



# City of Independence

## Regular Meeting Agenda

### City Council

Tuesday, May 12, 2026 @ 6:30 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 04/14/2026
    - 3.2. Work Session 04/28/2026
  4. **Visitors/Public Comment**
  5. **Reports/Presentations**
    - 5.1. Mayor
    - 5.2. Council Liaison Reports
      - 5.2.1. Library Board: Councilor Boisvert
      - 5.2.2. Museum Board: Councilor Morton
      - 5.2.3. Continuum of Care: Councilor Martin-Willis
    - 5.3. City Manager
    - 5.4. Historic Preservation Presentation
  6. **Unfinished Business**
  7. **New Business**
    - 7.1. Memorandum of Understanding with Central School District 13J: Regarding Enterprise Zone School Support Fee (West)
    - 7.2. Proposed Resolution #26-1648: Requested approval for a 5-year Enterprise Zone abatement request (Irvine)
    - 7.3. Contract Award : Waste Water Treatment Plant Upgrade and 9th St PS Ph 2-3 (Fisher)
    - 7.4. Public Hearing: Changes to Standards for Single Room Occupancies and Other Requirements to Address House Bill 3395 (2023) and House Bill 2138 (2025) (Evander)
    - 7.5. Proposed Ordinance #1633: Changes to Standards for Single Room Occupancies and Other Requirements to Address House Bill 3395 (2023) and House Bill 2138 (2025) (Evander)

7.6. Proposed Resolution #26-1652: FY 2025-26 Budget Adjustments (Carey)

**8. Council Announcements**

**9. General Information**

9.1. Management Team Notes

9.2. Miscellaneous Correspondence. Any communications received after publication of the agenda packet, but before 3:00 pm the date of the meeting, will be provided to Council at the meeting and will become a part of the official record

9.3. Pending Agenda Calendar

**10. Adjournment**

**Meeting Attendance Information:**

The City Council 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/89211971632?pwd=FGuodnRyovITbEaK3ImPWESBaG0tWi.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 892 1197 1632** and **Passcode: 684446**

Written comments are also welcome and may be delivered to City Hall or emailed to [CouncilComments@ci.independence.or.us](mailto:CouncilComments@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

City Council Meeting  
Tuesday, April 14, 2026

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1. **Call to Order.** Mayor Schwarzler called the meeting to order at 6:31 PM

2. **Roll Call.** Mayor Schwarzler present.

Present: Councilor Evan Sorce  
Councilor Dawn Roden  
Councilor Bill Boisvert  
Councilor/Council President Kathy Martin-Willis  
Councilor Marilyn Morton  
Councilor Shannon Corr

Absent:

City Staff Present: Kenna West, City Manager  
Myra Russell, City Recorder  
Amanda Carey, Finance Director  
Lyle Gilbert, Police Lieutenant  
Gerald Fisher, Public Works Director

3. **Minutes.**

3.1. **Regular Meeting 03/10/2026.**

**Action:**

Councilor Corr moved to approve the minutes as submitted; Councilor/Council President Martin-Willis seconded. Discussion: None  
Roll call vote. Motion 6-0-0

**Ayes:** Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis,  
Marilyn Morton, Shannon Corr

**Nays:** None

**Abstentions:** None

4. **Visitors/Public Comment.**

- Erin McIntosh, Independence, OR. Appreciates the thoughtful amendment to the Park System Master Plan to add the pool as a priority, taking into account public wishes.
- Susan Graham, Independence, OR. Representative from Friends of Community Parks. Announced that Independence Days will take place on July 3rd and 4th in 2026, with plans for various events including fireworks, a talent show, and a

duck derby. A group of volunteers, from previous Indy Days events and new volunteers, is working hard to put this together for the community. Discounted tickets for Monmouth and Independence residents will be available again this year as well as online ticket pre-sales. Lots of opportunities to volunteer. Go to their website for more information. They will be celebrating the 250-year anniversary of the signing of the declaration of Independence in partnership with MI Rotary and the Heritage Museum. The Moothart family approached the group to create the Jack and Laura Moothart Hometown Fireworks Fund as a way to honor their historic connection to early fireworks shows in independence. Donations to this fund can be made through the website

## **5. Reports/Presentations.**

### **5.1. Mayor.**

- Reported on a successful lobby trip to Washington D.C. with CM West, Councilor Carey of Monmouth and Commissioner Gordon in March. The group met with Senator Merkley, Representative Salinas and Senator Wyden's staff. They secured a place on the list for potential \$5 million in CIP funding for Phase 1 construction of the new regional water treatment plant, though the exact amount is not guaranteed. This helps to reduce the cost of the project to rate payers.
- Held a Pub Talk on expenses in March, with plans for a follow-up meeting in June after the budget process.
- Attended the IDA meeting and was thankful for the update from the Friends of Community parks regarding Independence Days.
- Attended the Ella Curran food bank event. Their funding is getting closer.
- Shout out to Miranda Garrison who won the entrepreneurship award at WOU alumni Awards event.

### **5.2. Council Liaison Reports.**

#### **5.2.1. MINET Board: Councilor Sorce.**

- Last meeting was March 18. Update on MINET's financial status: the company is making additional debt payments to the city and maintains confidence in meeting their scheduled payment plan.
- Budget meeting April 29 5:00pm at the MINET office

#### **5.2.2. Parks Board: Councilor Roden.**

- No report to make. The February meeting was canceled
- Next meeting April 16, 2026

### **5.3. City Manager.**

- Trolley Update: From March 2025 to March 2026 they had 133,936 riders
- Orientation meeting for the Budget tomorrow, April 15, at 6:30 pm. The budget committee will get a copy of the budget at the end of the meeting.
- The next budget meeting is Wednesday, April 22 at 6:30 pm. Hopes the community will be involved.
- Touch a Truck is coming up, thanks to SEDCOR on Saturday, May 9 at Riverview Park.
- The Osprey camera is up and running with audio this year. Thanks to the community that donated towards this upgrade. Ospreys are back on the nest.
- City Hall is a collection site for a diaper drive hosted by Les Schwab to support Family Building Blocks. Drop them off in the lobby.
- Councilor Roden asked about the cost of the Washington DC trip. CM West said it would take approximately 60 days to compile expenses as they get processed. The trip and lobbyist were budgeted for through the water fund.

## 6. Unfinished Business.

### 6.1. **2nd Reading: Council Bill 2026-07, Potential Change to the Requirements for Fences Associated with Governmental Uses (Evander).**

Planner Evander is out, so this was presented by PW Director Fisher. This is coming back for a second reading. The first reading was at the March 10, 2026, council meeting.

#### **Action:**

**1st Motion:** Councilor Morton moved to read the proposed Ordinance, Council Bill #2026-07 for the second time by title only.; Councilor/Council President Martin-Willis seconded. Discussion: Councilor Roden noted she was going to oppose.

Roll call vote. Motion 5-1-0

**Ayes:** Evan Sorce, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

**Nays:** Dawn Roden

**Abstentions:** None

Recorder Russell read the title of the proposed ordinance. An Ordinance Amending Independence Development Code, Section 74.020, Specific Standards for Accessory Uses, To Establish Standards for Fences associated with Governmental Facilities; and Declaring an Effective Date

#### **Action:**

**2nd Motion:** Councilor/Council President Martin-Willis moved to adopt the proposed Ordinance, Council Bill #2026-07.; Councilor Corr seconded.

Discussion: None

Roll call vote. Motion 5-1-0

**Ayes:** Shannon Corr, Marilyn Morton, Kathy Martin-Willis, Bill Boisvert, Evan Sorce

**Nays:** Dawn Roden  
**Abstentions:** None

Recorder Russell announced that it had been assigned Ordinance # 1630

6.2. **2nd Reading: Council Bill 2026-6, Adopt Parks System Master Plan (Evander).**

Planner Evander is out, so this was presented by PW Director Fisher. This is coming back for a second reading. The first reading was at the March 10, 2026, council meeting. Director Fisher noted the change on page 160 of the packet, on priority project number 2. This was updated per council's request with the \$75,000 recreation plan for the pool property. Council questioned where the money would come from. Director Fisher stated from the SDC funds. All plans and studies are paid for with system development charges. Question about priority list. Fisher said projects will be completed in full, not piecemeal, but can skip down on the list if funds become available through grants for other projects on the list.

**Action:**

**1st Motion:** Councilor Corr moved to read the proposed Ordinance, Council Bill #2026-06 for the second time by title only.; Councilor/Council President Martin-Willis seconded. Discussion: None

Roll call vote. Motion 5-1-0

**Ayes:** Evan Sorce, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

**Nays:** Dawn Roden

**Abstentions:** None

Recorder Russell read the title of the proposed ordinance. Adoption of Park System Master Plan Update and Related Amendments to the Independence Comprehensive Plan

**Action:**

**2nd Motion:** Councilor Corr moved to adopt the proposed Ordinance, Council Bill #2026-06; Councilor Morton seconded. Discussion: None

Roll call vote. Motion 5-1-0

**Ayes:** Evan Sorce, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

**Nays:** Dawn Roden

**Abstentions:** None

Recorder Russell announced that it had been assigned Ordinance 1634

7. **New Business.**

7.1. **Solid Waste Rate Adjustment Request (West).**

CM West introduced the topic and turned it over to Dr. Estle Harlan and Josh Brandt to explain the request to adjust rates. Brandt's Sanitary is requesting a 3.5% rate increase effective May 1, 2026. Rates are comparable to rates in the area. Some costs are out of their control. Councilor Boisvert asked if they plan to come back every year. Dr. Harlan explained rates had stayed the same for several years and Brandt's is trying to catch up with small increases to keep up with disposal costs. Several councilors thanked Brandt's for their good service.

Councilor Sorce asked about the timing of the fee increase to customers. Dr. Harlan explained that this was the normal process. Council asked for updates on potential landfill changes. CM West said once things are decided regarding this, council will get an update. Councilor Roden thanked him for transparency and appreciated the incremental increases. Councilor Martin Willis asked about how our residents are doing with recycling correctly. Brandt said the community does pretty good. Brandt will provide the city with a diagram of what's recyclable and how, for inclusion in the community newsletter and distribution to councilors.

**Action:**

Councilor Roden moved to approve Resolution # 26-1649, A Resolution Granting a Rate Adjustment to Brandt's Sanitary Service; Councilor Boisvert seconded. Discussion: None  
Roll call vote. Motion 6-0-0

**Ayes:** Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

**Nays:** None

**Abstentions:** None

7.2. **Liquor License Application, Change of Ownership: Golden Hop (Gilbert).**

Lieutenant Gilbert presented an application for change of ownership for the OLCC liquor license at Golden Hop Saloon. He recommends approval.

Councilor Boisvert asked about the street seating Golden Hop has done in the past for Indy Days. LT. Gilbert said that's a special event liquor license that the new owners would have to obtain for that specific event if they wish to continue it. Special event liquor licenses are approved by the police department, not council.

