



Oregon

Theodore R. Kulongoski, 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

11/29/2011

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 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Tuesday, December 13, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA

PROF 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 23 2011
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Independence**

Local file number: **ZC/CPA-02-2011**

Date of Adoption: **11/22/11**

Date Mailed: **11/22/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/11/11

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Comprehensive Plan map amendment from Medium Density Residential to Commercial. Zone map amendment from Medium Density Residential to Mixed Use Pedestrian Friendly Commercial. The property is an existing non-conforming use and the rezone would permit the outright continued use in the Commercial zone.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Medium Density Residential** to: **Commercial**
 Zone Map Changed from: **Medium Density Residential** to: **Mixed Use Ped. Commercial**
 Location: **SE Corner of Hwy 51 and Polk Street** Acres Involved: **0.13**
 Specify Density: Previous: New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD file No. 002-11 (19007) [16843]

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

ODOT

Local Contact: **Renata Wakeley**

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

Address: **105 High Street SE**

Fax Number: - -

City: **Salem**

Zip: **97301**

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
STATE OF OREGON, COUNTY OF POLK**

An Ordinance Amending the Comprehensive]
Plan Designation and Zoning Map for the]
Chan Property, Located at 101 N. Polk St,] COUNCIL BILL #2011-05
Independence, Tax Lot No. 8421CA 2300]

ORDINANCE NO. 1499

WHEREAS, the subject property, located at 101 N. Polk St, Independence, Tax Lot No. 8421CA 2300, is within the city limits of the City of Independence, and

WHEREAS, after holding a public hearing and adopting findings at the November 22, 2011 City Council meeting, the City Council approved to amend said Property's Comprehensive Plan designation from Residential to Commercial, and rezone Property from Medium Density Residential (RM) to Mixed Use Pedestrian Commercial (MUPC), **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 redesignated and rezoned is described in Exhibit "B", attached hereto and by this reference incorporated herein.

Section 3. Property Rezoned. The Property's Comprehensive Plan designation of Residential is hereby amended to Commercial, and is hereby rezoned from Medium Density Residential (RM) to Mixed Use Pedestrian Commercial (MUPC), as illustrated in Exhibit B. All official maps of the City are hereby amended to conform to the changes made by this ordinance.

READ for the first time: November 22, 2011
READ for the second time: November 22, 2011
APPROVED by Council: November 22, 2011
SIGNED by the Mayor: November 22, 2011
EFFECTIVE DATE: December 22, 2011


JOHN McARDLE, MAYOR

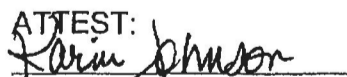
ATTEST:

Karin Johnson, MMC
City Recorder

EXHIBIT 'A'
STAFF REPORT

Ord. 1499/ Zone Change, Chan Property



CITY OF INDEPENDENCE

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TO: Independence City Council

FILE: CPMA/ZC-02-2011

HEARING: November 22, 2011, 7:30 a.m.
City Council Chambers, 555 South Main Street

APPLICANT: John and Sandi Lei Chan
8425 SE Foster Road
Portland, OR 97226

**SUBJECT
PROPERTY:** Section 21CA, Township 8 South, Range 4 West Willamette
Meridian. Tax Map 8.4.21CA Lot 2300 (located at 101 N Polk
Street)

EXHIBITS: EXHIBIT A Assessor map
EXHIBIT B Application materials
EXHIBIT C Site Plan
EXHIBIT D Polk County Assessor site photo
EXHIBIT E Comments from Ken Perkins, Public Works

REQUEST:

The applicant is requesting approval to amend the Comprehensive Plan designation from Medium Density Residential (RM) to Mixed Use Pedestrian Friendly Commercial (MUPC) and change the zoning from Medium Density Residential (RM) to Mixed Use Pedestrian Friendly Commercial (MUPC).

PROCEDURE:

Pursuant to Subchapter 11 of the Independence Development Code (IDC), Comprehensive Plan Map Amendments and Zone Changes are processed as a Type III quasi-judicial application.

Comprehensive Plan Amendments and Zone Changes are processed under Subchapter 12. The application was received by the City on September 15, 2011 and the application was determined complete on October 4, 2011. Notice was properly mailed under 11.015.C and 11.025.A to surrounding property owners on October 4, 2011 and published in the Itemizer Observer. Notice was also provided to the Department of Land Conservation and Development, Department of Transportation, Independence Public Works, and Community Development Director.

The City has until **February 1, 2012** (120 days from acceptance of the application) to approve, conditionally approve, or deny the application.

