



City of Independence

Planning Commission
Monday, November 3, 2025 @ 7:00 PM
Civic Center - Council Chambers

(see agenda footer for meeting attendance information)

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - 3.1. Regular Meeting 10/06/2025
4. **Visitors/Public Comment**
5. **Reports/Presentations**
6. **Unfinished Business**
7. **New Business**
 - 7.1. Public Hearing: Changes to Address House Bill 3395 (2023) and House Bill 2138 (2025)
 - 7.2. Discussion: Potential Code Change to Allow Additional Commercial Uses on Monmouth Street
 - 7.3. Discussion: Potential Consolidation of the Low and Medium Density Residential Zones
8. **Other Discussion/Information Items**
9. **Adjournment**

Meeting Attendance Information:

The Planning Commission will hold this meeting in-person in City Hall Council Chambers, via video conference (Zoom) or by phone. Meetings are also live-streamed on the City's YouTube channel at: <https://www.youtube.com/c/CityofIndependenceOR>.

- To attend in person, the City Hall address is 555 S. Main St.
- For Zoom login
visit: <https://us06web.zoom.us/j/86498020885?pwd=Vp4IIGC9GZD315Zsng68cZAwdj5Q9C.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 864 9802 0885** and **Passcode: 188343**

Written comments are also welcome and may be delivered to City Hall or emailed to PlanningComments@ci.independence.or.us no later than 4:00 pm the day of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for

the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 72 hours in advance of the meeting to Myra Russell, City Recorder, 503-838-1212/TTY: 800-735-2900.



City of Independence Minutes

Planning Commission Meeting
Monday, October 6, 2025

1. **Call to Order.** Chair Chappell called the meeting to order at 7:00 pm

2. **Roll Call.**

Present: Commissioner Patrick Fugeman
Commissioner Jose Oliveros
Commissioner Rebecca Jay
Commissioner/Chair Corby Chappell
Commissioner Jordan Carpenter
Commissioner Sally Coen
Commissioner Alex Paraskevas

Absent:

City Staff Present: Fred Evander, City Planner
Myra Russell, City Recorder

3. **Minutes.**

3.1. **Regular Meeting 09/08/2025.**

Action:

Commissioner Carpenter moved to approve the minutes as submitted;
Commissioner Jay seconded.

Roll call vote. Motion 7-0-0

Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell, Jordan Carpenter, Sally Coen, Alex Paraskevas

Nays: None

Abstentions: None

4. **Visitors/Public Comment.** None

5. **Reports/Presentations.** None

6. **Unfinished Business.**

6.1. **Public Hearing Continuation: Revisions to Mobile Vending Standards.**

Chair Chappell read the hearing script regarding how the meeting would be conducted. This public hearing was continued from the last meeting on September 8, 2025. State Law Required Statements read.

- Declaration of Conflicts of Interest, Ex-Parte Contact, Bias: None

- Public Hearing reopened at 7:02 pm by Chair Chappell.
- Staff Report as submitted in the agenda packet was reviewed by Evander. Reviewed the criteria that was discussed at the previous meeting regarding limit on mobile food units downtown. Evander added back language on limitations that was originally there as directed by the commission at the last meeting. The City Council can make the final decision. Also presented information about restroom facilities and added language to reflect.
- Discussion: Discussion of removing the limitations on the downtown area.
- Further questions from the Commission: None
- Objections or testimony received: None
- Public Testimony: None
- Discussion: Staff Response to testimony—None
- Hearing closed at 7:09 PM.

Deliberation: Discussion of what the motion should be. Keep the limitation or remove the limitation before it moves on to council.

Action:

Commissioner Carpenter moved to forward a recommendation of approval of revisions to the Independence Mobile vending Standards LA 2025-05, with the removal of IDC 84040B and appropriate renumbering of that section; Commissioner Jay seconded.

Roll call vote. Motion 7-0-0

Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell, Jordan Carpenter, Sally Coen, Alex Paraskevas

Nays: None

Abstentions: None

7. New Business.

7.1. Single Room Occupancy Requirements and Related Changes.

Evander explained there was one inclusion before the public meeting in November. It had to do with the language in the item listed as "Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income". This includes required language regarding affordable housing. Confirmation that code would use the state's existing definition of SRO without additional modifications. This code will come back at the public hearing at a later date.

7.2. Code Changes to Promote More Housing in the Same Neighborhood.

Evander passed out maps. Discussion focused on potential changes to lot size requirements and development options in different parts of the city. Evander presented ideas for reducing minimum lot sizes, particularly in areas with Thorpe and Henry Hill type lots, to allow for more flexible development options such as single-family homes, ADUs, duplexes, and townhouses. The proposed changes, which would reduce minimum lot sizes to 4,800 square feet for single-family homes and 2,400 square feet for townhouses, were presented as relatively small adjustments that could open up new development possibilities. The group discussed the possibility of crediting extra space from existing right-of-ways to lot sizes in certain areas, without requiring public utility easements. The planning commission discussed potential changes to zoning policies,

particularly regarding lot sizes and the ability to subdivide properties. They explored how allowing smaller lot sizes could open opportunities for infill development while preserving open spaces and farms. The commission reviewed maps showing which areas would benefit from proposed changes, with some members expressing concerns about neighborhood opposition to density increases. They noted that similar developments already exist throughout the town, suggesting that the proposed changes would not significantly alter the community's character. Evander will provide more information as it becomes available, more discussions to follow.

