



# City of Independence

**Planning Commission Meeting  
Monday, August 4, 2025 @ 7:00 PM  
Civic Center - Council Chambers**

(see agenda footer for meeting attendance information)

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1. **Call to Order**
2. **Roll Call**
3. **Minutes**
  - 3.1. Regular Meeting 07/07/2025
4. **Visitors/Public Comment**
5. **Reports/Presentations**
6. **Unfinished Business**
7. **New Business**
  - 7.1. Discussion of Walking Tour on July 22
  - 7.2. Discussion of Upcoming Code Changes based on Recent Legislation
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/86775940595?pwd=3mSJ4ravzsjRoN37zURRepJGh1NDavH.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 867 7594 0595** and **Passcode: 092328**

Written comments are also welcome and may be delivered to City Hall or emailed to [PlanningComments@ci.independence.or.us](mailto:PlanningComments@ci.independence.or.us) no later than 3:00 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, July 7, 2025

1. **CALL TO ORDER.** The meeting was called to order at 7:01 pm by Alex Parakevas

2. **ROLL CALL.**

Planning Commissioners Present:

Sally Coen	Becky Jay
José Oliveros	Alex Paraskevas
Jordan Carpenter	Patrick Fugeman

Commissioners Absent: Corby Chappell, Chair, excused

Others Present: Fred Evander, Planning Manager; Myra Russell, City Recorder; Kathy Martin-Willis, Council Liaison

3. **MINUTES.** The minutes of the May 5, 2025 and June 2, 2025, meetings were submitted in the agenda packet.

#### ACTION:

Commissioner Coen moved to approve the minutes as submitted; Commissioner Fugeman seconded. Motion passed 6-0-0:

AYES:	Coen, Jay, Oliveros, Paraskevas, Carpenter, Fugeman
NAYS:	None
ABSTENTIONS:	None

4. **VISITORS / PUBLIC COMMENTS.** None

5. **STAFF REPORTS / PRESENTATIONS – OTHER.** None

6. **UNFINISHED BUSINESS.** None

7. **NEW BUSINESS.**

#### 7.1. Public Hearing: Draft Requirement for a Pre-Application Hearing

- Hearing script read by Alex Parakevas. The hearing opened at 7:04 pm.
- Conflicts of Interest/Ex-Parte Contacts/Bias. None declared.
- Staff Report:  
Evander went over the staff report as presented in the agenda packet. It would require a pre-application for most developments in the community. Evander gave some examples of situations where this would be beneficial on local projects. Staff recommends approval. Commission discussed fees but realized that fees are the purview of City Council, not Planning Commission. Discussion of extra staff time in situations where no pre application was required. No

- further discussion.
- Testimony: None.
- Record/Hearing declared closed. 7: 29 PM
- Discussion and deliberation. No further deliberation.

**ACTION:**

Commissioner Carpenter moved to forward a recommendation of approval on LA 2025-03, to the Independence City Council; Commissioner Jay seconded. Motion passed 6-0-0:

AYES:	Coen, Jay, Oliveros, Paraskevas, Carpenter, Fugeman
NAYS:	None
ABSTENTIONS:	None

7.2. Discussion: Draft Revisions to the Standards for Mobile Vending Devices.  
 Discussion of “mobile vending devices” vs. food trucks. Evander presented information from staff report submitted in agenda packet. Discussion about changes in standards.

**8. OTHER DISCUSSION / INFORMATION ITEMS**

8.1. Commissioner Fugeman mentioned empty lots and asked if there could be breaks for infill construction. Discussion that it would be the purview of City Council but it could help develop empty lots in town.

8.2. Commissioner Fugeman asked about “skeletor” building. Evander said it would go through site review before further development. Would go through the Historic Preservation Commission.

8.3. Video: Can our Cities Survive the Heat? Discussion of trees and their impact on air quality, livability and temperature in cities. Evander provided a map looking at tree placement in Independence.