Per 12.015, the Planning Commission will hold a public hearing and forward its recommendation on the requested action to the City Council within 30 days from the date of its hearing. The Independence Planning Commission held their public hearing on November 7th. No oral or written testimony or comments were submitted and the planning commission made a motion to recommend the City Council approve the application for zone change and comprehensive plan map amendment.

APPEAL:

There is no right to appeal the Planning Commission's recommendation. Appeal of the subsequent City Council's final decision is to the Land Use Board of Appeals (LUBA).

BACKGROUND:

The subject property is approximately 0.13 acre and is zoned Medium Density Residential (RM). The subject site contains a structure last used several years ago as a commercial restaurant. The property to the north across Polk Street is zoned Mixed Use Pedestrian Friendly Commercial (MUPC) and is developed as commercial retail sales store, or convenience store. Adjacent property to the south is zoned RM and includes a single family residence.

The adjacent property to the west, across public right-of-way designated as an alley, is zoned RM and is developed as a single family residence. The property to the east, across Independence Highway 51 (Corvallis Road), is zoned MUPC and is the site of commercial office spaces.

The applicants are requesting approval to rezone the subject property from Medium Density Residential (RM) to Mixed Use Pedestrian Friendly Commercial (MUPC). Upon approval of the proposed rezone, the applicants indicated that they plan to re-institute a commercial restaurant. A commercial activity involving retail sales and service is a permitted use in the MUPC zone, based upon compliance with the City's development standards. The applicants did not submit a site plan. A site plan has been provided by staff under Exhibit C and a photograph of the building is included as Exhibit D. According to the Assessor's records the building was constructed in 1957 and is 2,291 square feet in size. The property currently has ten (10) on-site parking spaces, including one (1) ADA accessible parking space. The site has very limited on-site landscaping and is site constrained due to the building footprint and existing designated parking.

The existing building footprint does not allow the property owner to meet the minimum landscaping requirements, front yard setbacks, or location of parking to the side of rear of the commercial structure as required under the MUPC zone. However, Independence Development Code (IDC) Section 33.030.A states that, except for new construction or remodels costing more than 60 percent of the existing buildings assessed true cash value, the Community Development Director may waive any of the standards demonstrated to be impracticable. In addition, IDC 80.20.A states, existing commercial developments that do not expand by more than 25% or commercial remodels that do not intensify the use of the property by increasing the number of customers or traffic to the site are exempt from Site Development Review. The previous use as a commercial restaurant will fit within these parameters under the rezone, if approved. IDC 73.010.D.2 requires one (1) parking space per 250 square feet. The existing structure contains 2,291 square feet requiring nine (9) parking spaces. The site currently has ten (10) parking spaces, include one (1) ADA parking space.

The site has access from both Polk Street and Highway 51. Future use of the site is subject to conformance with the City Comprehensive Plan and Municipal Code, including:

APPLICABLE APPROVAL CRITERIA:

Independence Development Code, Subchapter 12.025 and 12.030

ANALYSIS OF APPLICABLE APPROVAL CRITERIA

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, including the Transportation System Plan, at least one of the following standards is met:

Findings: Compliance with the Comprehensive Plan, Transportation System Plan, and statewide land use goals must be met.

Analysis: The State of Oregon has adopted statewide land use goals which comprehensive plan map amendment decisions must adhere to. Comprehensive Plan map amendments must comply with the applicable statewide planning goals and implementing regulations. To recommend approval to the City Council, the Planning Commission must find the information shows compliance with the applicable statewide goals. Part of this decision is determining which statewide goals are applicable. Staff believes that, at a minimum, statewide planning Goal 1- Citizen Involvement, Goal 9- Economic Development, Goal 10-Housing, and Goal 12-Transportation are applicable to this approval.

Goal 1, Citizen Involvement- The application was received by the City on September 15, 2011 and the application was determined complete on October 4, 2011. Notice was mailed to property owners within 250 feet on October 4, 2011

and published in the Itemizer Observer. Notice was also provided to the Department of Land Conservation and Development, Department of Transportation, Independence Public Works, and Community Development Director. Staff finds this goal has been met.

Goal 9, Economic Development- The subject property is approximately 0.13 acres. The 2005 Buildable Lands Inventory and Comprehensive Plan Update identify a Commercial job density of approximately 23 jobs per net acre. Under the MUPC zone, the subject property is estimated to accommodate 3 jobs.