8. **Other Discussion/Information Items.** 8.1 Video: The Place Man (2024) The commission watched from approximately 5:55 to 16:46. The video focused on the importance of placemaking and community-driven urban development, with references to successful projects like Bryant Park in New York City. Request for the City Recorder to send video link to commissioners. Discussion of public places and how to make them more welcoming and usable

9. **Adjournment. Action:**

Commissioner Paraskevas moved to Adjourn; Commissioner Coen seconded.
Roll call vote. Motion 7-0-0

Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell,
Jordan Carpenter, Sally Coen, Alex Paraskevas

Nays: None

Abstentions: None

Minutes submitted by:
Myra Russell, City Recorder



INDEPENDENCE

Oregon's Story Begins Here

CHANGES TO ADDRESS HOUSE BILL 3395 (2023) AND HOUSE BILL 2138 (2025) (FILE NO. LA | 2025-06) STAFF REPORT

MEETING DATE: November 3, 2025

RECOMMENDATION: **APPROVAL**

FILE NUMBER: LA | 2025-06

RE: Potential Changes to Standards for Single Room Occupancies and Other Requirements to Address House Bill 3395 (2023) and House Bill 2138 (2025)

CRITERIA: Oregon State Planning Goals
Independence Comprehensive Plan
Independence Development Code (IDC)
-Subchapter 10: General Provisions
-Subchapter 11: Administrative Provisions

CONTENTS:

- I. Summary
- II. What is the Problem?
- III. What is Proposed?
- IV. Public Process
- V. Staff Recommendation
- VI. Staff Findings – Oregon State Planning Goals
- VII. Staff Findings – Independence Comprehensive Plan
- VIII. Staff Findings – Independence Development Code

ATTACHMENTS: A. Proposed Code Change (Six pages)

I. SUMMARY

At the meeting of November 3, 2025, the Independence Planning Commission will hold a public hearing to consider revisions to the Independence Development Code to address recent changes to Oregon state law related to House Bill 3395 (adopted in 2023) and House Bill 2138 (adopted in 2025). The Planning Commission reviewed changes related to House Bill 3395 in 2024, but the City Council never considered the amendments. Recent changes passed as part of HB 2138 during the 2025 legislative session now require additional revisions to the code.

II. WHAT IS THE PROBLEM?

During the 2023 legislative session, the State of Oregon passed HB 3395 – a housing omnibus bill. The bill required a variety of code changes for communities throughout the state.

Among the changes that affected the City of Independence included:

- The requirement to allow single room occupancies.
- The requirement to allow ground-floor housing units, affordable to households making 60% of area median income, in areas that allow ground-floor commercial development.

Further changes to the standards for single room occupancies were adopted as part of HB 2138 in 2025.

III. WHAT IS PROPOSED?

The proposed code revisions (see Attachment A) incorporate a variety of changes related to single room occupancies to address the bills' requirements. The proposed revisions also include a relatively simple change to allow ground-floor housing units in commercial zones in certain circumstances.

IV. PUBLIC PROCESS

To inform area landowners about the potential changes, staff posted a notice of the changes on the Oregon Department of Land Conservation "PAPA" website on August 28, 2025, and the city website on October 16, 2025. Additionally, staff published a Notice of the Public Hearing in the Polk County Itemizer Observer on October 22, 2025. No comments were received through the public outreach methods.

V. STAFF RECOMMENDATION

Given the findings below, staff recommends that the Planning Commission forward the changes to the Independence City Council with a recommendation of approval.

VI. STAFF FINDINGS - OREGON STATE PLANNING GOALS

Updates to the Independence Development Code are required to meet Goal 10 of the Oregon State Planning Goals. This goal looks “to provide for the housing needs of citizens of the state.”

Key implementation principles to achieve Goal 10 include expediting land use decisions, developing “ordinances and incentives to increase population densities in urban areas,” and incorporating methods such as zoning and land use controls that consider impacts on lower income households.

The draft changes are consistent with these principles. The changes would:

- Allow single room occupancies (potentially addressing an unmet need for the housing type among lower-income individuals and retirees).
- Permit ground-floor housing units, affordable to households making 60% of area median income, in areas that allow ground-floor commercial development (potentially increasing population densities in urban areas).

Given these items, this goal will be achieved.

VII. STAFF FINDINGS - INDEPENDENCE COMPREHENSIVE PLAN

Proposed changes to the Independence Development Code must additionally conform to the goals and policies of the Independence Comprehensive Plan. Key goals and policies of the Comprehensive Plan are noted below:

Land Use

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

Staff Response: The proposed changes to the Independence Development Code conform to the requirements of House Bill 3395 (2023) and House Bill 2138 (2025). The bills mandate that certain cities:

- Allow single room occupancies on each lot or parcel zoned to allow for the development of a detached single-family or multifamily dwelling (see Section 6 of House Bill 2138)
- Allow the siting and development of: “Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270” (see Section 2 of House Bill 3395).

