



APPLICATION FOR A
TYPE III OR IV PROPOSAL

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

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

GENERAL INFORMATION

Site Address:	Nearest Cross Street:
Tax Map:	Tax Lot(s):
Site Size:	Site Dimensions:
Project Summary (Attach Additional Sheets if Necessary):	

PROPERTY OWNER

Name:		
Mailing Address:		
City:	State:	Zip:
Phone:	Cell:	Email:

APPLICANT

Name:		
Business Name (if Applicable):		
Mailing Address:		
City:	State:	Zip:
Phone:	Cell:	Email:

Applicant's Interest in Property:

SIGNATURES

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

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

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

Print Name:	Signature:	Date:

APPLICATION TYPE

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

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

NOTE: ALL FEES ARE NON-REFUNDABLE

REQUIRED SUBMITTALS

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

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

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

After Signing Return To:

City of Independence
PO Box 7
Independence, OR 97351

Send Statement To:

**AGREEMENT FOR
PAYMENT OF LAND USE APPLICATION FEES**

CITY OF INDEPENDENCE

("City")

("Developer")

RECITALS

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

AGREEMENT

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

Section 1. Payment.

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

Section 2. Binding Effect.

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

Section 3. Remedies.

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

Section 4. Arbitration.

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

Section 5. Attorney Fees and Costs.

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

CITY OF INDEPENDENCE:

DEVELOPER:

By: _____

By: _____

Date: _____

Date: _____

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____,
20_____, by _____, an authorized representative for CITY OF
INDEPENDENCE.

Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____,
20_____, by _____.

Notary Public for Oregon