Goal 10, Housing - The subject property is developed as a commercial property. If the rezone is approved, 0.13 acres will be removed from the City's inventory of buildable residential land or the number of dwelling units that will not be built. The subject property would account for 1.56 units removed from the buildable lands inventory. However, the subject property is developed with a commercial structure that is not likely to be used for residential uses. The loss of less than 2 units is considered small compared to the total residentially zoned acres within the City. The City's acknowledged buildable lands inventory included approximately 180 acres of residential land and a land need of approximately 260 acres for residential development over the 20-year planning horizon. As part of their 20-year supply completed in 2011, the City identified an additional 259.3 acres of buildable land for residential development. Given this excess, a loss of less than 2 units does not impact the City's residential buildable lands inventory.

Goal 12, Transportation- The state Transportation Planning Rule (TPR) applies on comprehensive plan amendments or land use regulations that would significantly affect and existing or planned transportation facility. The property does have access from and abuts Highway 51. Notice of the application was provided to the Department of Transportation. The most intensive use of the property under the existing RM zone would be 1.56 housing units. According to the Trip Generation Manual (7th Edition, Institute of Transportation Engineers), this would account for 9.57 trips per day per unit, or 20 trips per day to the subject property. The rezone would permit use of the existing structure as a commercial restaurant which, according to the ITE, could account for 90 trips per day but a range as low as 34 trips per day. Staff believes that the lower range of trip averages, estimated at 34 trips a day, for a commercial restaurant which is the highest and most intensive use in the zone, is reasonable given the lower population size for the City. Staff finds this does not account for a significant effect upon Highway 51. The highest or most intensive use permitted under the MUPC zone is commercial retail.

Staff finds consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

The City has adopted a comprehensive plan which guides the City's decisions for comprehensive plan map amendments. To amend a designation on the comprehensive plan map it must be found that the change is consistent with the

applicable goals and policies in the plan. The applicant has not submitted information describing how the application complies with the applicable goals of the plan. To recommend approval to the City Council, the Commission must find that the information the applicant provided shows compliance with the applicable comprehensive plan goals and policies. Part of this decision is determining which goals and policies are applicable in this case. Staff believes that, at a minimum, the goals and policies dealing with the economy of the City, housing needs, and transportation are applicable to this approval. Given the small size of the site, staff finds the application does not substantially affect the City's goals and policies.

Staff finds the zone change conforms to the Comprehensive Plan.

A. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;

Findings: The property is developed with a single story cinder block structure that was previously used as a restaurant. The structure's design and interior are more conducive to use as a commercial facility than as single family residence. Commercial uses are not permitted under the RM zone. As the property has been vacant for approximately two years, the preexisting non-conforming use as a commercial restaurant under the RM zone has expired. Staff finds this condition has been met.

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: Properties to the north, across Polk Street, and to east, across Highway 51, have MUPC zones and their uses are consistent with that zone district. Although the property has not been in use for several years, it was previously used as a commercial structure. The structure itself is more conducive to a commercial use under the MUPC zone than as a residential use under the RM zone. Staff finds this condition has been met.

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: Staff finds this criterion does not apply.

12.030 Standards for Plan Amendment

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

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

B. Conditions in the neighborhood surrounding the land for which the plan amendment is initiated have changed to such a degree that the Comprehensive Plan designation is no longer appropriate and the plan amendment would conform to the new conditions in the neighborhood;

C. There is a public need for land use of the kind for which the plan amendment is initiated and that public need can best be met by the plan amendment.

Findings: The discussion and finding for 12.025 (A), (B), and (C), above, are hereby incorporated by reference.

FINDINGS OF FACT/CONDITIONS OF APPROVAL:

Summary:

- 1) The subject property is: Section 21CA, Township 8 South, Range 4 West Willamette Meridian. Tax Lot 2300, Map 8.4.21 CA.
- 2) The owners of record are: Johnny and Sandi Lei Chan, 8425 SE Foster Road, Portland, Oregon.
- 3) The property is currently within city limits and has a current Comprehensive Plan designation and zoning of Medium Density Residential (RM).
- 4) The application meets the standards for approval found in: Subchapter 12.
- 5) The property is not subject to a Site Development Review application under IDC Section 33 or Section 80.
- 6) The property is subject to approval by City Independence Public Works in regards to Title 13- Public Works of the Independence Municipal Code. See Exhibit E.

CONCLUSIONS/RECOMMENDATIONS:

Based on the findings in this report, staff and the Independence Planning Commission found the application (File #CPMA/ZC-02-2011) meets the requirements for Comprehensive Plan Map Amendment and Zone Change found in Subchapter 12 of the Independence Development Code.

At a public hearing on November 7, 2011, the Planning Commission adopted the Findings in the staff reports and recommended the City Council **approve** the application (File #CPMA/ZC-02-2011) with the conditions of approval outlined above.