The proposed changes address these items. The changes use the definition of single room occupancies from House Bill 3395 and House Bill 2138 and remove similar use categories where they are present in the code. Where the state standards stipulate certain items (such as required parking and zones required to allow single room occupancies), the draft also incorporates those standards.

The proposed approach ensures the continued use of land use designations that are appropriate to the character of Independence and consolidates similar standards when possible.

Given these items, this goal would be achieved.

Housing

GOAL: To insure everyone the opportunity to live in safe, affordable, healthy housing and to provide a choice of housing types, densities, and locations.

Staff Response: The proposed revisions address recent changes to Oregon state law that are meant to spur more housing production in the state. While the proposed revisions do not significantly expand the potential types or options of housing available in Independence, the amendments do:

- Offer slightly more possibilities for the development of safe, affordable, healthy housing.
- Offer further opportunities for the development of different housing types, densities, and locations.

Given these factors, this goal is achieved.

Citizen Participation

GOAL: To provide opportunities for citizen involvement and to encourage participation by area residents.

Staff Response: As part of the update, staff provided notice:

- On the State Department of Land Conservation and Development "PAPA" website.
- On the City of Independence Planning Department website.
- In the Polk County Itemizer-Observer.

Additionally, the Independence Planning Commission discussed the potential changes during three separate meetings as part of this version of the code, as well as three separate meetings as part of the previously considered draft.

Given these items, a variety of opportunities have been provided for individuals to learn about the update and be involved in the process. This goal has been achieved.

VIII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

Beyond the goals and policies of the Comprehensive Plan, the proposed changes are required to conform with the standards of the Independence Development Code.

Subchapter 10: General Provisions

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10.040 Amendment of Development Code

Any amendment of the text of this development code shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding the proposed amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning

Commission's action on the proposed amendment. Notice shall also be provided to state land use agencies in accordance with statutory requirements. This is a Type IV action – See 11.002 (D).

Staff Response: The Independence Planning Commission will consider the proposed changes during a Public Hearing on November 3, 2025. If the amendments are appropriate, the proposed revisions will be forwarded to the Independence City Council, likely on January 13, 2026. The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting. Given the process, this standard will be achieved.

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Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

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D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 11.025 and 11.030 list the notice and hearing requirements.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

Staff Response: Staff has reviewed the changes as a Type IV – Legislative Review. Staff and the Independence Planning Commission initiated the changes to address amendments to Oregon state law passed during the 2023 and 2025 legislative sessions.

11.015 General Provisions

In order to provide for citizen review of the planning process and the orderly keeping of records of actions relating to this Ordinance, the City shall ensure that the following measures are maintained and available for public review.

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Staff Response: Staff has taken proper steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the amendments, and keeping a file related to the proposal. This standard has been achieved.

11.025 Notice of Public Hearings

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B. Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and

Development in conformance with DLCD rules prior to the first evidentiary hearing by the City for any legislative action.

Staff Response: Staff sent notice of the changes to the Oregon Department of Land Conservation and Development on August 28, 2025, and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the Public Hearing in the Polk County Itemizer-Observer on October 22, 2025. This standard has been met.

SINGLE ROOM OCCUPANCIES AND OTHER STANDARDS TO ADDRESS HB 3395 (2023)

This document integrates new state requirements related to Single Room Occupancies (as passed under HB 3395 (2023) and HB 2138 (2025)) into the Independence Development Code. The draft:

- Uses the definition of Single Room Occupancies from ORS 197A.430 to replace existing city standards related to boarding houses, quad or quint dwellings, and lodging houses.
- Removes the taking of boarders and renting of rooms as a separate use type. The taking of boarders is considered a normal activity in a residential home.
- Retains the city classifications of dormitories and fraternities, sororities, and student houses, though the uses are only allowed in the High-Density Residential Zone.¹

Additionally, the draft adds a new use in commercial zones for “residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income” (as required under HB 3395).

The draft will be considered at a Public Hearing on November 3, 2025.

SUBCHAPTER 13: DEFINITIONS

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BOARDING HOUSE

~~"Boarding House" means a building or portion thereof used for the purpose of providing meals or meals and lodging for pay or family occupying such dwelling. An establishment where meals are served for compensation to more than five persons shall be considered a restaurant. An establishment with more than five sleeping rooms shall be considered a hotel.~~

...

DORMITORY

"Dormitory" means a building other than a hotel, ~~boarding house, or rooming house~~ single room occupancy use, or fraternity, sorority, student house that is and used primarily for sleeping purposes.

...

DWELLING UNIT

¹Please note: The existing code does not clearly articulate the parking requirement for classifications fraternities, sororities, and student houses and dormitories.