**Action:**

Councilor Roden moved to recommend approval of the above liquor license request; Councilor Boisvert seconded. Discussion: None.  
Roll call vote. Motion 6-0-0

**Ayes:** Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis, Marilyn Morton, Shannon Corr

**Nays:** None

**Abstentions:** None

7.3. **Proposed Resolution 26-1650, Authorizing a Budget Adjustment (Carey).**

Finance Director Carey brought forth a resolution to complete a budget adjustment due to the cost of elevator repairs and line of credit expense.

**Action:**

Councilor Morton moved to approve Resolution No. 26-1650 to amend the fiscal year 2025-26 Adopted Budget in accordance with the above-noted recommendations; Councilor Corr seconded. Discussion: Councilor Boisvert asked if the initial draw of the line of credit was required. FD Carey confirmed

this was true.

Roll call vote. Motion 6-0-0

**Ayes:** Evan Sorce, Dawn Roden, Bill Boisvert, Kathy Martin-Willis,  
Marilyn Morton, Shannon Corr

**Nays:** None

**Abstentions:** None

7.4. **Q2 2026 Board/Committee/Commission Appointment (West).**

CM West reviewed the process for the mayor to appoint members to boards and commissions. One application was turned in to the Museum board. Councilor Roden asked about vacancies on the parks board. There are 2 vacancies currently. A person had applied but was ineligible according to the board rules. Discussion between council about how this appointment process works.

The Mayor appointed Christine Primrose to a mid-term vacancy in Position 4 on the Heritage Museum Board with a term expiration of December 31, 2026.

8. **Council Announcements.**

- Councilor Morton is pleased to see the Moothart Fireworks Fund has been established to help with Independence Days. This Sunday at 3PM at Valkyrie, an Oddities Auction will be held in support of the Heritage Museum Society.
- Councilor Corr announced a luncheon at 11:30 tomorrow at the Gate as an annual fundraiser for Family Building Blocks.
- Councilor Martin Willis mentioned if you can't make the luncheon, drop off some diapers for the diaper drive in the lobby.
- Councilor Boisvert announced that the play "Mean Girls" will be performed at Central at 7PM on Thursday, Friday and Saturday this week and Thursday, Friday and Saturday next week. With a matinee at 2PM on the Saturdays.
- Councilor Roden mentioned that the Heritage Museum is accepting quilt blocks to represent our community for the 250th anniversary. Stop by the museum to pick up the information. Also, happy to hear about the Moothart Fireworks Fund to honor such a giving family.
- Councilor Sorce said that yesterday was Yom HaShoah, a remembrance day for the Holocaust. Flags were placed on the WOU campus. One flag signifies 500 victims. The flags will be up until Friday evening, along with a display in Werner center. On Friday, folks from all over the state are attending a Hispanic Serving Institution (HSI) summit at Western. 9am-4pm free, funded by the Oregon Foundation. Councilor Corr asked if Councilor Sorce could send that information to staff to be sent out to councilors.
- Mayor Schwarzler mentioned free tech training for community members who can earn certificates from Google, Cisco, Fiero. Youth coding league and adult coding leagues are available through Fiero at the library. A summer camp for young people, 6–8th grade students, who are interested in STEM has some limited spots available. This free one-week summer program was due to the Ford Family Foundations Grow in Rural Oregon program.

9. **General Information.** Items submitted here in the packet are for information only; no action was required by city council.

9.1. **Management Team Notes.**

9.2. **Miscellaneous Correspondence.** Any communications received after publication of the agenda packet, but before 3:00 pm the date of the meeting, will be provided to Council at the meeting and will become a part of the official record.

9.3. **Pending Agenda Calendar.**

10. **Adjournment.** Mayor Schwarzler adjourned the meeting at 7:45 pm.

\_\_\_\_\_  
MAYOR KATE SCHWARZLER

ATTEST:

\_\_\_\_\_  
Myra Russell, City Recorder



# City of Independence Minutes

City Council Work Session  
Tuesday, April 28, 2026

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1. **Call to Order.** Mayor Schwarzler called the meeting to order at 6:30 PM

2. **Roll Call.** Mayor Schwarzler present.

Present: Councilor Evan Sorce, arrived at 6:40 PM  
Councilor Bill Boisvert  
Mayor Kate Schwarzler  
Councilor/Council President Kathy Martin-Willis  
Councilor Marilyn Morton  
Councilor Shannon Corr

Absent: Councilor Dawn Roden

City Staff Present: Kenna West, City Manager  
Myra Russell, City Recorder  
Shawn Irvine, Assistant City Manager  
Gerald Fisher, Public Works Director

3. **Work Sessions.**

3.1. **Work Session: Parks SDC Methodology Update (Fisher).**

This work session focused on reviewing Parks System Development Charges (SDCs), with PW Director Fisher providing an overview of the process and Steve Donovan presenting details. The city has completed required statutory compliance steps, including notifications to interested parties and posting methodology for review. The presentation covered the history and background of parks SDCs, the 2026 Capital Improvement Plan, and specific analysis including forecasts for single-family home SDCs and comparisons with neighboring communities. Council was presented with two options for funding parks and related services. Option 1 would result in significantly higher SDC (system development charge) fees, while Option 2, which includes alternative funding sources, was recommended as a more viable alternative. The current SDC for parks is \$5,617, and under Option 2, it would increase to approximately \$5,887, which would place the city in line with other communities like Salem and Albany. The discussion also covered population projections and the calculation of SDC fees based on dwelling units and people per unit. The group discussed ADU (Accessory Dwelling Unit) charges and data limitations. Fisher explained that while there is no hard statistical data on ADUs due to their recent introduction, they currently assume 1.5 people per ADU in their model, though this could be adjusted downward to encourage ADU development. A councilor suggested considering a tiered approach to SDC fees based on square footage,

with homes under 900 square feet having one charge and larger homes having another. Steve noted that this approach is becoming more prevalent in urban planning. The discussion concluded with an agreement to run current SDCs as usual and revisit the topic as a whole later. This will come back for adoption at a future council meeting.

- 3.2. **Work Session: Update-Moderate Income Revolving Loan Fund (Irvine).** Assistant CM Irvine discussed the Modern Income Revolving Loan (MIRL) Fund program, expressing continued uncertainty about its implementation despite previous interest. Irvine explained that while the program has been expanded to allow alternative repayment methods, including potentially 0% interest loans to developers, there are still concerns about the program's effectiveness in achieving sufficient affordability. The discussion highlighted challenges with creating affordable ownership, including risks associated with upfront land purchases, potential foreclosures, and the complexity of managing affordability requirements over time. Irvine concluded that while the program has interesting aspects, the effort and potential risks may not justify the benefits, particularly given the complications in ensuring long-term affordability and managing individual property sales over an extended period. Irvine expressed reservations about proceeding with a loan program due to several risk factors. Key concerns included potential gaps in repayment if the fire department's tax base increases mid-loan, complications in property assessment for multiple properties under the program, and timing challenges with the fee-in-lieu system starting after property completion. The city council discussed concerns about taking on financial responsibilities typically handled by banks or escrow companies, with council members expressing that this would be better managed by the state through rent-to-own or lease-to-own financing instruments. The council agreed that the proposal was too complicated and would require significant resources to manage effectively, with one member noting that previous similar attempts had been abandoned due to complexity. Council suggested waiting for potential future program improvements rather than being an early "beta tester" of the rural housing initiative.

4. **Adjournment.** Mayor Schwarzler adjourned the meeting at 7:20 pm.

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MAYOR KATE SCHWARZLER

ATTEST:

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Myra Russell, City Recorder



## CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council  
FROM: City Manager Kenna West  
MEETING DATE: May 12, 2026  
SUBJECT: Memorandum of Understanding with  
Central School District 13J Regarding  
Enterprise Zone School Support Fee

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Information Only

Action Requested

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### Statement of Issue:

To comply with current State law the City and Central School District 13J must enter a Memorandum of Understanding (MOU) regarding the Enterprise Zone School Support Fee.

### Background:

In 2023, The Oregon Legislature adopted House Bill 2009, which amended Oregon enterprise zone statutes and requires that, for certain extended enterprise zone property tax exemptions, a school support fee be paid by the business to the affected school district.

Central School District adopted Resolution No. 2026-01 establishing a 15% school support fee and outlining administrative procedures.

The City, as an enterprise zone sponsor, must coordinate with the District to implement these requirements.

### Discussion:

The proposed MOU brings the City's enterprise zone program into compliance with HB 2009 and aligns City practices with the District's adopted resolution.

The MOU establishes a clear administrative framework including a 15% school support fee rate and defined roles for the City and District among other requirements. The

agreement is programmatic and applies to eligible enterprise zone projects requesting extended exemptions.

**Proposed Motion:**

I move that the Council authorize the City Manager to sign the attached or substantively similar Memorandum of Understanding on behalf of the City of Independence.

**Attachments:**

- a. Proposed Memorandum of Understanding
- b. Central School District Resolution No. 2026-01

Prepared by: Kenna West, City Manager

Memorandum of Understanding ("MOU")

Between

Central School District 13J ("District")

And

City of Independence ("City")

Collectively, the "Parties"

**RECITALS**

**WHEREAS**, in 2023, the Oregon Legislature passed House Bill 2009 (2023), which amended Oregon enterprise zone law and became part of ORS 285C.067 and related provisions;

**WHEREAS**, HB 2009 requires the governing body of each affected school district, after coordinating with the zone sponsor, to set a rate for the school support fee imposed for certain extended enterprise zone property tax exemptions;

**WHEREAS**, the school support fee rate must be at least fifteen percent (15%) and not more than thirty percent (30%) of the property taxes that would otherwise have been imposed on exempt property in the applicable year;

**WHEREAS**, Central School District 13J adopted Resolution No. 2026-01 on February 2, 2026, establishing the school support fee rate at fifteen percent (15%);

**WHEREAS**, the District coordinated with the administration of the City of Independence, as a zone sponsor, in setting the school support fee rate;

**WHEREAS**, the District Resolution provides that, by November 1 in any applicable year, the administration of the City will provide the District with all information necessary for the District to collect the fee directly from the business firm;

**WHEREAS**, the District Resolution provides that, by December 1 in any applicable year, the District shall send the business firm a notice of the required fee, with a due date not later than December 31 of the same year;

**WHEREAS**, the District Resolution provides that the District shall be responsible for making refunds to business firms for overpayments;

**WHEREAS**, the District Resolution provides that, if a fee payment is delinquent for more than sixty (60) days following the date of delinquency or any later date allowed for curing the delinquency, the Board shall give written notice of the delinquency to the business firm and the county assessor; and

**WHEREAS**, the Parties desire to memorialize the administration, timing, collection, and notice procedures for the school support fee within the Enterprise Zone.