Renata Wakeley
City Planner

Comprehensive Plan Map Amendment/Zone Change 02-2011

City Council Action Options:

- A. A motion to approve Comprehensive Plan Map Amendment/Zone Change 02-2011:
 - 1. As recommended by staff and the Independence Planning Commission; or
 - 2. As further conditioned by the City Council (stating any revisions).

- B. A motion to continue the Comprehensive Plan Map Amendment and Zone Change request to a time certain stating the date.

- C. A motion to deny the Comprehensive Plan Map Amendment and Zone Change request (stating findings and any conditions of approval).



CITY OF INDEPENDENCE
 Community Development Department
 240 Monmouth Street
 Independence, OR 97351
 503.838.1212

ORDINANCE NO. 1499
 EXHIBIT A
 File No. ZC/CDA-02-2011
 Date Rec'd/Rec. # 9-15-11
 APPLICATION FEE: 1300-
 NOTICE FEE: \$ 60.00
 TOTAL: 1360-

APPLICATION FOR TYPE III/IV LAND USE ACTION

Applicant Name: JOHNNY CHAN & SANDI LEI CHAN
 Address: 8425 SE FOSTER RD
PORTLAND, OR 97266 Phone: 503-788-1668

If the Applicant is not the owner of record of the subject property, written authorization from the owner to act as his/her agent must be provided.

SUBJECT PROPERTY DESCRIPTION:

Assessor's Map No. 101 N. POLK ST INDEPENDENCE, OR 97351 Tax Lot
 Street Address

PROPERTY OWNER OF RECORD:

Name: JOHNNY CHAN & SANDI LEI CHAN
 Address: 8425 SE FOSTER RD
 Phone: 503-788-1668 (same above)

APPLICATION FOR:

Type III Action:	Fee: (+\$60 Notice Fee)	Type IV Action*:	Fee: (+ \$60 Notice Fee)
<input type="checkbox"/> Annexation	\$175; \$500 w/election	<input type="checkbox"/> Comprehensive Plan	\$300
<i>Attach annexation petition to this application</i>		Amendments/Revisions	
<input checked="" type="checkbox"/> Comprehensive Plan	\$300	<input type="checkbox"/> Master Plan Adoptions	
Map Amendment		<input type="checkbox"/> Development Code	
<input checked="" type="checkbox"/> Zone Change	\$500 + \$500 deposit	Amendments	
<input type="checkbox"/> Site Design Review for	\$500, plus 2% of	<i>*Private parties may request a Type IV action; however, it must be initiated by the Planning Commission or City Council.</i>	
commercial developments	engineers certified		
with 40,000+ s.f. floor area	estimate over \$50,000		

Action Requested: (use additional sheets as needed) Change zoning from Residential to Commercial Zone

Required

- 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, OR.
 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 all the owners of record of the property(ies) to be reclassified, if not shown above.
 D. A certified list of names and addresses of each owner of all properties within 250' of the subject property. 2 sets of mailing labels for each property owner shall also be provided. For an additional \$25, the city will provide the list and labels. CHECK HERE FOR THIS OPTION and include \$25 to the total due with your application.

Application for Type III/IV Land Use Action (cont.)

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 that any permit issued on this application may be revoked if it be found that any such statements are false.

DATED this 15 day of 9, 2011.

SIGNATURE(S) 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: PROPERTY ADDRESS:

