



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 04, 2016
Jurisdiction: City of Independence
Local file no.: AX/ZC/CPMA-01-2016
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/29/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 39 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-16 {{24253}}

Received: 4/29/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Independence

Local file no.: **AX/ZC/CPMA-01-2016**

Date of adoption: April 12, 2016

Date sent: 4/29/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/29/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Joseph Shearer, City Planner

Phone: 503-540.1616

E-mail: jshearer@mwwcog.org

Street address: 100 High Street SE, Ste 200

City: Salem

Zip: 97301

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Annexation of 8.48 acre parcel within Polk County Urban Reserve. Amendment of City Comprehensive Plan designation for the subject property from Low-Density Residential (RS) to Medium-Density Residential (RM). Zone change from Suburban Residential (Polk County) to Medium-Density Residential (Indep).

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from RS	to RM	8.48 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Suburban-Residential (Polk Co)	to RM (Independence)	Acres: 8.48
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 8420, 800; 980 N Gun Club Road

List affected state or federal agencies, local governments and special districts: DLCD

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Notice of Decision and Annexation Ordinance #1544

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

An Ordinance Declaring Territory Annexed to,]
the City of Independence and Amending the]
Comprehensive Plan, Land Use Map, and] Council Bill #2016-03
Zoning Map for Tax Lot 800, Map 8S 4W 20]
and Stating an Effective Date]

ORDINANCE NO. 1544

WHEREAS, City of Independence received a request to annex and rezone an 8.48 acre parcel, identified as tax lot 800 on Polk County tax map 8S 4W 20, as more specifically described in the attached Exhibit A (Property); and

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

WHEREAS, the subject Property is: (1) located within the City of Independence Urban Growth Boundary; (2) located within one or more special districts; (3) designated as Suburban Residential with an Urban Reserve Comprehensive Plan designation on the Polk County Comprehensive Plan Map and as Low Density Residential (RS) on the Independence Comprehensive Plan; and

WHEREAS, the request is to: (1) annex the Property into the City of Independence; (2) not withdraw the Property from any special district; (3) change City Zoning and Comprehensive Plan Map designation to Medium-Density Residential; and

WHEREAS, the Property is contiguous to the City of Independence; and

WHEREAS, the City Council conducted a properly noticed public hearing to consider the requests on March 8, 2016, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the City Council determined that the evidence and argument presented in the public hearing and on the record showed that the application request was in compliance with applicable criteria and directed staff to prepare an annexation and rezone Ordinance; **NOW, THEREFORE**,

THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

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

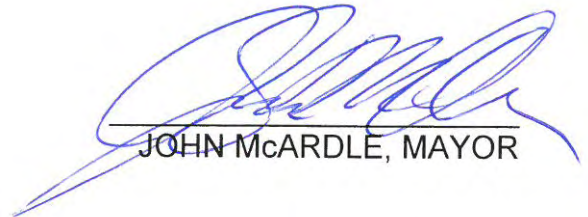
Section 2. Property Description. The Property described above and as more particularly described in Exhibit A, attached hereto and by this reference incorporated herein, is hereby redesignated on the City of Independence Comprehensive Plan Land Use Map from a Low-Density Residential designation to a Medium-Density Residential Plan designation and is rezoned from Polk County Suburban Residential to City Medium-Density Residential (RM) zoning, as illustrated on Exhibit B. All official maps of the City are hereby amended to conform to the changes enacted by this Ordinance.

Section 3. Findings. The Findings: The City of Independence hereby adopts the findings supporting this annexation and these Comprehensive Plan Land Use Map and Zoning Map amendments contained in the Staff Report attached hereto as Exhibit C and incorporated herein by this reference.

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

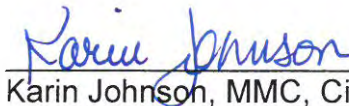
Section 5. The Ordinance shall take effect 30 days after second reading and final passage; second reading to occur only after the applicant has paid the full cost of the annexation and associated rezone and redesignation to the City.

READ for the first time: April 12, 2016
READ for the second time: April 12, 2016
APPROVED by Council: April 12, 2016
SIGNED by the Mayor: April 12, 2016



JOHN McARDLE, MAYOR

ATTEST:



Karin Johnson, MMC, City Recorder

Legal Description

Situs address: 980 Gun Club Road N., Independence OR 97351

Tax Account No. 215639 8-4W-20 TL 800

Legal Description: Parcel 1 of Partition Plat No. 1997-058, recorded December 22, 1997, in Polk County, Oregon.

Subject to:

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given. Regulations, including levies, liens, assessments, rights of way and easements of Polk Soil and Water District. (There are no unpaid levies, liens or assessments as of the date herein.) The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways. An easement created by instrument, including the terms and provisions thereof, in favor of: United States of America for right of way, recorded December 20, 1948, in Book: 137 Page: 324, Deed Records for Polk County, Oregon.

Agreement not to Remonstrate, including the terms and provisions thereof, recorded November 18, 1997, Book of Records 344 Page: 1297, Polk County, Oregon.



City of Independence, Oregon

CITY COUNCIL NOTICE OF DECISION

NOTICE DATE: April 29, 2016

HEARING DATE: March 8, 2016

FILE NUMBER: ANX/ZC/CPMA-01-2016

APPLICANT: James Warren and Larry Dalton, 297 N Pacific Hwy, Monmouth, OR 97361

OWNER: Ronald & Karen Johnson, 16315 McBee Rd, Dallas, OR 97338

REQUEST: Annexation of 8.48 acres into the City of Independence. The subject property is currently zoned by Polk County as Suburban Residential with an Urban Reserve Comprehensive Plan designation. The subject property is currently designated as Low-Density Residential (RS) in the Independence Comprehensive Plan. Upon annexation, Applicant proposes a change in zone and Comprehensive Plan designation to Medium-Density Residential (RM).

PROPERTY: The subject property consists of one taxlot, located on the west side of Gun Club Road, north of Marigold Drive. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct#</u>	<u>Acres</u>	<u>Address</u>
8S 4W 20 800	215639	8.48	980 N Gun Club Road

EXHIBITS: EXHIBIT A Assessor Map

CRITERIA: Oregon Revised Statute (ORS) Chapter 222 City Boundary Changes; Mergers; Consolidations; Withdrawals
Independence Comprehensive Plan
Independence Development Code (IDC) Subchapter 12 – Zone Changes and Plan Amendments

I. DECISION

At a public hearing on March 8, 2016, the Independence City Council **APPROVED** the request and adopted the findings and conditions in the Staff Report dated March 1, 2016. The City Council approved Ordinance No. 1544 adopting the annexation and amendments to the Comprehensive Plan Map and Zoning Map on April 12, 2016.

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www.ci.independence.or.us

The City is an Equal Opportunity Provider

The City Council decision is the final decision at the local level. A copy of the decision, findings, and materials relied upon is available for inspection at no cost and can be obtained for \$0.25 per page at the Civic Center, 555 South Main Street, Independence, Oregon, 97351. For additional information, please contact Joseph Shearer, City Planner, at 503.540.1616 or jshearer@mwvcog.org.

This decision may be appealed by filing a written Notice of Intent to Appeal with the Land Use Board of Appeals (LUBA) within 21 days of this Notice. For more information, contact LUBA at: Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301.