**NOW, THEREFORE**, in consideration of the mutual promises and obligations stated below, the Parties agree as follows:

## AGREEMENT

**Purpose.** This MOU implements the school support fee established by Central School District 13J Resolution No. 2026-01 for applicable extended enterprise zone property tax exemptions within the Enterprise Zone.

**Applicability.** This MOU applies to business firms receiving an enterprise zone property tax exemption for which a school support fee is required under HB 2009 (2023), ORS 285C.067, ORS 285C.160, or other applicable Oregon enterprise zone law. This MOU is intended to apply on a program-wide basis unless the Parties agree in writing that a separate project-specific agreement is required.

**Fee Rate.** The school support fee rate is fifteen percent (15%) of the property taxes that would otherwise have been imposed on the exempt property for the applicable year but for the enterprise zone exemption.

**Fee Calculation.** The school support fee shall be calculated annually using information reasonably necessary to determine the property taxes that would otherwise have been imposed on the exempt property, including assessed value, applicable tax rates, exemption status, and such other information as may be reasonably required to administer the fee.

**City Information Obligation.** By November 1 of each applicable year, the City administration shall provide the District with all information in the City's possession that is reasonably necessary for the District to calculate and collect the school support fee directly from the business firm. If information necessary to calculate the fee is held by the county assessor or another public body, the City will reasonably coordinate with the District to identify the appropriate source of that information.

**District Notice and Collection.** By December 1 of each applicable year, the District shall send the applicable business firm written notice of the required school support fee. The notice shall identify the amount due, the basis for the calculation, the payment recipient, and the payment due date. Payment shall be due no later than December 31 of the same year and shall be paid directly to the District unless otherwise agreed in writing by the Parties.

**Refunds.** The District shall be responsible for making refunds to business firms for any overpayments of the school support fee, including any interest or penalty imposed on the overpaid amount, to the extent required by applicable law.

**Delinquency Notice.** If a school support fee payment is delinquent for more than sixty (60) days following the date of delinquency or any later date allowed for curing the delinquency, the District shall give written notice of the delinquency to the business firm and the assessor of the county in which the exempt property is located.

**City Financial Responsibility.** The City shall not be financially responsible for payment, collection, enforcement, refund, interest, penalty, or delinquency obligations associated with the school support fee, except for the City's obligation to provide information as described in this MOU.

**No Waiver of Statutory Authority.** Nothing in this MOU limits or expands the authority of the county assessor, the Oregon Business Development Department, the District, the City, or any other public body under applicable Oregon law.

**Amendment.** This MOU may be amended only by a written instrument signed by authorized representatives of both Parties. Any amendment shall expressly state that it is intended to amend this MOU.

**Term.** This MOU shall become effective on the date it is signed by both Parties and shall remain in effect until terminated or amended by written agreement of the Parties, or until the school support fee requirement no longer applies under Oregon law.

**Governing Law.** This MOU shall be governed by and construed in accordance with the laws of the State of Oregon.

**Entire Understanding.** This MOU represents the entire understanding between the Parties regarding administration of the school support fee established by Central School District 13J Resolution No. 2026-01 for applicable enterprise zone exemptions.

The Parties acknowledge their agreement with the terms of this MOU by signing below.

CENTRAL SCHOOL DISTRICT 13J

CITY OF INDEPENDENCE

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**CENTRAL SCHOOL 13J DISTRICT BOARD OF EDUCATION  
RESOLUTION SETTING RATES FOR SCHOOL SUPPORT FEE**

Resolution No. 2026-01

**WHEREAS**, HB 2009 (2023) was passed in 2023 and became part of ORS 285C.067;

**WHEREAS**, HB 2009 (2023) requires the governing body of each school district, after coordinating with the zone sponsor, to set a rate for the School Support Fee imposed pursuant to Sections 48 (2) and 51 (2) of HB 2009 (2023);

**WHEREAS**, this rate must be at least 15 percent and not more than 30 percent;

**WHEREAS**, the Central School District 13J has coordinated with the administration of the City of Independence to set the rate;

**WHEREAS**, by November 1 in any applicable year, the administration of the City of Independence will provide the district with all information necessary for the district to collect the fee directly from the business firm;

**WHEREAS**, by December 1 in any applicable year, the district shall send to the business firm a notice of the required fee, with a due date not later than December 31 of the same year;

**WHEREAS**, the district shall be responsible for making refunds to business firms of overpayments;

**WHEREAS**, if a fee payment is delinquent for more than 60 days following the date of delinquency or any later date allowed for curing the delinquency, the Board shall give written notice of the delinquency to the business firm and the assessor of the county;

**BE IT THEREFORE RESOLVED** that the Central School District Board establishes the rate of the School Support Fee at 15 (fifteen) percent.

Dated at Independence, Oregon, this 2<sup>nd</sup> day of February, 2026

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Byron Shinkle,  
Central School District 13J, Board of Education Chair

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Jennifer R Kubista, EdD  
Central School District 13J, Superintendent



## CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council  
FROM: Assistant City Manager Shawn Irvine  
MEETING DATE: May 12, 2026  
SUBJECT: Resolution #26-1648: Requested approval for a 5-year  
Enterprise Zone abatement request

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Information Only

Action Requested

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### **Statement of Issue:**

Oregon Mining and Ag Fabrication has purchased the old Forest River property and is seeking a 5-year property tax abatement on improvements through the City's Enterprise Zone.

### **Background:**

Independence shares an Enterprise Zone (EZ) with the cities of Monmouth, Dallas, and Polk County. An EZ is a common industrial incentive nationwide which offers a 3 to 5 year property tax exemption for a traded sector business in exchange for job creation. The exemption only applies to the value of new capital construction and equipment. If improvements are made to an existing building, the original building would remain on the tax rolls while the new improvements would receive the exemption.

Businesses eligible for an Enterprise Zone include manufacturers, processors, shippers, call centers, and headquarter-type facilities. Retail, construction and financial businesses are typically not eligible.

A 3-year Enterprise Zone exemption is available to eligible businesses that:

- Increase full-time, permanent employment by at least one job or 10 percent.
- Do not have concurrent job losses elsewhere within Oregon more than 30 miles away from the proposed new location.
- Maintain the minimum employment level during the exemption period.
- Enter into a first-source hiring agreement with WorkSource Oregon.

An Enterprise Zone exemption may be extended to a total of four or five years under the following conditions:

- The company must offer an average compensation, including benefits, that is at or above 150% of the County average wage during all years of the abatement. The current County average wage is \$78,395 annually.

- Wages must be greater than or equal to the County average wage in the fourth and fifth years of exemption.
- The company must pay a school support fee in the fourth and fifth year based on a rate established by the school district and EZ sponsor(s). Establishment of the school support fee is an earlier agenda item at the 5/12/26 Council meeting.
- The EZ sponsor(s) must approve an extension of the exemption beyond three years. The sponsor may reasonably request additional requirements for the business to also satisfy.

The Strategic Economic Development Corporation (SEDCOR) is the Enterprise Zone manager, and is responsible for handling EZ applications and monitoring paperwork.

***Discussion:***

Oregon Mining and Ag Fabrication (OMAF) has purchased the Forest River building and seeks to expand their company into this space, which is significantly larger than their current location. The company would be relocating from Donald, which falls within the 30 mile radius for this to be considered a local expansion for the purposes of an Enterprise Zone.

With the move, OMAF is proposing to invest a total of \$2.2 million in building improvements and heavy machinery. The company will add 8 new jobs making their total headcount 17, although their goal is to add significantly more than that in the next 5 years. OMAF qualifies for the 3-year property tax exemption and is requesting a full 5-year exemption

Wages and compensation that the company will offer are still being determined, but OMAF needs skilled workers and pays accordingly. The employment department will verify that employment, wages, and compensation meet the criteria for an extended abatement. If a company fails to meet its obligations under an Enterprise Exemption, the property will revert entirely back onto the tax rolls.

OMAF is a young but rapidly-growing company that specializes in fabrication and maintenance of heavy equipment for mining and agricultural uses. They will bring high-wage jobs to Independence that do not require a college education, and the owner is excited to work with our high school's Career Technical Education program. Staff recommend Council approve a resolution authorizing a 5-year Enterprise Zone exemption for OMAF's facility improvements.

***Fiscal Impact:***

OMAF would be moving into and improving an existing facility. The existing land and structures would remain fully taxed and only the improvements and heavy machinery added by OMAF would be eligible for a tax exemption. The City would not lose any current revenue from the property, but would forego 5 years of property tax on the new improvements.

Independence's permanent City rate is 4.5897 per \$1,000 of assessed value, so the City would be foregoing \$10,097 in new revenue per year for a total of \$50,486 over five years. OMAF has the right to a 3-year enterprise zone exemption without a Council decision, so approval of a 5-

year exemption would mean Council is only foregoing the new revenue from the fourth and fifth year – a total of \$20,194.

***Options:***

The Council may:

- A. Approve Resolution #26-1648 as submitted
- B. Approve Resolution #26-1648 with amendments
- C. Take no action

***Recommendation/Suggested Motion:***

Staff recommend Option A.

**Suggested Motions:**

“I move to approve Resolution #26-1648, authorizing a five-year Enterprise Zone tax abatement for Oregon Mining and Ag Fabrication.”

***Attachment:***

- A. Resolution #26-1648

Reviewed and approved by City Manager Kenna West

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

A Resolution of the City of Independence )  
Authorizing Extended Enterprise Zone Benefits )  
for a Fourth and Fifth Year to Oregon Mining )  
and Ag Fabrication Located in the Dallas )  
Independence Monmouth Enterprise Zone )

**RESOLUTION NO. 26-1648**

WHEREAS, the Dallas Independence Monmouth Enterprise Zone has four (4) co-sponsors, the City of Dallas, the City of Independence, the City of Monmouth, and Polk County offering economic incentives through property tax relief to businesses and industries providing capital investments resulting in job growth; and

WHEREAS, Oregon Mining and Ag Fabrication, located at 900 N Walnut St., Independence, Oregon 97351 has made an application to extend the three-year property tax abatement by two years for a total of five years; and

WHEREAS, Oregon Mining and Ag Fabrication proposes to invest \$2,200,000 in enterprise zone qualified property at their new manufacturing operation located in Independence, Oregon resulting in the creation of a minimum of eight (8) new jobs within the Dallas Independence Monmouth Enterprise Zone; and

WHEREAS, Oregon Mining and Ag Fabrication is required to pay employee wages and benefits at a rate of not less than 150% of the Average Annual County Wage which is \$52,263, and that Average Annual Compensation Standard of 150% is \$78,395; and

WHEREAS, the co-sponsors and the zone manager of the Dallas Independence Monmouth Enterprise Zone have reviewed the application and agree that the proposed investment is consistent with the Enterprise Zone Purpose.

NOW, THEREFORE, BE IT RESOLVED, that the City of Independence approves the two-year extension to the previously approved three-year Enterprise Zone abatement, for a total of a five-year exemption, subject to the terms and conditions set forth in the Extended Enterprise Zone Exemption Agreement; and

IT IS FURTHER RESOLVED; the Dallas Independence Monmouth Enterprise Zone, upon concurrence of all the other sub-zone sponsors, is authorized to execute an Extended Enterprise Zone Exemption Agreement with Oregon Mining and Ag Fabrication.