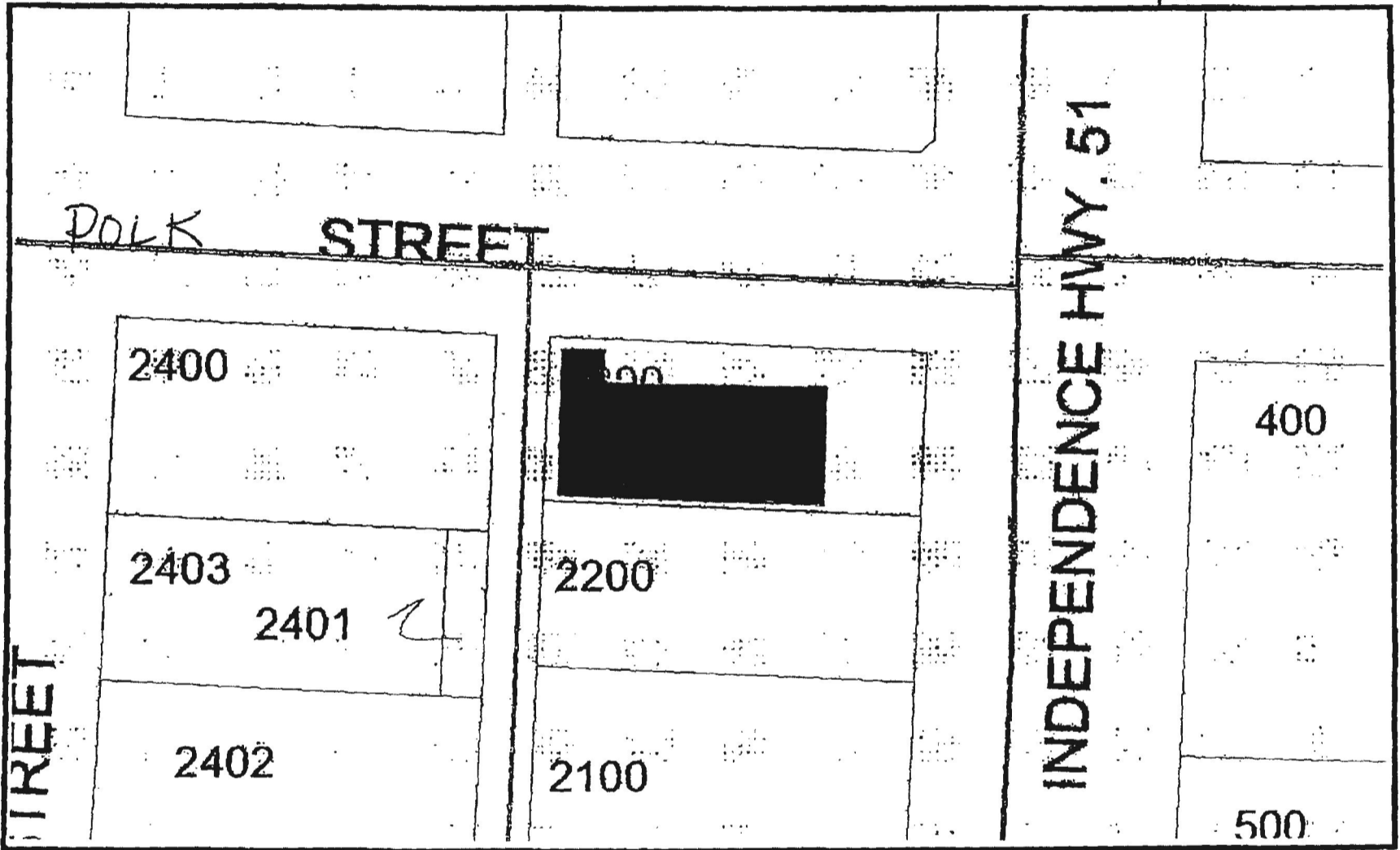
JOHNNY CHAN 8425 SE Foster Rd
(Husband) Portland, OR 97266

SANDI LEI CHAN Same as above
(Wife)

[Signature]

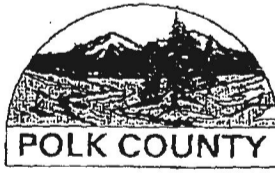
Map

N ↑



Attachment A-1

ORDINANCE NO. 1499
EXHIBIT A



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

Printed 09/16/2011

Exhibit B3

Results: 1



Attachment A-2



Click to See Assessment Report: [8421CA 2300](#)

Account Number: 305509

Image: [Map Image](#)

Map: 8.4.21CA

TaxLot: 2300

Owner: CHAN JOHNNY & LEI-CHAN SANDI

Agent:

Mailing Add: 8425 SE FOSTER RD

City: PORTLAND

St: OR

ZIP: 97266

Primary Situs: 101 N POLK ST INDEPENDENCE

Property Class: 201

Num Residences: 0

Num Buildings: 1

Acre: 0.13

AV Total: 141880

RMV Total: 237310

FIRST AMERICAN TITLE Acce

ADVANCE NO. 1499
EXHIBIT A

After recording return to:
Johnny Chan and Sandi Lei-Chan
101 North Polk Street
Independence, OR 97351

RECORDED IN POLK COUNTY
LINDA DAWSON, COUNTY CLERK
2001-017057
\$25.00

REC-BS Cnt=1 St=1 CAPTAIN
12/26/2001 11:19:59 AM
\$5.00 \$10.00 \$11.00
RECORDED BY FIRST AMERICAN TITLE AS AN ALIENATION INSTRUMENT
ONLY, NO LIABILITY IS ACCEPTED FOR THE CONDITION
OF TITLE OR FOR THE VALIDITY, SUFFICIENCY OR EFFECT
OF THIS DOCUMENT.