"Dwelling Unit" means one or more habitable rooms occupied or intended or designed to be occupied by one family and having facilities for living, sleeping, cooking, and eating; such definition shall not include a hotel, motel, single room occupancy, ~~camp ground~~campground or recreational vehicle.

...

~~DWELLING, QUAD OR QUINT~~

~~"Dwelling, Quad or Quint" means a dwelling unit consisting of four or five rooms used for both living and sleeping, designed around a central kitchen, and intended primarily for occupancy by unrelated individuals. For the purpose of determining residential density, the number of dwelling units in each quad or quint shall be considered to be the number of dwelling rooms surrounding the core kitchen divided by two.~~

...

FRATERNITY, SORORITY, STUDENT HOUSE

"Fraternity, Sorority, Student House" means a residential building in which living accommodations are furnished to the students of an educational institution.

...

ROOMING HOUSE

~~"Rooming House" means a dwelling or portion thereof where sleeping rooms are provided, where no meals are provided, and where lodging for three or more persons is provided for compensation. An establishment having more than five sleeping rooms shall be considered a hotel.~~

...

SINGLE ROOM OCCUPANCY USE

"Single room occupancy use" means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. The number of units allowed on a particular site is articulated in ORS 197A.430.

...

SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES

ALLOWED USES	ZONE			
RESIDENTIAL USES	RS	RM	RH	MX
Single-Family dwelling, with a floor area of not less than 1,000 square feet	P	P	P	P
Two-family dwelling (duplex)	P	P	P	P
Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development	P ¹	P	P	P
Triplex or Quadplex			P	P ²
Multi-family buildings, including apartment houses, courtyard apartments and garden apartments			P	P
Dwelling, quad or quint		CU	P	CU
Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61		CU	CU	
The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two in any single-family dwelling or exceed four in any duplex	P	P		
Rooming house <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	CU <u>P</u>	CU <u>P</u>	PP <u>PP</u>	CU <u>CU</u>
Boarding house	CU	CU	P	CU
Dormitory			P	
Fraternity, sorority, or student house			P	
Residential home, as defined by this ordinance	P	P	P	
Residential facility, as defined in this ordinance	CU	P	P	
Nursing home			P	
Planned unit development	CU	CU	CU	CU
Parking area or structure for a multi-family dwelling		P	P	
Accessory uses and structures ³	P	P	P	P
PUBLIC/QUASI-PUBLIC USE				
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and sidewalks; including any project identified in the Transportation System Plan.	P	P	P	P
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include, but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power.	CU	CU	CU	CU
Church	CU	CU	CU	CU

Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members.	CU	CU	CU	CU
Garden, orchard, or crop cultivation provided that only the occasional sale or trading of plants and produce grown on the premises shall be permitted. No cattle, horses, other livestock, poultry, or farm animals may be maintained in this zone.	P	P	P	P
Playground or park.	P	P	P	P
School (elementary, junior high, high school).	CU	CU	CU	CU
LIMITED BUSINESS				
Child care facility, as defined by this ordinance, complying with ORS 657A.030 and 657A.250 to 657A.460.	P	P	P	P
Day-Care Home, as defined in this ordinance <u>ordinance</u> .		P	P	
Home occupation	P	P	P	P
Barber shop, provided that no assistants are employed.	CU	CU	CU	
Beauty shop, provided that no assistants are employed.	CU	CU	CU	
Bed and breakfast establishment.	CU	CU	P	CU
Medical Marijuana Grow Site.	P	P	P	
Office having a maximum floor area of 2,000 square feet or less				P ⁴
Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less				P ⁴

Notes:

P = Permitted use; CU = Conditional Use

1. Allowance is limited to a maximum of two attached townhouse or rowhouse units.
2. Permitted without a subsequent Site Design Review so long as the lot for the triplex or quadplex was identified, reviewed, and approved by the Planning Commission at the time of the underlying subdivision application.
3. Accessory uses allowed in residential zones include:
 - a. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
 - b. Private garage, as defined in this ordinance;
 - c. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
 - d. Parking or storage area for a boat, camper, trailer, or recreational vehicle of the residents;
 - e. Swimming pool for private use;
 - f. Guest house or quarters not in the main building, when such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and are not used for residential purposes;
 - g. Accessory dwelling units
4. If sought, subject to Neighborhood Commercial Overlay provisions in Subchapter 47.