IT IS FURTHER RESOLVED; the City Manager is authorized to take appropriate action to facilitate the extension of the property tax exemption as described in this resolution.

IT IS FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption.

Approved and adopted by the City Council on:

SIGNED by the Mayor:

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Kate Schwarzler, Mayor

ATTEST:

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Myra Russell, City Recorder

## **Agreement for Oregon Enterprise Zone Extended Abatement**

This document is a written agreement with the Dallas Independence Monmouth (DIM) enterprise zone sponsor to extend property tax exemption to five consecutive years in total for investment by Oregon Mining and Ag Fabrication.

The sponsor of the DIM Enterprise Zone comprising the governing bodies of the Cities of Independence, Monmouth, Dallas, and Polk County (hereinafter “The Zone Sponsor”) and Oregon Mining and Ag Fabrication (hereinafter “The Firm”) do hereby enter into an agreement for extending the period during which The Firm shall receive an exemption from ad valorem taxes on its proposed investment in qualified property in the Enterprise Zone, contingent on certain requirements, under ORS 285C.160.

The Zone Sponsor and The Firm jointly acknowledge that: subject to approval of the application for authorization, as well as satisfaction of requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of full exemption on its qualified property under ORS 285C.175(2)(a); nothing in this agreement shall modify or infringe on that three-year exemption or the requirements thereof; and, this agreement is null and void if The Firm does not qualify for the three years of exemption on some such property.

The Zone Sponsor does hereby grant to The Firm an extension to that property tax abatement, as allowed under ORS 285C.175(2)(b), of an additional two years on property that initially qualifies in the DIM Enterprise Zone before the assessment year beginning on January 1, 2027, and, thusly, sets the period of exemption at five consecutive years in total, during which statutory requirements for the standard three-year enterprise zone exemption must also continue to be satisfied.

### **Confirmation of Statutory Provisions**

In order for qualified property to be exempt from ad valorem taxes for the additional two years of enterprise zone exemption as granted herein, The Firm does hereby agree—

A. That under ORS 285C.160(2):

1. The Firm shall pay to the Central School District (hereinafter, “the district”) in each of the additional two years an amount equal to the entirety of the property taxes not owed in such year by the Firm due to the exemption, multiplied by the rate for the school support fee established between the district and The Zone Sponsor for purposes of chapter 298, Oregon Laws 2023, which is 15 percent.
2. The school support fee amount shall be based on information provided each year by the Zone Sponsor, and The Firm shall expect notice from the district by December 1 of each year about making payment.
3. Payment of the school support fee shall be due in full on December 31 of each year, after which payment is deemed delinquent.
4. If more than 60 days following the date of delinquency, the delinquent fee payment has not been cured, the school district will give written notice to the office of the assessor for

Polk County, and any outstanding fee amount, attendant interest or penalty, and future taxes on property otherwise still subject to exemption shall be due to the county tax collector or payable through subsequent property tax bill.

B. That under ORS 285C.160(3)(a)(A)(i) or (ii) and (b), in accordance with OAR 123-674-0600:

1. For every year of the entire exemption period, The Firm’s new employees shall receive an average annual compensation equal to or greater than 150 percent of the county average annual wage, such that:

a. Compensation includes benefits such as employer-provided insurance that can be monetized and not arise any payroll tax or similar government mandate, and

b. Except as revised under ORS 285C.160(4), the county wage is set at the time of authorization, and accordingly, the 2025 average wage for Polk County is \$52,263, for which 150 percent equals \$78,395.

2. During the additional two years, the average annual wage (taxable income) received by The Firm’s new employees shall also be equal to or greater than the then most recent, final figure for the county average wage.

3. The Firm’s ‘new employees’ for purposes of these requirements comprise only employees hired for and working at full-time, year-round, non-temporary jobs that are created and filled for the first time after the date of application for authorization but on or before December 31 of the first full year of the initial exemption; that are performed within the current boundaries of the Enterprise Zone, and that are engaged a majority of their time in The Firm’s eligible operations according to ORS 285C.135 and 285C.200(7), regardless if any such employee is leased, contracted for or otherwise obtained through an external agent, provided that they are hired by and employed directly by The Firm.

**Local Additional Requirements**

The Zone Sponsor does not impose any additional requirement on The Firm, relinquishing the right to make the extension of property tax abatement granted herein contingent on such requirements that might otherwise be reasonably requested under ORS 285C.160(a)(B).

This agreement is accepted by:

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Kenna West  
City Manager  
City of Independence

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Blake Lively  
President  
OMAF



## CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council  
FROM: Public Works Director Gerald Fisher  
MEETING DATE: May 12, 2026  
SUBJECT: Contract Award – WWTP Upgrade and 9<sup>th</sup> St  
PS Ph 2-3

---

Information Only

Action Requested

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### Statement of Issue:

Council consideration of contract award for construction of the Wastewater Treatment Plant Upgrades and 9<sup>th</sup> Street Pump Station Phase 2-3 improvements.

### Background:

The city advertised a request for bids in the Itemizer-Observer and Daily Journal of Commerce on March 11, 2026. The closing date for bids was April 21, 2026, and the city received a total of four bids. The proposal tabulation is as follows from lowest to highest cost.

- HP Civil, Inc. \$13,070,593.72
- Slayden Constructors, Inc. \$13,447,485.00
- K&E Excavating, Inc. \$15,389,465.00
- James W. Fowler, Co. \$15,946,359.00

HP Civil, Inc. is the lowest responsible bidder in accordance with ORS 279C.375 and the city issued a Notice of Intent to Award on April 23, 2026, and no protests were received.

### Fiscal Impact:

This project is in the FY 2025-2026 City Budget in the Sewer Fund and is primarily funded by federal and state grants, a CWSRF loan, and sewer rates and SDC's.

### Options:

1. Authorize the City Manager to execute a contract with HP Civil, Inc.
2. Reject all bids in accordance with ORS 279C.395.
3. Request more information from Staff.

### Recommendation/Suggested Motion:

Staff recommends Option 1.

Suggested Motions:

"I move to award the construction contract to HP Civil, Inc. in the amount of \$13,070,593.72 and authorize the City Manager execute the contract and any change orders within the approved budget."

### Attachments:

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*Reviewed, revised, and approved by: Kenna West, City Manager*



**NOTICE OF INTENT TO AWARD**

Date of Issuance: 04/23/2026

|           |   |                         |               |
|-----------|---|-------------------------|---------------|
| Owner:    | <b>City of Independence</b>   | Owner's Contract No.:   | PN 2022-09/17 |
| Engineer: | Keller Associates, Inc.   | Engineer's Project No.: | 223055-004/12 |
| Project:  | Wastewater Treatment Plant<br>Upgrades (Package A) PN:2022-09/<br>EDA: EDASEAOG0216<br><br>9th Street Pump Station Phases 2 & 3<br>(Package B) PN:2022-17 | Contract Name:          |               |

**TO BIDDERS:**

The City of Independence (City) opened sealed electronic bids for the aforementioned project on April 21, 2026 at 2:00 PM. Four (4) bids were received as summarized below:

| Rank | Contractor                 | Base Bid        |
|------|----------------------------|-----------------|
| 1    | HP Civil, Inc.             | \$13,070,593.72 |
| 2    | Slayden Constructors, Inc. | \$13,447,485.00 |
| 3    | K&E Excavating, Inc.       | \$15,389,465.00 |
| 4    | James W. Fowler, Co.       | \$15,946,359.00 |

HP Civil, Inc. (HP Civil), is the lowest apparent bidder. Their bidding documents have been reviewed and deemed responsive and responsible to the bid requirements. The Owner intends to award all aspects of the project to HP Civil in the amount of \$13,070,593.72.

A bidder may submit a formal written protest of this Notice of Intent to Award within seven (7) calendar days of the date of the bid opening (i.e., by April 28, 2026, 5:00 PM). The written protest must specify the grounds upon which the protest is based. For the protest to be considered valid, it must show that the protesting party is an adversely affected or aggrieved bidder as described in OAR 137-047-0740. Such a protest must be submitted to the Public Works Director, Gerald Fisher, PE, at [gfisher@ci.independence.or.us](mailto:gfisher@ci.independence.or.us) or City of Independence, 555 S Main St, Independence, OR 97351. Any protest received after this deadline will not be considered.

Owner: CITY OF INDEPENDENCE

Engineer: Keller Associates, Inc.

Signature: \_\_\_\_\_  
 Gerald Fisher, PE, Public Works Director

Signature: \_\_\_\_\_  
 Project Manager

Date: 04/23/2026

Date: 04/23/2026



# 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:** May 12, 2026

**RECOMMENDATION:** **APPROVAL**

**FILE NUMBER:** LA | 2025-06

**RE:** 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. Planning Commission Recommendation
- VI. Staff Findings – Oregon State Planning Goals
- VII. Staff Findings – Independence Comprehensive Plan
- VIII. Staff Findings – Independence Development Code

**ATTACHMENTS:** A. Proposed Code Changes (11 pages)

### I. SUMMARY

At the meeting of May 12, 2026, the Independence City Council 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).

### 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 under 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 and April 29, 2026. No comments were received through the public outreach methods.

### **V. PLANNING COMMISSION RECOMMENDATION**

Given the findings below, the Planning Commission unanimously recommended approval of the changes.

## 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 in Independence).
- 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

The proposed changes to the Independence Development Code are additionally required to 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 mandates. 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 needed 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 is 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 a 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 is 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*

...

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 considered the proposed changes during a Public Hearing on November 3, 2025. The Commission forwarded the revisions to the Independence City Council with a unanimous recommendation of approval. The Council will consider the changes on May 12, 2026.

The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting of May 12. Given the process, this standard will be achieved.

...

*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.

...

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.

...

**Staff Response:** Staff has taken proper steps to ensure compliance with the standards in Independence Development Code Section 11.015, including twice 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

...

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.<sup>1</sup>

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).

### SUBCHAPTER 13: DEFINITIONS

...