Until requested otherwise send all tax
statements to:
Johnny Chan and Sandi Lei-Chan
101 North Polk Street
Independence, OR 97351

BARGAIN AND SALE DEED

Choi Ha Lee, Grantor, conveys to Johnny Chan and Sandi Lei-Chan, Grantee, the following described real property:

The North 50 feet of Lot 4, Block 17 in E.A. Thorp's Town of Independence,
Polk County, Oregon.

The real property is free from all encumbrances except:

Easements, restrictions and the taxes, municipal liens, water rents and public charges assumed by the buyer and further excepting all liens and encumbrances assumed by or agreed to or created by the buyer or the buyer's assigns.

The true consideration for this conveyance is \$100,000.00 (Fulfillment Deed).

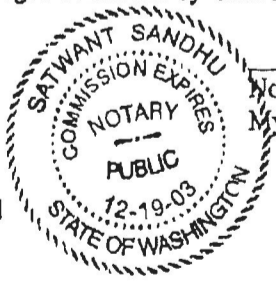
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 14th day of Nov, 2001

Choi Ha Lee
Choi Ha Lee

STATE OF Washington)
County of Snohomish) ss.

This instrument was acknowledged before me by Choi Ha Lee on November 14th, 2001.



Satwant Sandhu
Notary Public for WA
My Commission Expires: 12-19-2003

TAXLOT	PROPERTY OWNER	MAILING ADDRESS	CITY	STATE	ZIP	SITE ADDRESS	ACRES
'8421DB 105	BANUELOS JUVENTINO M ET AL	P O BOX 295	INDEPENDENCE	OR	97351	50 N POLK ST	0.17
'8421CA 2402	BRANDT DARRELL EDWIN	PO BOX 172	MONMOUTH	OR	97361	711 N MARSH ST	0.33
'8421CA 3500	CARRILLO CIPRIANO & MARIA	215 POLK ST N	INDEPENDENCE	OR	97351	215 N POLK ST	0.15
'8421CA 2800	CHAN JOHNNY & LEI-CHAN SANDI	8425 SE FOSTER RD	PORTLAND	OR	97266	158 N POLK ST	0.53
'8421CA 2300	CHAN JOHNNY & LEI-CHAN SANDI	8425 SE FOSTER RD	PORTLAND	OR	97266	101 N POLK ST	0.13
'8421CA 2200	CHAN JOHNNY & SANDI LEI	8425 SE FOSTER RD	PORTLAND	OR	97266	770 N MAIN ST	0.13
'8421CA 2100	CHAN JOHNNY & SANDI LEI	8425 SE FOSTER RD	PORTLAND	OR	97266	768 N MAIN ST	0.15
'8421CA 7100	FOREST RIVER INC	3731 CALIFORNIA RD	ELKHART	IN	46514	840 N WALNUT ST	4.21
'8421CA 2400	GARRISON RIDGELY & DOROTHY	3425 BEIGLER LN S	SALEM	OR	97302	159 N POLK ST	0.15
'8421CA 2401	GARRISON RIDGELY & DOROTHY	3425 BEIGLER LN S	SALEM	OR	97302		0.01
'8421DB 501	GMBH LLC	1507 ROLLINGWOOD CT	FORT COLLINS	CO	80525	42 BOAT LANDING ST	0.2
'8421CA 2403	GRIFFIN JAMES & FRANCES	763 MARSH ST	INDEPENDENCE	OR	97351	763 N MARSH ST	0.11
'8421CA 1600	JOSLIN KATHARINE Z	PO BOX 184	JEFFERSON	OR	97352	690 N MAIN ST	0.17
'8421DB 200	LANGAN LEE R & BROWN RICK A	13214 NE 2ND CT	VANCOUVER	WA	98685	811 N MAIN ST	1.69
'8421CA 2500	MIN WON KI & BONG KI	5117 87TH STREET CT SW #H302	LAKESWOOD	WA	98499	810 N MAIN ST	0.18
'8421DB 500	MINTON-WAHL T SCOTT ETAL	30033 107TH PL SE	AUBURN	WA	98092	80 BOAT LANDING ST	0.2
'8421DB 400	PENNA JOSEPH E & SALLY J	207 MAIN ST W	MONMOUTH	OR	97361	769 N MAIN ST	0.33
'8421CA 2000	REICH ROBERT H & MARGUERITE M	16660 PRENTICE RD	COTTONWOOD	CA	96022	140 BOAT LANDING ST	0.21
'8421CA 3400	WATTS MAXINE W	222 BOAT LANDING ST	INDEPENDENCE	OR	97351	222 BOAT LANDING ST	0.15
'8421DB 503	WORST JAMES M & NORA J	4536 POINSETTA ST NE	SALEM	OR	97305	60 BOAT LANDING ST	0.2
'8421CA 2600	ZEPEDA ALVARO JAVIER PRADO	870 MAIN ST N	INDEPENDENCE	OR	97351	830 N MAIN ST	0.35