**9. ADJOURNMENT.** Commissioner Carpetner moved to adjourn, second by Commissioner Jay. Meeting adjourned at 8:28 PM.

Minutes submitted by:  
 Myra Russell, City Recorder



# INDEPENDENCE

*Oregon's Story Begins Here*

## RECENT STATE LEGISLATION STAFF REPORT

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**FROM:** Fred Evander, Community Planner

**TO:** Planning Commission

**MEETING DATE:** August 4, 2025

**FILE NUMBER:** No File Number Assigned

**RE:** **RECENT STATE LEGISLATION**

**ATTACHMENTS:** A. House Bill 2138 – Sections 18 through 21 – Related to Expedited Land Divisions (3 pages)  
B. Comparison of Boarding Houses and Single-Room Occupancies (2 pages)

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At the Independence Planning Commission meeting of August 4, 2025, the Commission will begin to discuss code changes that are necessary because of recently adopted state legislation.

Key provisions to be addressed include:

- Changed standards for expedited land divisions, and potentially the inclusion of new standards for middle housing land divisions.
- Revised definitions for middle housing types.
- Altered standards for single-room occupancy buildings (which will impact the code changes that the Planning Commission considered in 2023).

Of these, the city hopes to revise the definitions for middle housing types and incorporate standards for middle housing land divisions as part of the More Housing, Same Neighborhood (Infill Development Standard) project (which the city is currently working on with a consultant).

Two of the items however will likely be in draft form before the Planning Commission soon – the standards for expedited land divisions and the standards for single-room occupancies. At the meeting in August, the Commission will begin to look at the requirements and consider the code changes that may be necessary.

We look forward to the discussion.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee;  
or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the [120-day] period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS [197A.470 or] 227.179 as a condition for taking any action on an **application**, [for a permit, limited land use decision or zone change] except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section [and ORS 197A.470] may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

**(12) As used in this section, "application" means an application for:**

**(a) A permit;**

**(b) A limited land use decision;**

**(c) A zone change;**

**(d) A consolidated zone change and permit described under ORS 227.175;**

**(e) An expedited land division under ORS 197.365; or**

**(f) A plat consisting of a land division and middle housing land division as described in ORS 92.044 (1)(c)(C).**

**SECTION 18. ORS 197.360 and 197.365 are added to and made a part of ORS chapter 197A.**

**SECTION 19. ORS 197.360 is amended to read:**

197.360. (1) [As used in this section:]

[(a) "Expedited land division" means a division of land] **If requested by the applicant, a local government shall approve a partition or subdivision made under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 [by a local government that] as an expedited land division under ORS 197.365 if the division:**

[(A)] **(a)** Includes only land that is zoned for residential uses and is within an urban growth boundary.

[(B)] **(b)** Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

[(C)] **(c)** Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

[(i)] **(A)** Open spaces, scenic and historic areas and natural resources;

[(ii)] **(B)** The Willamette River Greenway;

[(iii)] **(C)** Estuarine resources;

[(iv)] **(D)** Coastal shorelands; and

[(v)] **(E)** Beaches and dunes.

[(D)] (d) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

[(E)] (e) Will result in development that either:

[(i)] (A) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

[(ii)] (B) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

[(b) "*Expedited land division*" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.]

[(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.]

[(3)] (2) [The provisions of ORS 197.360 to 197.380 apply] **ORS 197.365 applies** to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

[(4)] (3) An application [for an expedited land division submitted to a local government shall] **under this section must** describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section.

**SECTION 20.** ORS 197.365 is amended to read:

197.365. [Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under ORS 92.031:]

[(1)(a) If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.]

[(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.]

[(2) The local government shall provide written notice of the receipt of the completed application for a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.]

[(3) The notice required under subsection (2) of this section shall:]

[(a) State:]

[(A) The deadline for submitting written comments:]

[(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and]

[(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.]

[(b) Set forth, by commonly used citation, the applicable criteria for the decision.]