#### 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

<sup>1</sup> Please 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 <sup>1</sup>         | P                      | P                       | P                       |
| Triplex or Quadplex  |                        |                        | P                       | P <sup>2</sup>          |
| Multi-family buildings, including apartment houses, courtyard apartments and garden apartments   |                        |                        | P                       | P                       |
| <del>Dwelling, quad or quint</del>   |                        | <del>CU</del>          | <del>P</del>            | <del>CU</del>           |
| Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61   |                        | CU                     | CU                      |                         |
| <del>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</del>  | <del>P</del>           | <del>P</del>           |                         |                         |
| <del>Rooming house</del> <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>   | <del>CU</del> <u>P</u> | <del>CU</del> <u>P</u> | <del>PP</del> <u>PP</u> | <del>CU</del> <u>CU</u> |
| <del>Boarding house</del>  | <del>CU</del>          | <del>CU</del>          | <del>P</del>            | <del>CU</del>           |
| 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 <sup>3</sup>   | P                      | P                      | P                       | P                       |
| <b>PUBLIC/QUASI-PUBLIC USE</b>   |                        |                        |                         |                         |
| 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             |
| <b>LIMITED BUSINESS</b>   |    |    |    |                |
| 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 <del>ordinance</del> <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 <sup>4</sup> |
| Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less   |    |    |    | P <sup>4</sup> |

**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**

| <b>ALLOWED USES</b>   | <b>ZONE</b>             |            |
|---|-------------------------|------------|
| <b>COMMERCIAL USES</b>  | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| 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 <sup>2</sup>         |            |
| Campground  | CU <sup>2</sup>         |            |
| Vehicle Servicing/Repair  | CU <sup>2</sup>         |            |
| Hospital  | CU                      | CU         |
| Veterinary clinic   | CU                      | CU         |
| Kennel  | CU <sup>2</sup>         |            |
| Crematory   | CU <sup>2</sup>         |            |
| 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         |
|   |                         |            |
| <b>MANUFACTURING/INDUSTRIAL USES</b>  | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| Light industrial uses   | P                       |            |
| Freight forwarding facility   | CU <sup>2</sup>         |            |
| 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          |
|   |                         |            |
| <b>PUBLIC/QUASI-PUBLIC USES</b>   | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| 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 <sup>3</sup>             | P <sup>3</sup> |
| School (elementary, junior high, senior high)   | CU                         | CU             |
| Trade or commercial school  | CU                         | CU             |
| Bus terminal or depot   | CU                         |                |
| Heliport  | CU <sup>2</sup>            |                |
|   |                            |                |
| <b>RESIDENTIAL USES</b>   | <b>MUPC<sup>1</sup></b>    | <b>DRZ</b>     |
| New single-family dwelling, with a floor area of not less than 1,000 square feet  | P <sup>4, 5, 6</sup>       |                |
| Existing single-family dwelling, with a floor area of not less than 1,000 square feet   | P <sup>5, 6</sup>          |                |
| Duplex  | P <sup>4, 5, 6</sup>       |                |
| Attached single family residential dwellings (townhomes, rowhouses)   | P <sup>4, 5, 6</sup>       | P              |
| <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>   | <u>P<sup>4, 5, 6</sup></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 <sup>4, 5, 6</sup>       | P              |
| Multiple-family residential dwellings, all floors   | P <sup>7</sup>             | 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><b>A. RESIDENTIAL USES<sup>2</sup>:</b></p> <ol style="list-style-type: none"> <li>1. All residential zones</li> <li>2. Multiple-family or attached dwellings</li> <li>3. Residential unit in a mixed-use building</li> <li>4. <del>Rooming or boarding house</del> <u>Single room occupancy use</u></li> </ol> | <p style="text-align: center;"><u><b>NUMBER OF SPACES REQUIRED</b></u></p> <p>One (1) space per unit (minimum)<br/>Three (3) spaces per unit (maximum)</p> <p>One (1) space per unit (minimum)<br/>Two (2) spaces per unit (maximum)</p> <p>One (1) space per unit</p> <p><del>One (1) space for every 3 single room occupancy units</del> <u>Four (4) spaces for every 5-guest facilities,</u><br/><del>plus one (1) space for the owner or manager.</del></p> |
| <p><b>B. INSTITUTIONS:</b></p> <ol style="list-style-type: none"> <li>1. Welfare or correctional institution</li> <li>2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.</li> <li>3. Hospital</li> <li>4. Child care facilities</li> </ol>  | <p style="text-align: center;"><u><b>NUMBER OF SPACES REQUIRED</b></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>  |

<sup>2</sup> 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><b>C. PLACES OF PUBLIC ASSEMBLY</b></p> <ol style="list-style-type: none"> <li>1. Church</li> <li>2. Library; reading room</li> <li>3. Elementary or Junior High school</li> <li>4. High School</li> <li>5. College; commercial school for adults</li> <li>6. Other auditoriums; meeting room</li> <li>7. Place of public assembly without fixed seats</li> <li>8. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</li> </ol> | <p><u><b>NUMBER OF SPACES REQUIRED</b></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><b>D. COMMERCIAL</b></p> <ol style="list-style-type: none"> <li>1. All retail and service-oriented commercial uses.</li> </ol>   | <p><u><b>NUMBER OF SPACES REQUIRED</b></u></p> <p>One (1) space per 500 square feet.</p>  |

|   |  |
|---|--|
| <ol style="list-style-type: none"> <li>2. Restaurants and bars.</li> <li>3. Lodging</li> <li>4. The uses listed in (D)(1) and (D)(2) in the Downtown Overlay Zone or Downtown Riverfront Zone</li> </ol>  | <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><b>E. INDUSTRIAL</b></p> <ol style="list-style-type: none"> <li>1. Industrial uses, except warehousing.</li> <li>2. Warehousing</li> <li>3. Public utilities (gas, water, telephone, etc.), not including business offices.</li> <li>4. The uses listed above in the Downtown Overlay Zone and Downtown Riverfront Zone</li> </ol> | <p><u><b>NUMBER OF SPACES REQUIRED</b></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><b>F. OTHER</b></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.



## CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council  
FROM: Community Planner Fred Evander  
MEETING DATE: May 12, 2026  
SUBJECT: Ordinance 1633, Revisions to Independence  
Development Code to Address House Bill  
3395 (2023) and House Bill 2138 (2025)

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Information Only

Action Requested

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### ***Statement of Issue:***

The City Council is asked to consider Ordinance 1633 – proposed revisions to the Independence Development Code to address House Bill 3395 (2023) and House Bill 2138 (2025). A public hearing on the revisions is scheduled as part of the May 12, 2026, City Council meeting. Following the hearing, the Council may act on the ordinance.

### ***Background / Discussion:***

**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 approved as part of HB 2138 in 2025.

**What is Proposed?** The draft ordinance incorporates a variety of amendments to address the bills' requirements. Among the changes are several related to single room occupancies and a relatively simple revision to allow ground-floor housing units in commercial zones in certain circumstances.

**Fiscal Impact:** None.

**Options:**

- A. Approve Ordinance 1633 as submitted.
- B. Approve Ordinance 1633 with amendments.
- C. Take no action.

**Recommendation/Suggested Motion:**

Staff recommends Option A.

**1<sup>st</sup> MOTION:** "I move to read the proposed Ordinance 1633 in full as the text is contained in the Council packet, for the first time."

*Should the motion pass unanimously, a second motion would be in order:*

**2<sup>nd</sup> MOTION:** "I move to read the proposed Ordinance 1633 for the second time by title only."

*Should the motion pass, a third motion would be in order:*

**3<sup>rd</sup> MOTION:** "I move to adopt the proposed Ordinance 1633."

**Attachments:**

- A. Ordinance 1633, with Exhibits

Memo prepared by: Fred Evander, Community Planner  
Reviewed and revised by: Kenna West, City Manager

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

An Ordinance Addressing Standards for )  
Single Room Occupancies and Other )  
Requirements in House Bill 3395 (2023) )  
and House Bill 2138 (2025) )

**ORDINANCE NO. 1633**

**WHEREAS**, the State of Oregon passed House Bill 3395 in 2023 and House Bill 2138 in 2025, which require local jurisdictions to allow single room occupancies in zones that allow residential units, and to allow ground-floor housing units, affordable to households making 60% of area median income, in areas that allow ground-floor commercial development; and

**WHEREAS**, the City of Independence seeks to create standards that are consistent with the requirements of the bills, while remaining appropriate to the character of Independence; and

**WHEREAS**, the Independence Planning Commission (“Commission”) studied the potential changes to the Independence Development Code at their meetings of September 8 and October 6, 2025, and agreed to consider the changes further as part of a formal code amendment process; and

**WHEREAS**, the City of Independence set a date for a public hearing on November 3, 2025, and posted notice of the proposed changes and hearings on the Department of Land Conservation and Development website on August 28, 2025, and in the Polk County Itemizer Observer on October 22, 2025; and

**WHEREAS**, at their meeting of November 3, the Independence Planning Commission held a properly noticed public hearing to consider the changes, at which time interested parties and the public had an opportunity to be heard; and

**WHEREAS**, following the hearing, the Commission recommended that the City Council amend the standards in the Independence Development Code for single-room occupancies and residential development in commercial areas; and

**WHEREAS**, at their meeting on May 12, 2026, the Independence City Council conducted a properly noticed public hearing about the proposed changes, during which time the Council reviewed the record and recommendations from the Planning Commission and heard from interested parties and the public about the proposal; and

**WHEREAS**, the City Council finds that the proposed amendments comply with applicable provisions of the Statewide Planning Goals, the City of Independence Comprehensive Plan, and the Independence Development Code, as shown in the findings contained in the Staff Report, attached as Exhibit A.

**NOW, THEREFORE, THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Independence Development Code, Subchapter 13, Definitions is hereby amended to include the following amended definitions:

**DORMITORY**

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

**DWELLING UNIT**

"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, campground or recreational vehicle.

**Section 2.** Independence Development Code, Subchapter 13, Definitions is hereby amended to add the following definition:

**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.

**Section 3.** Independence Development Code, Subchapter 13, Definitions is hereby amended to delete the following definitions:

**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.

**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.

**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.

**Section 4.** Independence Development Subchapter 17 is hereby amended and restated in its entirety as provided in Exhibit B.

**Section 5.** Independence Development Code Subchapter 30 is hereby amended and restated in its entirety as provided in Exhibit C.

**Section 6.** Independence Development Code Section 73.010 is hereby amended and restated in its entirety as provided in Exhibit D.

**Section 7.** Independence Development Code Section 73.025 is hereby amended as provided below:

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 (MUFC) 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.

**Section 8.** Findings. The City of Independence hereby adopts the above recitals and findings contained within the Staff Report, attached hereto as Exhibit A and incorporated herein by this reference, in support of the proposed amendments.

**Section 9.** Effective Date. This ordinance shall become effective thirty (30) days after final passage and its signature by the Mayor.

First Reading to the Council this \_\_\_ day of \_\_\_\_\_, 2026.  
Second Reading to the Council this \_\_\_ day of \_\_\_\_\_, 2026.  
Adopted this day of \_\_\_ day of \_\_\_\_\_, 2026.  
Signed by the Mayor this \_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
KATE SCHWARZLER, MAYOR

ATTEST:

\_\_\_\_\_  
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:** May 12, 2026
- RECOMMENDATION:** **APPROVAL**
- FILE NUMBER:** LA | 2025-06
- RE:** 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. Planning Commission Recommendation
  - VI. Staff Findings – Oregon State Planning Goals
  - VII. Staff Findings – Independence Comprehensive Plan
  - VIII. Staff Findings – Independence Development Code
- ATTACHMENTS:** A. Proposed Code Changes (11 pages)

### I. SUMMARY

At the meeting of May 12, 2026, the Independence City Council 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).

