot, annexing those portions from the Independence bridge, south. Commissioner consensus that more information is needed. Ms. Wakeley presented options to the commissioners; discussion. Information requested regarding island annexation and minimum portion of property necessary to operate wellfield.

ACTION:

Commissioner Takacs moved to continue the hearing to October 5th at 7:00 p.m., with staff directed to bring back additional information as voiced by Mr. Irvine; Commissioner Nicassio seconded. Motion passed:

AYES: Puig, Takacs, Nicassio, Wynings, Reynaro
NAYS: None
ABSTENTIONS: None

V. INFORMATION ITEMS
None.

VI. ADJOURN

ACTION:

There being no further business to come before the commission, Commissioner moved to adjourn; motion seconded. Motion passed:

AYES: Puig, Takacs, Nicassio, Wynings, Reynaro
NAYS: None
ABSTENTIONS: None

Meeting adjourned 9:10 p.m.

Michael Danko
Community Development Director

Minutes prepared by:
Karin Johnson, MMC
City Recorder

Minutes Approved: 10-05-09

EXHIBIT M

FROM: Roger Stillipac 1433 S. 6th St., Independence, OR 97351

Oct. 2, 2009

TO: City of Independence City Council

REGARDING: City of Independence FILE A-02-047C-03-05KCEMA-03-09. Annexation and zoning change associated with a 20 acre parcel (owned by City of Monmouth, located at the south end of 4th st.) into City of Independence city limits.

I, Roger Stillipac, am a residential property owner with property located at 1433 S. 6th St. in Independence. My property is adjacent to the west boundary of the 20 acre parcel owned by City of Monmouth (wet field).

I'm requesting the City of Independence City Council consider the following list of concerns regarding the proposed annexation and zone change for the area in question, from residential to public service. This list of concerns also includes the impact on the adjacent residential areas regarding the construction and operation of water storage and treatment facilities, or any other public service facilities (currently proposed and potentially planned for future construction).

I request the City Council to postpone any decision on annexation until these issues are addressed, resolved and mitigated.

#1. Impact on the residential neighborhoods associated with noise, light, odor, dust, and smoke emissions during construction and operation of the proposed million gallon water reservoir (water tank) and associated structures. As a property owner in the City of Independence, I request the City Council and the management organization of the City of Independence to insure that any construction and operation of any public service zoned facility constructed and operated in the proposed area does not create a negative impact (decrease in quality of life/peace and quiet—and decrease in property values) on surrounding residences.

#2. Exposure to hazardous materials used in treating the water at the storage facility. These include chlorine gas and solids, and other chemicals added to or removed from the water at the facility. I request that the City of Independence and City Council consider the impact of storage and use of these chemicals and gases on the surrounding neighborhood.

#3. Security concerns. The water reservoir will require additional security in the proposed area. This would include security lighting and fencing, alarms, and security patrols. The City of Independence may have to bear some of the costs associated with these security requirements. I request that the City of Independence and City Council insure that these potential costs be identified prior to any decision to the annexation proposal.

#4. Economic and operational benefits to the City of Independence. If the City of Monmouth is not required to pay property taxes to the City of Independence for the proposed annexation parcel, what will be the administrative and operational costs to the taxpayers of Independence? I request that the City of Independence and City Council insure that these and any other potential costs be identified prior to any decision to the annexation proposal.

#5. Impact on the seasonal wetland. The proposed annexation parcel is used by migratory waterfowl (geese and ducks) during the winter months. I request that the City of Independence and City Council consider the impact of the construction and operation of the proposed water reservoir on the migratory waterfowl using the area.

To summarize: I request the City Council to postpone any decision on annexation until the above listed concerns are addressed.

And to emphasize that any negative impact conditions on surrounding residences (associated with construction and operation of any "public service" zoned facility or structure) must be mitigated to insure stable property values for residences in the area, and continuation of quality of life/peace and quiet in the surrounding neighborhoods.

EXHIBIT 'B'