SUBCHAPTER 30: ALLOWED USES IN COMMERCIAL ZONES

ALLOWED USES	ZONE	
COMMERCIAL USES	MUPC¹	DRZ
A commercial activity involving retail sales and service and which is not listed as a conditional or prohibited use	P	P
A commercial activity involving personal or professional services and which is not listed as a conditional or prohibited use	P	P
Office	P	P
Hotel or Lodging Use	P	P
Bed and breakfast establishment, including Air BnB, VRBO, and other similar uses	P	
Recreational vehicle park	CU ²	
Campground	CU ²	
Vehicle Servicing/Repair	CU ²	
Hospital	CU	CU
Veterinary clinic	CU	CU
Kennel	CU ²	
Crematory	CU ²	
Medical Marijuana Dispensary, subject to the special use limitations in the underlying zone	P	P
Recreational Marijuana Retailer, subject to the special use limitations in the underlying zone	P	P
Marijuana Research Facility, subject to the special use limitations in the underlying zone	P	P
Marijuana Testing Laboratory; subject to the special use limitations in the underlying zone	P	P
Transmitter station, towers, relay stations and similar facilities for electronic communications	CU	CU
MANUFACTURING/INDUSTRIAL USES	MUPC¹	DRZ
Light industrial uses	P	
Freight forwarding facility	CU ²	
Small scale manufacturing and production, including jewelry, candy, wine, beer, spirits, or other similar artisan products, less than 5,000 square feet, where at least 25% of the manufacturing area is dedicated to retail sales		P
PUBLIC/QUASI-PUBLIC USES	MUPC¹	DRZ
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and	P	P

sidewalks including any project identified in the Transportation System Plan.		
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power	CU	CU
Church	CU	CU
Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members	CU	CU
Playground or park	P	P
Child Care Facility	P ³	P ³
School (elementary, junior high, senior high)	CU	CU
Trade or commercial school	CU	CU
Bus terminal or depot	CU	
Heliport	CU ²	
RESIDENTIAL USES	MUPC¹	DRZ
New single-family dwelling, with a floor area of not less than 1,000 square feet	P ^{4, 5, 6}	
Existing single-family dwelling, with a floor area of not less than 1,000 square feet	P ^{5, 6}	
Duplex	P ^{4, 5, 6}	
Attached single family residential dwellings (townhomes, rowhouses)	P ^{4, 5, 6}	P
<u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	<u>P^{4, 5, 6}</u>	<u>P</u>
Live/work unit	P	P
Residential use on the second or third-story of a commercial building.	P	P
Triplex or Quadplex	P ^{4, 5, 6}	P
Multiple-family residential dwellings, all floors	P ⁷	P
<u>Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income</u>	<u>P</u>	<u>P</u>
Residential home, as defined in this ordinance	P	P
Accessory uses to multiple-family or lodging uses such as clubhouses, open roof coverings, decks or patios for gatherings, outdoor pools or spas, or outdoor activity space.	P	P

Notes:

1. For the purposes of this code, the Mixed-Use Pedestrian Friendly Commercial (MUPC) zone includes both the standard Mixed-Use Pedestrian Friendly Commercial (MUPC) designation and the Mixed-

Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation, unless otherwise specifically noted.

2. This use is allowed within the MUPC Zone as a Conditional Use but is not allowed in the Downtown Overlay Zone.
3. This use is allowed so long as the activity is licensed through the State of Oregon.
4. Only permitted in the Mixed-Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation.
5. The accessory uses and structures allowed for residential uses in Subchapter 17 are allowed for residential uses in the MUPC Zone.
6. Single-family dwellings, duplexes, triplexes, quadplexes, [single room occupancy uses](#) and accessory structures for residential uses within the MUPC Zone are subject to the dimension requirements for the High-Density Residential (RH) zone found in Subchapter 18, and the Residential Design Standards in Subchapter 19.
7. Standalone apartment buildings are allowed within the MUPC zone in the Central Talmadge subarea, so long as the subject property does not directly front Monmouth Street and the property is set along a secondary road such as E Street, 16th or 17th Street.

SUBCHAPTER 73: PARKING

73.005 Parking Areas Required

Any building constructed, enlarged, altered or subject to a change of use shall establish and maintain parking areas in accordance with the provisions of this chapter.

73.010 Required Number of Parking Spaces

The number of parking spaces required for any building or land use shall be determined from the following table.

<p>A. RESIDENTIAL USES²:</p> <ol style="list-style-type: none"> 1. All residential zones 2. Multiple-family or attached dwellings 3. Residential unit in a mixed-use building 4. Rooming or boarding house <u>Single room occupancy use</u> 	<p style="text-align: center;"><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per unit (minimum) Three (3) spaces per unit (maximum)</p> <p>One (1) space per unit (minimum) Two (2) spaces per unit (maximum)</p> <p>One (1) space per unit</p> <p>One (1) space for every 3 single room occupancy units <u>Four (4) spaces for every 5-guest facilities,</u> plus one (1) space for the owner or manager.</p>
<p>B. INSTITUTIONS:</p> <ol style="list-style-type: none"> 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged. 3. Hospital 4. Child care facilities 	<p style="text-align: center;"><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per five beds for patients or inmates.</p> <p>One (1) space per two beds for patients or residents.</p> <p>Two (2) spaces per patient bed.</p> <p>Zero (0) spaces</p> <p>No minimum parking requirement.</p>

² For residential uses, off-street parking includes the garage or carport area.