### 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 under 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 and April 29, 2026. No comments were received through the public outreach methods.

### **V. PLANNING COMMISSION RECOMMENDATION**

Given the findings below, the Planning Commission unanimously recommended approval of the changes.

## 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 in Independence).
- 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

The proposed changes to the Independence Development Code are additionally required to 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 mandates. 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 needed 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 is 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 a 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 is 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 considered the proposed changes during a Public Hearing on November 3, 2025. The Commission forwarded the revisions to the Independence City Council with a unanimous recommendation of approval. The Council will consider the changes on May 12, 2026.

The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting of May 12. Given the process, this standard will be achieved.

...

*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.

...

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.

...

**Staff Response:** Staff has taken proper steps to ensure compliance with the standards in Independence Development Code Section 11.015, including twice 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

...

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.<sup>1</sup>

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).

### **SUBCHAPTER 13: DEFINITIONS**

...

#### **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**

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<sup>1</sup> Please 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.

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**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 <sup>1</sup>         | P                      | P                       | P                       |
| Triplex or Quadplex  |                        |                        | P                       | P <sup>2</sup>          |
| Multi-family buildings, including apartment houses, courtyard apartments and garden apartments   |                        |                        | P                       | P                       |
| <del>Dwelling, quad or quint</del>   |                        | <del>CU</del>          | <del>P</del>            | <del>CU</del>           |
| Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61   |                        | CU                     | CU                      |                         |
| <del>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</del>  | <del>P</del>           | <del>P</del>           |                         |                         |
| <del>Rooming house</del> <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>   | <del>CU</del> <u>P</u> | <del>CU</del> <u>P</u> | <del>PP</del> <u>PP</u> | <del>CU</del> <u>CU</u> |
| <del>Boarding house</del>  | <del>CU</del>          | <del>CU</del>          | <del>P</del>            | <del>CU</del>           |
| 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 <sup>3</sup>   | P                      | P                      | P                       | P                       |
| <b>PUBLIC/QUASI-PUBLIC USE</b>   |                        |                        |                         |                         |
| 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             |
| <b>LIMITED BUSINESS</b>   |    |    |    |                |
| 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 <del>ordinance</del> <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 <sup>4</sup> |
| Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less   |    |    |    | P <sup>4</sup> |

**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**

| <b>ALLOWED USES</b>   | <b>ZONE</b>             |            |
|---|-------------------------|------------|
| <b>COMMERCIAL USES</b>  | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| 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 <sup>2</sup>         |            |
| Campground  | CU <sup>2</sup>         |            |
| Vehicle Servicing/Repair  | CU <sup>2</sup>         |            |
| Hospital  | CU                      | CU         |
| Veterinary clinic   | CU                      | CU         |
| Kennel  | CU <sup>2</sup>         |            |
| Crematory   | CU <sup>2</sup>         |            |
| 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         |
|   |                         |            |
| <b>MANUFACTURING/INDUSTRIAL USES</b>  | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| Light industrial uses   | P                       |            |
| Freight forwarding facility   | CU <sup>2</sup>         |            |
| 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          |
|   |                         |            |
| <b>PUBLIC/QUASI-PUBLIC USES</b>   | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| 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 <sup>3</sup>             | P <sup>3</sup> |
| School (elementary, junior high, senior high)   | CU                         | CU             |
| Trade or commercial school  | CU                         | CU             |
| Bus terminal or depot   | CU                         |                |
| Heliport  | CU <sup>2</sup>            |                |
|   |                            |                |
| <b>RESIDENTIAL USES</b>   | <b>MUPC<sup>1</sup></b>    | <b>DRZ</b>     |
| New single-family dwelling, with a floor area of not less than 1,000 square feet  | P <sup>4, 5, 6</sup>       |                |
| Existing single-family dwelling, with a floor area of not less than 1,000 square feet   | P <sup>5, 6</sup>          |                |
| Duplex  | P <sup>4, 5, 6</sup>       |                |
| Attached single family residential dwellings (townhomes, rowhouses)   | P <sup>4, 5, 6</sup>       | P              |
| <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>   | <u>P<sup>4, 5, 6</sup></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 <sup>4, 5, 6</sup>       | P              |
| Multiple-family residential dwellings, all floors   | P <sup>7</sup>             | 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 USES<sup>2</sup>:</p> <ol style="list-style-type: none"> <li>1. All residential zones</li> <li>2. Multiple-family or attached dwellings</li> <li>3. Residential unit in a mixed-use building</li> <li>4. <del>Rooming or boarding house</del> <u>Single room occupancy use</u></li> </ol> | <p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per unit (minimum)<br/>Three (3) spaces per unit (maximum)</p> <p>One (1) space per unit (minimum)<br/>Two (2) spaces per unit (maximum)</p> <p>One (1) space per unit</p> <p><del>One (1) space for every 3 single room occupancy units</del> <u>Four (4) spaces for every 5-guest facilities,</u><br/><del>plus one (1) space for the owner or manager.</del></p> |
| <p>B. INSTITUTIONS:</p> <ol style="list-style-type: none"> <li>1. Welfare or correctional institution</li> <li>2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.</li> <li>3. Hospital</li> <li>4. Child care facilities</li> </ol>  | <p><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>  |

<sup>2</sup> 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><b>C. PLACES OF PUBLIC ASSEMBLY</b></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><b>D. COMMERCIAL</b></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"> <li>2. Restaurants and bars.</li> <li>3. Lodging</li> <li>4. The uses listed in (D)(1) and (D)(2) in the Downtown Overlay Zone or Downtown Riverfront Zone</li> </ol>  | <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><b>E. INDUSTRIAL</b></p> <ol style="list-style-type: none"> <li>1. Industrial uses, except warehousing.</li> <li>2. Warehousing</li> <li>3. Public utilities (gas, water, telephone, etc.), not including business offices.</li> <li>4. The uses listed above in the Downtown Overlay Zone and Downtown Riverfront Zone</li> </ol> | <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><b>F. OTHER</b></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.

**SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES**

| <b>ALLOWED USES</b>  | <b>ZONE</b>    |           |           |                |
|--|----------------|-----------|-----------|----------------|
|  | <b>RS</b>      | <b>RM</b> | <b>RH</b> | <b>MX</b>      |
| <b>RESIDENTIAL USES</b>  |                |           |           |                |
| 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 <sup>1</sup> | P         | P         | P              |
| Triplex or Quadplex  |                |           | P         | P <sup>2</sup> |
| Multi-family buildings, including apartment houses, courtyard apartments and garden apartments   |                |           | P         | P              |
| Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61   |                | CU        | CU        |                |
| Single room occupancy use, subject to the requirements in ORS 197A.430   | P              | P         | P         | P              |
| 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 <sup>3</sup>   | P              | P         | P         | P              |
| <b>PUBLIC/QUASI-PUBLIC USE</b>   |                |           |           |                |
| 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             |
| <b>LIMITED BUSINESS</b>   |    |    |    |                |
| 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 <sup>4</sup> |
| Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less   |    |    |    | P <sup>4</sup> |

**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                    |            |
|---|-------------------------|------------|
| <b>COMMERCIAL USES</b>  | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| 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 <sup>2</sup>         |            |
| Campground  | CU <sup>2</sup>         |            |
| Vehicle Servicing/Repair  | CU <sup>2</sup>         |            |
| Hospital  | CU                      | CU         |
| Veterinary clinic   | CU                      | CU         |
| Kennel  | CU <sup>2</sup>         |            |
| Crematory   | CU <sup>2</sup>         |            |
| 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         |
|   |                         |            |
| <b>MANUFACTURING/INDUSTRIAL USES</b>  | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| Light industrial uses   | P                       |            |
| Freight forwarding facility   | CU <sup>2</sup>         |            |
| 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          |
|   |                         |            |
| <b>PUBLIC/QUASI-PUBLIC USES</b>   | <b>MUPC<sup>1</sup></b> | <b>DRZ</b> |
| 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 | P                       | P          |

|   |                         |                |
|---|-------------------------|----------------|
| and poles; water and sewer lines; streets, pathways and 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 <sup>3</sup>          | P <sup>3</sup> |
| School (elementary, junior high, senior high)   | CU                      | CU             |
| Trade or commercial school  | CU                      | CU             |
| Bus terminal or depot   | CU                      |                |
| Heliport  | CU <sup>2</sup>         |                |
|   |                         |                |
| <b>RESIDENTIAL USES</b>   | <b>MUPC<sup>1</sup></b> | <b>DRZ</b>     |
| New single-family dwelling, with a floor area of not less than 1,000 square feet  | P <sup>4, 5, 6</sup>    |                |
| Existing single-family dwelling, with a floor area of not less than 1,000 square feet   | P <sup>5, 6</sup>       |                |
| Duplex  | P <sup>4, 5, 6</sup>    |                |
| Attached single family residential dwellings (townhomes, rowhouses)   | P <sup>4, 5, 6</sup>    | P              |
| Single room occupancy use, subject to the requirements in ORS 197A.430  | P <sup>4, 5, 6</sup>    | P              |
| Live/work unit  | P                       | P              |
| Residential use on the second or third-story of a commercial building.  | P                       | P              |
| Triplex or Quadplex   | P <sup>4, 5, 6</sup>    | P              |
| Multiple-family residential dwellings, all floors   | P <sup>7</sup>          | P              |
| 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  | P                       | P              |
| 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.

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><b>A. RESIDENTIAL USES<sup>1</sup>:</b></p> <ol style="list-style-type: none"> <li>1. All residential zones</li> <li>2. Multiple-family or attached dwellings</li> <li>3. Residential unit in a mixed-use building</li> <li>4. Single room occupancy use</li> </ol>   | <p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per unit (minimum)<br/>Three (3) spaces per unit (maximum)</p> <p>One (1) space per unit (minimum)<br/>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</p> |
| <p><b>B. INSTITUTIONS:</b></p> <ol style="list-style-type: none"> <li>1. Welfare or correctional institution</li> <li>2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.</li> <li>3. Hospital</li> <li>4. Child care facilities</li> <li>5. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</li> </ol> | <p><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>                            |
| <p><b>C. PLACES OF PUBLIC ASSEMBLY</b></p> <ol style="list-style-type: none"> <li>1. Church</li> </ol>   | <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>  |

<sup>1</sup> For residential uses, off-street parking includes the garage or carport area.

|   |  |
|---|--|
| <ol style="list-style-type: none"> <li>2. Library; reading room</li> <li>3. Elementary or Junior High school</li> <li>4. High School</li> <li>5. College; commercial school for adults</li> <li>6. Other auditoriums; meeting room</li> <li>7. Place of public assembly without fixed seats</li> <li>8. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</li> </ol> | <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><b>D. COMMERCIAL</b></p> <ol style="list-style-type: none"> <li>1. All retail and service-oriented commercial uses.</li> <li>2. Restaurants and bars.</li> <li>3. Lodging</li> <li>4. The uses listed in (D)(1) and (D)(2) in the Downtown Overlay Zone or Downtown Riverfront Zone</li> </ol>   | <p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 500 square feet.</p> <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><b>E. INDUSTRIAL</b></p> <ol style="list-style-type: none"> <li>1. Industrial uses, except warehousing.</li> <li>2. Warehousing</li> <li>3. Public utilities (gas, water, telephone, etc.), not including business offices.</li> <li>4. The uses listed above in the Downtown Overlay Zone and Downtown Riverfront Zone</li> </ol> | <p><u><b>NUMBER OF SPACES REQUIRED</b></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><b>F. OTHER</b></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>  |  |



## CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council  
FROM: Amanda Carey, Finance Director  
MEETING DATE: May 12, 2026  
SUBJECT: FY 2025-26 Budget Adjustments

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Information Only

Action Requested

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### *Statement of Issue:*

This combination of a supplemental budget and appropriations transfers is necessary to provide appropriation authority in several funds and maintain compliance with Oregon Local Budget Law ORS 294.471(3) and ORS 294.463(2).