EXHIBIT
BP

ORDINANCE NO. 1498
ATTACHMENT EXHIBIT A



CITY OF INDEPENDENCE - RECEIPT

DATE 9/15/11 REF NO.
 NAME Johnny Chen & Sandi Chen
 ADDRESS 10120 Polk St

CASH CHECK CREDIT

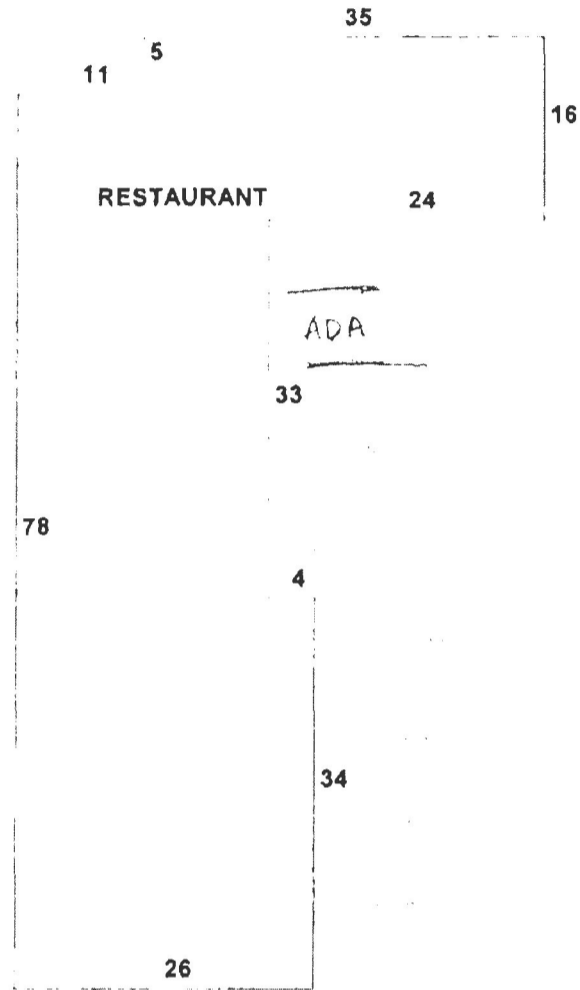
DESCRIPTION	AMOUNT
BAIL	
FINE	
PERMIT	
DEPOSIT	
GRANT	
OTHER <u>CK# 3005</u>	
<u>ATC</u>	<u>60.00</u>
<u>ATC</u>	<u>25.00</u>
<u>ZONE</u>	<u>1000.00</u>
<u>ZONE</u>	<u>300.00</u>
TOTAL	<u>1385.00</u>

RECEIVED BY [Signature]

81966

Exhibit B7

BUILDING DIAGRAM AND OUTBUILDINGS



101 POLK STREET

Appraiser	Date	Bldg	Description	SqFt	Dimension
		1	RESTAURANT	2291	

EXHIBIT C



ORDINANCE NO. 1499
EXHIBIT A

Exhibit D

Wakeley, Renata

From: Michael Danko [danko.michael@ci.independence.or.us]
Sent: Tuesday, October 25, 2011 4:35 PM
To: Wakeley, Renata
Subject: FW: Public Works comments; file CPA/ZC-02-11

FYI

From: Kenneth Perkins
Sent: Tuesday, October 25, 2011 4:23 PM
To: Michael Danko
Subject: FW: Public Works comments; file CPA/ZC-02-11

From: Kenneth Perkins
Sent: Tuesday, October 25, 2011 4:20 PM
To: 'renatac@mwvcog.org'
Cc: Michael Danko
Subject: Public Works comments; file CPA/ZC-02-11

Good Afternoon Renata,

I apologize for not getting back to you sooner.

In reviewing the application it states that it will be a restaurant facility. With that, it will trigger a couple of things that will need to be implemented.

1)A grease trap will need to be installed, or if already in place will need to be inspected. (Independence Municipal Code Chapter 13.10)

2)A backflow device will need to be installed, or if already in will need to be inspected. (Independence Municipal Code Chapter 13.11)

3)Parking (which Mike Danko will probably discuss) is limited, and need to provide handicap space(s).