<p>5. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	
<p>C. PLACES OF PUBLIC ASSEMBLY</p> <p>1. Church</p> <p>2. Library; reading room</p> <p>3. Elementary or Junior High school</p> <p>4. High School</p> <p>5. College; commercial school for adults</p> <p>6. Other auditoriums; meeting room</p> <p>7. Place of public assembly without fixed seats</p> <p>8. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per four seats or eight (8) feet of bench length in the main auditorium.</p> <p>One (1) space per 400 square feet of floor area, plus one (1) space per two employees.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee, plus one (1) space for each six students.</p> <p>One and one-half (1 1/2) spaces per in classroom, plus one (1) space per five students the school is designed to accommodate.</p> <p>One (1) space per four seats or eight (8) feet of bench length.</p> <p>One (1) space per 100 square feet.</p> <p>No minimum parking requirement.</p>
<p>D. COMMERCIAL</p> <p>1. All retail and service-oriented commercial uses.</p>	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 500 square feet.</p>

<ol style="list-style-type: none"> 2. Restaurants and bars. 3. Lodging 4. The uses listed in (D)(1) and (D)(2) in the Downtown Overlay Zone or Downtown Riverfront Zone 	<p>One (1) space per 250 square feet.</p> <p>One (1) stall per unit plus two (2) visitor parking stalls</p> <p>No minimum parking requirement.</p>
<p>E. INDUSTRIAL</p> <ol style="list-style-type: none"> 1. Industrial uses, except warehousing. 2. Warehousing 3. Public utilities (gas, water, telephone, etc.), not including business offices. 4. The uses listed above in the Downtown Overlay Zone and Downtown Riverfront Zone 	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 700 square feet gross floor area.</p> <p>One (1) space per 1,000 square feet of gross floor area.</p> <p>One (1) space per two employees on the largest shift, plus one (1) space per company vehicle; a minimum of two (2) spaces is required.</p> <p>No minimum parking requirement.</p>
<p>F. OTHER</p> <p>The number of parking spaces required for buildings and uses not specifically listed in this section shall be determined by the Planning Commission.</p>	

...

73.025 Parking of Bicycles

A. All parking lots for public or industrial uses shall provide a minimum of one (1) bicycle parking space for every ten (10) vehicle parking spaces. Bicycle parking within the Mixed Use Pedestrian Friendly Commercial (MUPC) zone shall be provided at a minimum rate of two (2) spaces per business.

B. Any apartment, dormitory, fraternity, sorority, student home, or other multiple-family residential structure having more than four (4) dwelling units or more than 12 residents shall provide a parking area for bicycles. ~~-Single room~~

occupancy uses having 12 or more units shall also provide bicycle parking. The parking area shall be adequate to hold and permit the locking of one (1) bicycle for every two (2) dwelling units in the building or one (1) bicycle for every four (4) persons residing in the building, whichever requirement is less.

C. Bicycle parking areas shall include the following:

1. A sheltered area having direct access to an adjacent sidewalk or parking area. The bicycle parking areas need not be fully enclosed, but shall provide shelter from precipitation.
2. A parking surface of asphaltic concrete, Portland cement, or similar hard-surface paving material.
3. Racks, frames, posts, or other devices of metal, concrete, wood, or other durable material.

D. The requirements of Section 73.025 do not apply to single family, two-family, and three-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses, or other developments with less than ten (10) vehicle parking spaces.



POTENTIAL CODE CHANGE TO ALLOW ADDITIONAL COMMERCIAL USES ON MONMOUTH STREET

STAFF REPORT

FROM: Fred Evander, Community Planner

TO: Planning Commission

MEETING DATE: November 3, 2025

FILE NUMBER: No File Number Assigned

RE: **POTENTIAL CODE CHANGE TO ALLOW ADDITIONAL COMMERCIAL USES ON MONMOUTH STREET**

At the Independence Planning Commission meeting of November 3, 2025, the Commission will discuss the potential allowance of additional commercial uses on properties along Monmouth Street.

WHAT IS THE PROBLEM?