*[(c) Set forth the street address or other easily understood geographical reference to the subject property.]*

*[(d) State the place, date and time that comments are due.]*

*[(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.]*

*[(f) Include the name and telephone number of a local government contact person.]*

*[(g) Briefly summarize the local decision-making process for the land division decision being made.]*

*[(4) After notice under subsections (2) and (3) of this section, the local government shall:]*

*[(a) Provide a 14-day period for submission of written comments prior to the decision.]*

**Notwithstanding any other requirement applicable to a land use decision under ORS chapter 197 or 197A, for an application that is reviewed as an expedited land division based on the request of the applicant:**

**(1) A decision is not subject to the requirements of ORS 197.797.**

**(2) A local government:**

*[(b)] (a) Shall make a decision to approve or deny the application within 63 days of receiving a completed application as described in ORS 215.246 or 227.178, based on whether [it] the application satisfies the substantive requirements of the applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. [For applications subject to this section, the local government:]*

*[(A)] (b) [Shall] May not hold a hearing on the application[; and] or allow any third party to intervene to oppose the application.*

*[(B)] (c) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination. The determination must include an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.*

*[(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:]*

*[(A) The summary statement described in paragraph (b)(B) of this subsection; and]*

*[(B) An explanation of appeal rights under ORS 197.375.]*

**(d) Shall provide notice of the decision to the applicant but may not require that notice be given to any other person.**

**(e) May assess an application fee calculated to recover the estimated full cost of processing an application based on the estimated average cost of such applications. Within one year of establishing a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing expedited land decisions.**

**(3) Only the applicant may appeal an expedited land division made under this section.**

**SECTION 21. ORS 92.377, 197.370, 197.375, 197.380, 197.726 and 197.727 are repealed.**

## **RULEMAKING**

**SECTION 22. (1) On or before January 1, 2028, the Land Conservation and Development Commission shall adopt rules that must include:**

**(a) Prohibiting or restricting siting and design standards that prevent or discourage, or have the effect of preventing or discouraging, the siting of middle housing that is manufactured, site-built or prefabricated;**

**(b) Establishing parameters on unreasonable cost or delay for siting and design standards for accessory dwelling units and single room occupancies under standards allowed under ORS 197A.425 and 197A.430;**

## BOARDING HOUSES VS. SROS WHAT ARE THEY?

### Independence Development Code

#### SUBCHAPTER 13

#### **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.

**Lodging and Meals – 1 to 4 additional sleeping rooms. More than 5 sleeping rooms considered hotel**

#### **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.

**Lodging – 3 or more additional people. More than 5 sleeping rooms considered hotel. Number of rooms and number of people may not correspond.**

### Oregon Revised Statutes

#### ORS 197A.430

#### **SINGLE ROOM OCCUPANCY**

"Single room occupancy" 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.

**Lodging – 4 to 6 units on a lot that allows the development of a detached single-unit dwelling. Up to three times the number of units of the maximum density standard for a lot that allows multiunit development.**

# BOARDING HOUSES VS. SROS PARKING

## Independence Development Code

### SUBCHAPTER 73

#### 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.

A. RESIDENTIAL USES:	<u>NUMBER OF SPACES REQUIRED</u>
1. All residential zones	One (1) space per unit (minimum) Three (3) spaces per unit (maximum)
2. Multiple-family or attached dwellings	One (1) space per unit (minimum) Two (2) spaces per unit (maximum)
3. Residential unit in a mixed-use building	One (1) space per unit
4. Rooming or boarding house	Four (4) spaces for every 5 guest facilities, plus one (1) space for the owner or manager.

## Oregon Revised Statutes

### ORS 197A.430

(3)(a) For a single room occupancy, a local government may not require more parking for every three single room occupancy units than the local government requires for:

(A) A single detached dwelling, if the single room occupancy development has six or fewer units; or

(B) A dwelling unit in a multiunit housing development, if the single room occupancy development has more than six units.

(b) This subsection does not apply to a single room occupancy used as a residential care facility as defined in ORS 443.400.

**(Essentially one space per every three single-room occupancies)**