### *Background:*

Legal costs incurred since the adoption of the 2025-26 budget have been higher than anticipated.

- Due to several factors, including ongoing city planning and capital improvement projects, employment law consultations, and response to multiple public records requests, the city has incurred higher than budgeted legal costs during fiscal year 2025-26. The total cost of additional legal expenditures is \$24,000 and is offset by a reduction in General Fund contingency.
- Additionally, appropriations are increased in the Grants Fund related to a specific award received by the Police Department in support of a drone program.

### *Discussion:*

The supplemental budget and appropriations transfers as proposed provide necessary budget authority to carry out the above actions in the respective funds noted and provide for compliance with Oregon Local Budget Law in avoiding over-expenditures relative to the fiscal year ending June 30, 2026.

### *Recommendation/Suggested Motion:*

Staff recommend that the Council approve the attached resolution to amend the 2025-26 Adopted Budget for the City of Independence.

*"I move that Council approve Resolution No. 26-1652 to amend the fiscal year 2025-26 Adopted Budget in accordance with the above noted recommendations."*

*Attachments:*

- A. Resolution No. 26-1652

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

A Resolution Authorizing )  
 Budget Amendments for the )  
 Fiscal Year 2025-26 Budget )

**RESOLUTION NO. 26-1652**

WHEREAS, on May 12, 2026, the Independence City Council held a duly noticed public hearing providing an opportunity for interested persons to comment on the proposed supplemental budget for the fiscal year ending June 30, 2026,

NOW, THEREFORE, BE IT RESOLVED that the Independence City Council hereby adopts a supplemental budget for the additional sum of \$10,000 per ORS 294.471 (3) and appropriation transfers per ORS 294.463(2) for fiscal year 2025-26 budget now on file at the Independence Civic Center, 555 South Main Street, Independence, Oregon 97351.

BE IT FURTHER RESOLVED that the budget adjustments for the fiscal year ending June 30, 2026, and for the purposes indicated below are hereby appropriated:

| <b>Fund/Department</b>        | <b>Category</b>                | <b>Original Budget</b> | <b>Adjustment</b> | <b>Adjusted Budget</b> |
|-------------------------------|--------------------------------|------------------------|-------------------|------------------------|
| General/Administration        | Contract Services              | \$75,000               | \$20,000          | \$95,000               |
| General/Community Development | Contract Services              | 37,000                 | 4,000             | 41,000                 |
| General/Nondepartmental       | Contingency                    | 746,107                | (24,000)          | 722,107                |
| Grants                        | Non-Governmental               | 0                      | 10,000            | 10,000                 |
| Grants/Police                 | Capital Expense -<br>Equipment | 0                      | 10,000            | 10,000                 |

General Fund appropriation transfers are necessary for the Administrative and Community Development departments due to an unforeseen increase in legal expenses incurred during the fiscal year.

Appropriations are increased in the Grants Fund to recognize the award of a private grant to the Police Department in support of a drone program.

PASSED by the City Council:

SIGNED by the Mayor:

\_\_\_\_\_  
Kate Schwarzler, Mayor

ATTEST:

\_\_\_\_\_  
Myra Russell, City Recorder

**Management Team Notes**  
**Wednesday, April 15, 2026**

Present: Amanda Cary, Amanda Christensen, Amy Christensen, Emmanuel, Fred, Gerald, Jason, Myra, Patrick, Shawn, Tino, Kenna

Pending agenda review.

**Amanda FD:**

- Finishing the budget
- One staff member at Caselle training

**Amanda HR:**

- Helping with budget preparation

**Amy:**

- The Speaker Series event with Oregon Olive Trees was well attended and received. The presenters plan to return later this year, and initial conversations are underway to organize a potential field trip to their nursery.
- The Heritage Museum, alongside Hamersly Library at Western Oregon University, has been selected as a Grand Marshal for this year's Independence Day parade. This recognition highlights the role both organizations play in preserving and sharing community history.
- The museum was awarded a \$2,700 grant from the local Community Foundation to support research and archival work related to the history of the community Fiesta.
- The next three Historic Homes Roadshow programs have been confirmed and scheduled, continuing to build momentum in that series.
- Notification was received that the museum's application for the Capitol History Gateway Exhibit Sponsorship ranked second among the top four applicants. As part of this process, the Capitol Foundation will fund three hours of training with Dr. Dave Bucy, an interpretive planning expert through the National Association for Interpretation. Award will be made after May 22 for \$9,000.
- The traveling railroad exhibit, *All Aboard: Stories from the Rails*, will open in the Independence Public Library lobby on April 27.
- Planning is underway in partnership with Community Services Consortium to develop a fingerboard exhibit.
- A real estate agent toured the museum building with a prospective buyer this week, indicating continued interest in the property.

**Emmanuel:**

- MI Trolley videos launched this week, lots of views already. Will be sharing two or three a week. We have 13 in total.
- Next historic homes video going out next week and shooting more in the near future.
- Will be out all next week at PIO conference and then the LOC conference. Shawn and I are presenting at the LOC conference about "Making Government Interesting".
- Working/Leading with SEDCOR on Touch a Truck marketing

- Working on upcoming Summer Series messaging/marketing
- 60 second council week
- Newsletter is next week, but I'll be out, so please send me stuff early.

**Fred:**

- Historic Preservation Commission – Preparing for Historic Preservation Commission meeting on April 23rd. The meeting will feature a visit from Amy Christensen to tell us about the history of Independence.
- Planning Commission – Preparing for a Planning Commission meeting on May the 4th. The meeting will include a continued discussion on the potential code changes associated with the More Housing, Same (Great) Neighborhood project, as well as a continued discussion about requirements for open space dedications.
- Video - Releasing a video of 111 S. 3rd Street this week. Preparing for historic home videos at 729 C Street, 160 3rd Street, and 70 Log Cabin. If anyone knows of other interesting historic homes to feature, please let us know.
- Tour - Preparing for Walking Tours of the Historic District on May 20, June 3, and June 24. Each tour will focus on a period of growth in the community (roughly 1870 to 1890, 1910 to 1930 and 1940 to 1970) and include details of the architecture from the time.
- Monmouth-Independence Trolley - The trolley continues to operate well. The service has now operated for three years and had its best year of operation between April 2025 and March 2026, providing 124,139 rides.
- Attending the Oregon Heritage Conference April 30<sup>th</sup> and May 1<sup>st</sup>.
- Reviewing various developments and addressing day-to-day planning concerns. Appears that development activity might be picking up.

**Gerald:**

**Project Updates**

- **2022-09 WWTP Upgrade:** Bids due 04/21/26, Council award **05/12/26**, and construction start 06/08/26.
- **2022-12 OR 51–5<sup>th</sup> St SRTS Crossing:** Waiting for IGA modification.
- **2022-17 9<sup>th</sup> St PS Ph 2-3:** See WWTP Upgrade.
- **2023-04 Surface Water Treatment Plant:** Looking at options between collector well and intake.
- **2023-06 Stormwater Master Plan Update:** Open house #2 scheduled for 06/18/26, Planning Commission hearing scheduled for 09/07/26, and City Council hearing scheduled for **10/13/26**.
- **2023-11 Parks Master Plan Update:** Project completed.
- **2023-12 Chestnut St Bridge:** Waiting for IGA between ODOT, Marion County, and city.
- **2023-13 Corvallis Rd Waterline:** Materials will not be able to supply USA made valves until late May. US manufacturing is dismal and sometimes non-responsive but is a requirement of Federal grants. This delay will likely result in a change to the contract time. Contractor will agree to be cleaned up and off of the road for the 4<sup>th</sup> of July weekend.
- **2024-01 ODOT ADA Upgrades:** ODOT construction throughout 2026.

- **2024-04 Polk-Main Intersection Improvement:** Design going to ROW acquisition consultant this week.
- **2025-04 Stormwater SDC and Rate Study** – Project is scheduled to begin late 2026.
- **2025-05 Parks SDC Study** – City Council work session scheduled for **04/28/26**. SDC adoption scheduled for **06/09/26**.
- **2025-06 Temperature TMDL** – Consultants working on TMDL document and anticipate completion of update by June 2026.

**Administrative Updates**

- Chapters 26, 32, and 34 code update adoption scheduled for **06/09/26**.

**Private Development Projects**

- The following is a status update on larger private development projects underway.
  - 2021-02 SW Crossing: Construction underway.
  - 2024-03 Ella Curran Food: Construction underway.
  - 2024-06 601 Stryker Rd Industrial: Construction underway.

**Jason:**

- Working with our LPR vendor to streamline compliance with SB1516.
- Deployed new ad blocking system network wide. (Reduced internet traffic by 7%).
- I will be attending the National Cyber Crime Conference the week of April 27<sup>th</sup>.
- Osprey camera is live again with sound. Tune into our YouTube channel to watch and chat with fellow bird fanatics.
- We have been approved and received the independenceor.gov domain name. We will begin migrating away from ci.independence.or.us over the next year.
- A new security system has been successfully deployed across the network. This system utilizes “digital canaries,” which are decoy assets designed to closely mimic legitimate production servers while remaining unused. Any unauthorized interaction with these decoy systems triggers a silent alert, immediately notifying IT staff of a potential intrusion.
- In addition, “canary tokens” have been strategically implemented throughout the network. These tokens consist of data that appears sensitive but holds no actual value. If such data is discovered on the public internet or darknet, it serves as an early indicator of potential data exfiltration, enabling prompt investigation and response.
- Working on selecting a new Mobile Device Management (MDM) platform. Our old vendor is going to retire their current product

**Myra:**

- Out of the office at the OACA conference Sunday April 26-Tuesday April 28. Will be back for council work session April 28.
- Attending training for ORMS on April 16.