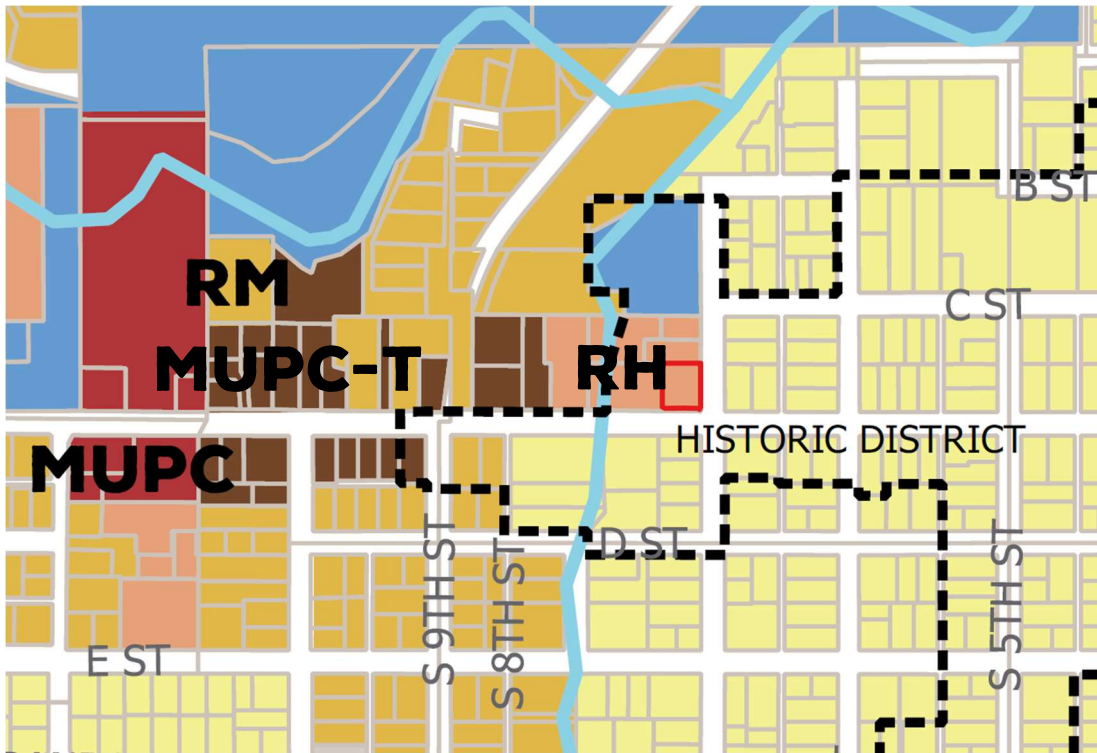
At the City Council meeting of October 14, the owner of the historic home at 710 Monmouth Street (the white home at the northwest corner of 7th and Monmouth Street) requested a change to the zoning requirements to allow her to create a small wedding venue on the property. Council appeared generally supportive of the idea, though the existing zoning would not allow the use.

The property is zoned High-Density Residential (see Figure 1) and is directly across the street from the Low-Density Residential Zone. The property is two properties away from the Mixed-Use Pedestrian Friendly Commercial Zone – Transitional Zone.

WHAT ARE POTENTIAL OPTIONS TO PROCEED?

Potential methods to allow her to conduct the use include:

1. Expanding the MUPC – T zone to the site. The change would affect both the property used by Centro De Milagros Church and the residential property at 770 Monmouth Street. The MUPC – T Zone is the most flexible zone within the community and would allow a single-family home or commercial use by right.
2. Creating a New Overlay Zone (or New Language within the Low and Medium Density Zones) that would Allow Certain Historic Structures along Monmouth Street to be Used for Commercial Purposes. The language could potentially allow commercial use of the historic homes at 386 Monmouth Street, 411 Monmouth Street, 615 Monmouth Street, 675 Monmouth Street, 710 Monmouth Street, 765 Monmouth Street and 887 Monmouth Street.



The Commission may also determine that they do not want to pursue the change or would like to pursue a different alternative.

Key factors to consider when weighing the issue include how parking would be provided to the lots, and how to ensure that the change would not incentivize the demolition or alteration of historic resources.

NEXT STEPS

The Planning Commission will discuss the options and a preferred approach at the meeting of November 3.



ENVISIONING THE CONSOLIDATION OF THE LOW AND MEDIUM DENSITY RESIDENTIAL ZONES STAFF REPORT

FROM: Fred Evander, Community Planner

TO: Planning Commission

MEETING DATE: November 3, 2025

FILE NUMBER: No File Number Assigned

RE: **ENVISIONING THE CONSOLIDATION OF THE
LOW AND MEDIUM DENSITY RESIDENTIAL ZONES**

ATTACHMENT: Envisioning the Difference between the Low-Density (RS) and Medium Density (RM) Residential Zones (3 pages)

At the Independence Planning Commission meeting of November 3, 2025, the Commission will explore whether the consolidation of the Low Density Residential (RS) Zone and the Medium Density Residential (RM) Zone makes sense.

WHAT IS THE PROBLEM?

The Low-Density Residential Zone and the Medium-Density Residential Zone are very similar (see Attachment A). Among the few distinctions between the zones include:

1. The difference in the number of attached dwelling units that may be constructed in a row. The RS Zone allows two units in a row. The RM Zone allows up to four attached dwelling units.
2. The difference in the density between the two zones. The RS Zone allows a maximum density of 8 units per acre. The RM Zone allows 12 units per acre.¹
3. The difference in the front yard setback between the two zones. The front yard setback of the RS Zone is 15 feet and the front yard setback of the RM Zone is 10 feet.

WHAT ARE POTENTIAL OPTIONS TO PROCEED?

The City could potentially consolidate the zones as part of the “More Housing, Same Neighborhood” project.

NEXT STEPS

The Planning Commission will begin a discussion of whether to pursue the consolidation of the zones at the meeting of November 3.

¹ This difference has been minimized by the state’s focus on lot size to calculate density. Both zones allow attached dwelling units to have lot sizes as small as 2,500 square feet. If a development developed with this lot size, the density would be closer to 17 units per acre.