LEGAL DESCRIPTION

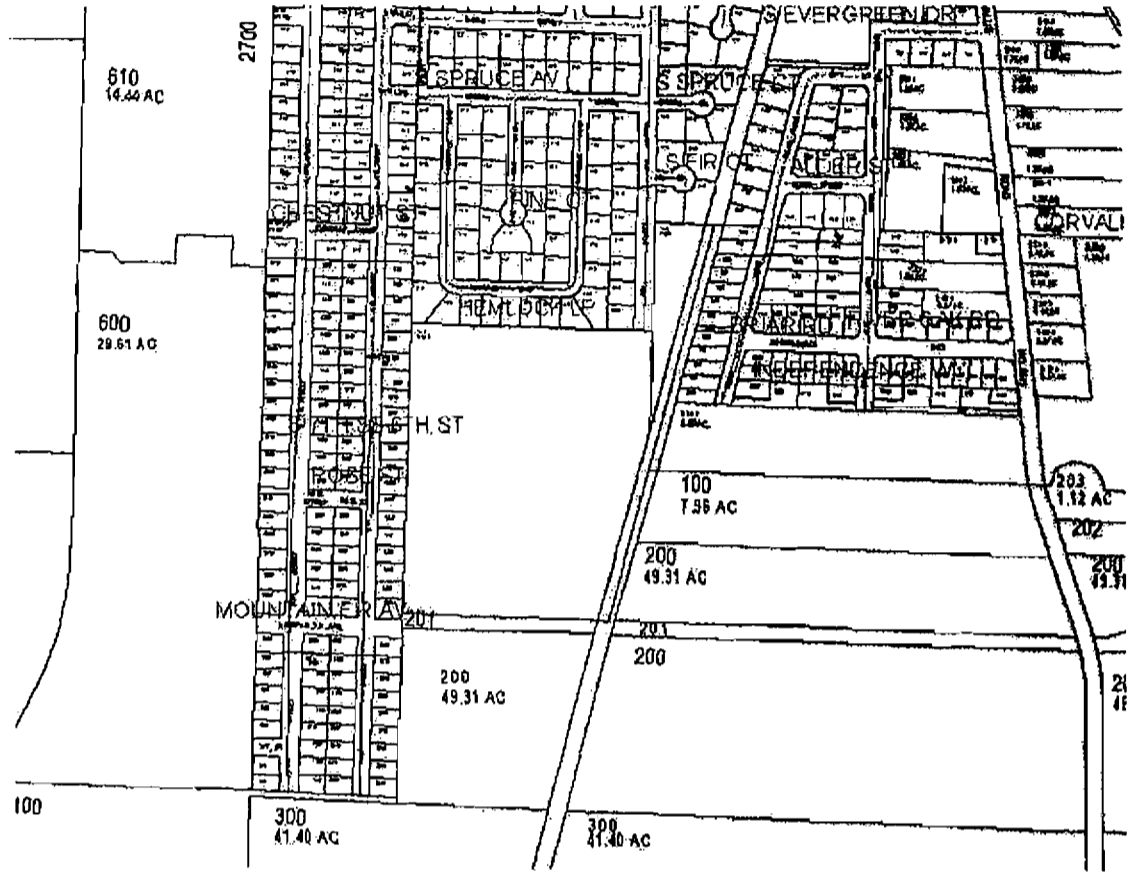


Exhibit **B3**

GARRANTY DEED

GRANTORS: HILL and JACOBIE HILL, also known as IDA HILL, husband and wife, hereinafter called grantors, convey to CITY OF NONMOUTH, an Oregon Municipal Corporation, all that real property situated in Polk County, State of Oregon, described as:

Beginning at an iron pipe on the west boundary of the Henry Hill Donation Land Claim, Section 10, T12N, R12E, S1E, Polk County, Oregon, at 55 links North of the iron corner monument at the Southwest corner of said Claim No. 15; thence North 15.15 chains to an iron pipe; thence North 89° 54' East 12.95 chains; thence South 6° 30' East 11.25 chains to the west boundary of the Southern Pacific Railroad right of way; thence along said right of way South 13° 28' West 1.00 chain to an iron pipe; thence along line between Sections 12 and 13; thence along said right of way South 13° 28' West 1.00 chain to an iron pipe on the West boundary of the right of way of the railroad of the Van Hook Lumber Company; thence North 89° 54' East 10.91 chains to the place of beginning.

Reserving a right of way over and across a strip of land 50 links wide along the west side of the above described tract to be used for road purposes.

Also beginning at a point on the West side of the R.R. Co. right of way which is 21.22 chains, more or less South 12 1/2° West 57' the point formed by the intersection of the West side of the right of way with the South line of 1st Street of the 1st Addition to Hills Town of Independence, Oregon, said point also being the Southeast corner of a 1/4 acre tract deeded to Wendell Donlinger in Book 50, page 221, Deed Records of Polk County, Oregon, thence West along the South line of the 1/4 acre tract deeded to Wendell Donlinger 2.15 chains; thence South 12° 30' chains to the intersection of the West line of said R.R. right of way; thence North 12 1/2° East along said right of way to the place of beginning.

and) covenant that grantors are the owners of the above des-

GARRANTY DEED

Exhibit **B4**

212 No 698

granted property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same except as shown above.

The true and actual consideration for this transfer is \$20,000.00.

DATED this 7 day of August, 1968.

Orville H. Hill
Lucille Hill

STATE OF OREGON

County of Jackson

August 27, 1968

Personally appeared the above named ORVILLE H. HILL and LUCILLE HILL, also known as IDA L. HILL, husband and wife, and acknowledged the foregoing instrument to be their voluntary act before me.

[Signature]
Notary Public for Oregon
My commission expires 9-27-71

WARRANTY DEED

Exhibit 15

MID - WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS
105 High Street S.E.
Salem, OR 97301-3667

3/6

FIRST CLASS

Attn: Plan Amendment Specialist
DLCD
635 Capitol St NE, Suite 150
Salem OR 97301-2540