**Patrick:**

- New program at the library beginning April 28 - Chair Yoga. Working to make sure we have all the liability insurance in place.
- Interviewed by GreatSchools about the library’s after school Coding Club.
- Spring Coding competition is finished - one team of our coders ended up taking 1<sup>st</sup> place in the 8-12 year old group.

- The automatic door opener on the South Side of the library cannot be repaired, it needs to be replaced. Working with John to get that taken care of.
- We will be holding our Volunteer Appreciation potluck for all the library volunteers at the end of the month.
- We have signed up to be a part of the Downtown Association's End of School celebration - June 16 from 3-5pm.

**Shawn:**

- Federal disaster declared due to December storms. Polk included. Looking to see if we can use mitigation funds for water facility
- Working on summer series - vendors, etc.
- Participated in the MIRL rule making committee yesterday. They're trying to make it better - still complicated.
- RFP is out for URD properties - meeting with developers
- Preparing for regional solutions team visit and prosperity guy visit next week
- BRIC grant re-opened - working on a proposal w/Marshall
- Downtown lights pulling out in a couple spots. Looking at maintenance options
- Received a Travel Oregon TA award to do conceptual planning for paddle access in Riverview park. Will have a site visit in a couple weeks.
- Emmanuel and I are presenting at LOC conference next week about communications

**Tino:**

- Still open for final police position
- One officer on family leave
- Two admin away for training next week

**Management Team Notes**  
**Wednesday, April 29, 2026**

Present: Amanda Carey, Amy Christensen, Emmanuel, Fred, Gerald, Jason, Myra, Patrick, Kenna

Pending agenda review.

**Amanda FD:** Working on budget

**Amy:**

- The museum received an America 250 grant for 3200.
- We now have a railroad history display up in the library.
- I'll be at the Oregon Heritage Conference the rest of this week.

**Emmanuel:**

- Attended the PIO and LOC conferences all last week.
- MI Trolley videos continue to be published and have been well-received.
- Next historic homes video going out later this week and shooting more in the near future.
- Working with SEDCOR on Touch a Truck marketing.
- Working on upcoming Summer Series messaging/marketing.
- 60-second council week.
- Working on creating a Proposed Community Services and Parks Fee FAQ webpage.
- Creating promotions for upcoming historical walking tours.

**Fred:**

- Planning Commission – Preparing for a Planning Commission meeting on May the 4th. The meeting will include a continued discussion about the potential code changes associated with the More Housing, Same (Great) Neighborhood project.
- City Council – Preparing for consideration of Ordinance 1633 at the City Council meeting on May 12th. The ordinance would revise 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).
- Historic Homes Videos - Releasing a video of 111 S. 3rd Street this week. Shot video at 729 C Street. Preparing for videos at 160 3rd Street and 70 Log Cabin. If anyone knows of other interesting historic homes to feature, please let us know.
- Tour - Preparing for Walking Tours of the Historic District on May 20, June 3, and June 24. Each tour will focus on a period of growth in the community (roughly 1870 to 1890, 1910 to 1930 and 1940 to 1970) and include details about the architecture and history from the time.
- Attending the Oregon Heritage Conference April 29th through May 1st. Presenting on May 1st.
- Reviewing various developments and addressing day-to-day planning concerns. Appears that development activity is picking up.

**Gerald:**

### Project Updates

- **2022-09 WWTP Upgrade:** Council award **05/12/26**, and construction start 06/08/26.
- **2022-12 OR 51–5<sup>th</sup> St SRTS Crossing:** Waiting for IGA modification.
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- **2023-12 Chestnut St Bridge:** Waiting for IGA between ODOT, Marion County, and city.
- **2023-13 Corvallis Rd Waterline:** Waiting for construction start.
- **2024-01 ODOT ADA Upgrades:** ODOT construction to start late summer.
- **2024-04 Polk-Main Intersection Improvement:** Design going to ROW acquisition consultant this week.
- **2025-04 Stormwater SDC and Rate Study** – Project to start late 2026.
- **2025-05 Parks SDC Study** – SDC adoption scheduled for **06/09/26**.
- **2025-06 Temperature TMDL** – Completion of update by June 2026.

### Administrative Updates

- Chapters 26, 32, and 34 code update adoption scheduled for **06/09/26**.

### Private Development Projects

- The following is a status update on larger private development projects underway.
  - 2021-02 SW Crossing: Construction underway.
  - 2024-03 Ella Curran Food: Waiting for detention pond landscaping.
  - 2024-06 601 Stryker Rd Industrial: Construction underway.

**Jason:**

- Working on migrating our Microsoft 365 tenant over to GCC (Government Community Cloud).
  - This will provide additional data security for our operations – meeting DoD Cloud Computing Security Requirements Guide (SRG) Impact Level 2 or higher.
  - Our cloud data will reside in vetted data centers in the United States only and access to those data centers is restricted to verified US personnel.
  - Redundancy available across the country with data centers in Arizona, California, Georgia, Illinois, Iowa, Texas, Washington, Wyoming, and Virginia.
- Deploying new MDM (Mobile Device Management) platform. Our current provider is discontinuing their current offering in June 2026.
- Starting cell phone refresh for Public Works and Police departments.
- Granted free admission to the Fal.Con 2026 Cyber Security Conference.

**Myra:**

- Currently 5 open PRR
- Just got back from OACA conference. Trying to catch up.

- Looking at DocAccess for making documents in the agenda ADA accessible.
- Will need help with next budget meeting May 6. We have court starting at 5:30 and may run longer than 6:30 when budget starts.

**Patrick:**

- Door repair for the automatic opener on the South Door are being scheduled.
- Good turnout at our programs lately. Averaging about 18 kids at our Coding Club each week, and 13 people came to our initial Chair Yoga class.
- Patrick met with representatives from CORI (Center on Rural Innovation) and Indy Idea Hub to talk about the Kids Coding Club and the potential to begin Adult-focused classes in the future.
- We are partnering with the Polk Marion Early Learning Hub and will be offering a series of three Music to Literacy Early Learning programs in May and June.
- The library board moved their meeting to May 18 rather than meeting on Memorial Day.

**Tino:**

- Will be participating in Touch a Truck on May 9
- Received a donation from a community member
- Officer of the Year - Det. Richard Gonzalez
- SROs will be working prom on May 2
- Chief will be out next week with Lt. Gilbert filling in

PENDING CITY COUNCIL AGENDA ITEMS:

4/29/2026

|  |   |
|--|---|
| <b>MAY 12, 2026 - 6:30 PM</b>  | <b>MAY 26, 2026 - 5:30 PM</b>   |
| Agenda items due: Noon, 05/06/2026   | Agenda items due: Noon, 05/20/2026  |
| <ul style="list-style-type: none"> <li>» Open House-Marion Co. PW: Independence Bridge project 4-6PM</li> <li>»</li> <li>» NB: Public Hearing: Single Room Occupancy (Evander)</li> <li>» NB: Council Bill: Single Room Occupancy Ord # 1633 (Evander)</li> <li>» NB: WWTP Upgrade/9th St Pump St Ph 2-3 Contract Award (Fisher)</li> <li>» NB: Enterprise zone school fee Resolution # 26-1648 (Irvine)</li> <li>» NB: 5 Year Enterprise zone Plan Resolution # (Irvine)</li> <li>» NB: Budget Adjustment Resolution # 26-1652 (Carey)</li> <li>»</li> <li>» Liaison Reports: Library Board, Museum Board</li> <li>» and Continuum of Care</li> <li>» Minutes/Misc Corresp/Notes/PAC</li> </ul>   | <ul style="list-style-type: none"> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> </ul>                                       |
| <b>+ Urban Renewal Agency Meeting, if needed</b>   | <b>+ Urban Renewal Agency Meeting, if needed</b>  |
| <b>JUN 9, 2026 - 6:30 PM</b>   | <b>JUN 23, 2026 - 6:30 PM</b>   |
| Agenda items due: Noon, 06/03/2026   | Agenda items due: Noon, 06/17/2026  |
| <ul style="list-style-type: none"> <li>» URA Meeting-Budget Adoption (Carey)</li> <li>»</li> <li>» NB: City Budget Adoption: Res # 26-1653 to receive State Revenue sh</li> <li>» NB: City Budget Adoption: Res # 26-1654 to adopt 2026-27 Budget (C</li> <li>» NB: Supplemental Budget or Adj Resolution # 26-1655 (Carey)</li> <li>» NB: Public Hearing: PW Code Update (Fisher)</li> <li>» NB: PW Code Update Ch 32,34,36 (Fisher) ORD</li> <li>» NB: Public Hearing: Parks SDC</li> <li>» NB: Parks SCD Adoption (Fisher) RES</li> <li>» NB: Water Rate update Resolution # 26-1651(Fisher?Carey?)</li> <li>»</li> <li>» Liaison Reports: Traffic Safety, Historic Preservation,</li> <li>» and Planning Commission</li> <li>» Minutes/Misc Corresp/Notes/PAC</li> </ul> | <ul style="list-style-type: none"> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> </ul>                            |
| <b>+ Urban Renewal Agency Meeting, if needed</b>   | <b>+ Urban Renewal Agency Meeting, if needed</b>  |
| <b>JUL 14, 2026 - 6:30 PM</b>  | <b>JUL 28, 2026 - 6:30 PM</b>   |
| Agenda items due: Noon, 07/08/2026   | Agenda items due: Noon, 07/22/2026  |
| <ul style="list-style-type: none"> <li>» Center St Bridge project Update (ODOT?) July?</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>» Liaison Reports: MINET, Parks Board</li> <li>» Minutes/Misc Corresp/Notes/PAC</li> </ul>   | <ul style="list-style-type: none"> <li>» Grants report?-Or AUG Can be during meeting or work session</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> <li>»</li> </ul> |
| <b>+ Urban Renewal Agency Meeting, if needed</b>   | <b>+ Urban Renewal Agency Meeting, if needed</b>  |

**Future Items:**  
 Grants reports Jan/Feb & July/Aug  
 Franchise Agreements (updates ongoing)  
 Resolution: Purchasing Authority (West)  
 Work Session-Dusk to Dawn  
 NB: Public Hearing: Ordinances associated with new Fee Code (Carey)  
 NB: Council Bill: Ordinances associated with new Fees (Carey)  
 NB: Resolution: pub records request update (West)  
*Council Liaison appointments: Every 2 years on election year*  
*Council President: First meeting every year*  
**Future Council Work Sessions:**

**Future PW Agenda Items:**

**City Council Liaisons:**  
 Historic Preservation Commission: Councilor Morton  
 Planning Commission: Councilor Martin-Willis  
 Independence Days Commission: Councilor Boisvert  
 Library Board: Councilor Boisvert  
 Museum Advisory Board: Councilor Morton  
 Parks Board: Councilor Roden  
 MINET: Councilor Sorce  
 Traffic Safety Commission: Councilor Roden  
 Continuum of Care: Councilor Corr