ENVISIONING THE DIFFERENCE BETWEEN THE LOW-DENSITY (RS) AND MEDIUM-DENSITY (RM) RESIDENTIAL ZONES

SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES

ALLOWED USES	ZONE			
RESIDENTIAL USES	RS	RM	RH	MX
Single-Family dwelling, with a floor area of not less than 1,000 square feet	P	P	P	P
Two-family dwelling (duplex)	P	P	P	P
Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development	P ¹	P	P	P
Triplex or Quadplex			P	P ²
Multi-family buildings, including apartment houses, courtyard apartments and garden apartments			P	P
Dwelling, quad or quint		CU	P	CU
Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61		CU	CU	
The taking of boarders or renting of rooms by a resident family, provided that that the total number of boarders and roomers does not exceed two in any single-family dwelling or exceed four in any duplex	P	P		
Rooming house	CU	CU	P	CU
Boarding house	CU	CU	P	CU
Dormitory			P	
Fraternity, sorority, or student house			P	
Residential home, as defined by this ordinance	P	P	P	
Residential facility, as defined in this ordinance	CU	P	P	
Nursing home			P	
Planned unit development	CU	CU	CU	CU
Parking area or structure for a multi-family dwelling		P	P	
Accessory uses and structures ³	P	P	P	P
PUBLIC/QUASI-PUBLIC USE				
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and sidewalks; including any project identified in the Transportation System Plan.	P	P	P	P

Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include, but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power.	CU	CU	CU	CU
Church	CU	CU	CU	CU
Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members.	CU	CU	CU	CU
Garden, orchard, or crop cultivation provided that only the occasional sale or trading of plants and produce grown on the premises shall be permitted. No cattle, horses, other livestock, poultry, or farm animals may be maintained in this zone.	P	P	P	P
Playground or park.	P	P	P	P
School (elementary, junior high, high school).	CU	CU	CU	CU
LIMITED BUSINESS				
Child care facility, as defined by this ordinance, complying with ORS 657A.030 and 657A.250 to 657A.460.	P	P	P	P
Day-Care Home, as defined in this ordinance.		P	P	
Home occupation	P	P	P	P
Barber shop, provided that no assistants are employed.	CU	CU	CU	
Beauty shop, provided that no assistants are employed.	CU	CU	CU	
Bed and breakfast establishment.	CU	CU	P	CU
Medical Marijuana Grow Site.	P	P	P	
Office having a maximum floor area of 2,000 square feet or less				P ⁴
Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less				P ⁴

Notes:

P = Permitted use; CU = Conditional Use

1. Allowance is limited to a maximum of two attached townhouse or rowhouse units.
2. Permitted without a subsequent Site Design Review so long as the lot for the triplex or quadplex was identified, reviewed, and approved by the Planning Commission at the time of the underlying subdivision application.
3. Accessory uses allowed in residential zones include:
 - a. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
 - b. Private garage, as defined in this ordinance;
 - c. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
 - d. Parking or storage area for a boat, camper, trailer, or recreational vehicle of the residents;
 - e. Swimming pool for private use;
 - f. Guest house or quarters not in the main building, when such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and are not used for residential purposes;
 - g. Accessory dwelling units
4. If sought, subject to Neighborhood Commercial Overlay provisions in Subchapter 47.

SUBCHAPTER 18: DENSITY, AREA, AND DIMENSION REQUIREMENTS IN RESIDENTIAL ZONES

DENSITY AND DIMENSION STANDARDS ¹		ZONE			
		RS	RM	RH	MX
Density		8	12	20	9
Lot Area					See Standards in 23.025 and 23.030
	Townhouses/Rowhouses	2,500	2,500	2,500	
	All Other	5,000	5,000	5,000	
Lot Frontage		25	25	25	
Lot Width					
	Townhouses/Rowhouses	25	25	25	
	All Other	50	50	50	
Minimum Setbacks					
-Primary Structures					
	Front	15	10	5	
	Side	5 (10 on Corner Lot)			
	Rear	15	15	15	
	Alley (Side or Rear)	5	5	5	
-Attached Garages					
	Front	19 (and 4 feet behind front façade) ²			
	Other	Same as Primary Structure			
-Detached Garages					
	Front	40	40	40	40
	Side (Corner/Alley)	5 (cannot locate more than 25 feet from street)			
	Side (Interior)	0	0	0	See Standards in 23.025 and 23.030
	Rear (Interior)	0	0	0	
	Rear (Abutting a Street or Alley)	1	1	1	
	Rear (Other)	Same as Primary Structure			
-Detached Accessory Structures Other than Garages and Fences					
	Front	Same as Primary Structure			
	Side and Rear	5	5	5	
Lot Coverage		40%	40%	45%	
Height					
	Church/Public Service Buildings	45	45	45	35
	Other Primary Structure	35	35	45	35
	Accessory Building	15 (or, if primary building is multiple stories, the lesser of the height of the primary building or 25 feet)			

Notes:

1. Larger setbacks may be required as a result of the building code
2. May be modified per the provisions for garages in front of buildings in IDC 74.005(B)(2).