Thank You,

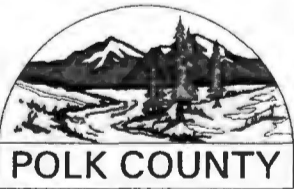
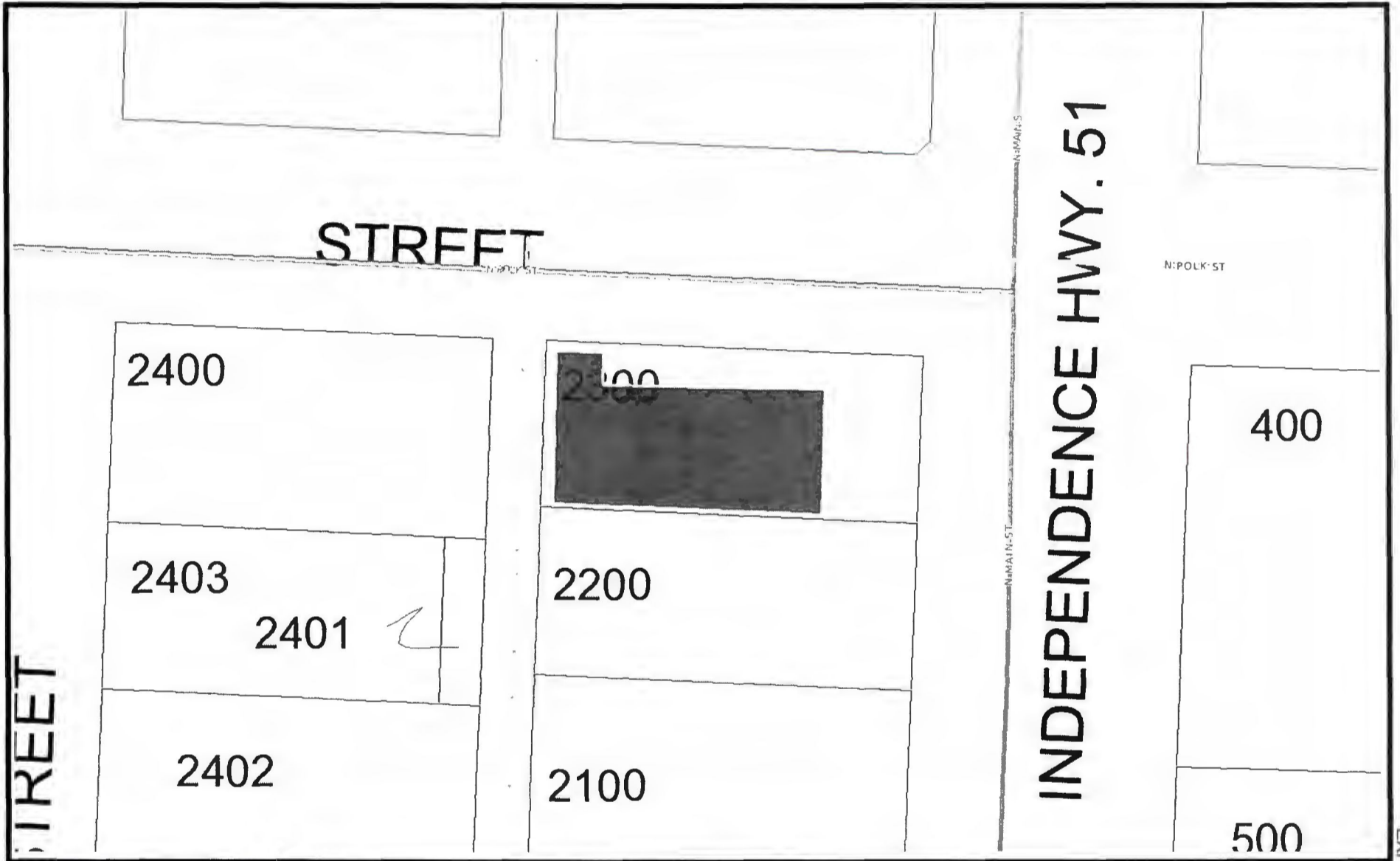
Ken Perkins, Supervisor
Independence Public Works
160 Fst. Independence, Or. 97351
503-838-4781

EXHIBIT 'B'

LEGAL DESCRIPTION & MAP

The North 50 feet of Lot 4, Block 17 in E.A. Thorp's Town of Independence,
Polk County, Oregon.

Map



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

Printed 09/16/2011



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

DEPT OF

NOV 28 2011

LAND CONSERVATION
AND DEVELOPMENT



FIRST CLASS

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