



City of Independence

Amended 6/09/2026

Planning Commission

Monday, June 15, 2026 @ 7:00 PM

Civic Center - Council Chambers

(see agenda footer for meeting attendance information)

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - 3.1. Regular Meeting 05/04/2026
4. **Visitors/Public Comment**
5. **Reports/Presentations**
6. **Unfinished Business**
7. **New Business**
 - 7.1. Extension Request for SUB 2024-01 (940 S. 7th Street)
 - 7.2. Public Hearing - More Housing, Same (Great) Neighborhood Development Code Changes
 - 7.3. Street Naming Request: Rename Madrona Street E. in Southwest Crossing Subdivision
 - 7.4. Discussion: Park and Open Space Dedication Requirements
8. **Other Discussion/Information Items**
9. **Adjournment**

Meeting Attendance Information:

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

- To attend in person, the City Hall address is 555 S. Main St.
- For Zoom login visit:
<https://us06web.zoom.us/j/82242492103?pwd=W5cC1nSbtEmiwXFfZTkWsqb5S2MrJ8.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 822 4249 2103** and **Passcode: 294721**

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

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made

at least 72 hours in advance of the meeting to Myra Russell, City Recorder, 503-838-1212/TTY: 800-735-2900.



City of Independence Minutes

Planning Commission Meeting
Monday, May 4, 2026

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

Present: Commissioner Patrick Fugeman, via Zoom
Commissioner Jose Oliveros
Commissioner Rebecca Jay
Commissioner/Chair Corby Chappell
Commissioner Sally Coen
Commissioner Alex Paraskevas
Commissioner John Southgate

Absent:

City Staff Present: Fred Evander, City Planner
Myra Russell, City Recorder
3. **Minutes.**
 - 3.1. **Regular Meeting 04/06/2026.**
Action:
Commissioner Jay moved to approve minutes as presented; Commissioner Coen seconded. Discussion: None
Voice vote. Motion 7-0-0
Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell, Sally Coen, Alex Paraskevas, John Southgate
Nays: None
Abstentions: None
4. **Visitors/Public Comment.** None.
5. **Reports/Presentations.**
 - 5.1. **Discussion: More Housing, Same (Great) Neighborhood - Infill Code Draft.**
Planner Evander and Matt Hastie, a consultant from MIG, presented updates to address previous questions and changes discussed in earlier work sessions regarding the infill code draft. Matt walked through the updated draft, using a handout to reference specific sections of the document, with the aim of moving closer to holding a public hearing.
Evander and Hastie discussed building height requirements, deciding not to

propose reducing the maximum height from 35 feet to 30 feet across most residential zones due to concerns about triggering major notice requirements for virtually every residential property. They explained that while cottage clusters, a new housing type, would be limited to 25 feet, broader height reductions were deemed too significant for this specific code amendment package. The commission acknowledged that while reducing building heights could help address scale concerns, they preferred to address this separately from the current amendments to avoid complicating the process.

The commission also discussed parking and access standards for multi-dwelling properties, including town homes, row houses, and triplexes. Key points discussed included requirements for parking access from alleys, minimum setbacks for garages, and standards for shared driveways between units. The discussion also covered new cottage cluster development standards based on state model codes, with particular attention to open space requirements and parking space grouping. The group also addressed questions about parking requirements for corner lots and decided against combining RL and RM zones due to the additional work it would require. The discussion concluded with updates on landscaping and garbage enclosure requirements, which were clarified and consolidated into a single code section for better clarity and objectivity. Hastie will review and clarify language on where words appear to be missing or incorrect, and correct the code language for clarity. A public hearing will be scheduled for June 15th.

6. **Unfinished Business.** None.

7. **New Business.** None.

8. **Other Discussion/Information Items.**

- Discussion of moving the next meeting from the first Monday in June to the third Monday, June 15, to make a deadline for notice to DLCD for the public hearing. Chair Chappell won't be able to attend that meeting, but all the other commissioners seem to be available.
- Video: North America's Elevator Problem. The commission watched about 10 minutes of this video and discussed the differences between elevators in the US versus other countries.

9. **Adjournment. Action:**

Commissioner Paraskevas moved to adjourn; Commissioner Jay seconded. Chair Chappell adjourned the meeting at pm.8:04 PM.

Minutes submitted by:
Myra Russell, City Recorder



INDEPENDENCE

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SUBDIVISION APPROVAL EXTENSION REQUEST (FILE NO. SDR | 2024-01) STAFF REPORT

MEETING DATE:	June 15, 2026
RECOMMENDATION:	APPROVE EXTENSION
FILE NUMBER:	SUB 2024-01 (Five Lot Subdivision at 940 S. 7 th Street)
APPLICANT:	Habitat for Humanity of the Mid-Willamette Valley
REQUEST:	Five-Lot Subdivision, to include Ten Housing Units
PROPERTY:	940 S. 7 th Street
ZONING:	Medium-Density Residential (RM) Zone
CRITERIA:	Independence Comprehensive Plan Independence Development Code (IDC) -Subchapter 10 General Provisions -Subchapter 11 Administrative Provisions -Subchapter 17 Allowed Uses in Residential Zones -Subchapter 18 Density, Area and Dimension Requirements in Residential Zones -Subchapter 19 Residential Design Standards -Subchapter 21 Medium-Density Residential (RM) Zone -Subchapter 90 Subdivision Regulations a. Subchapter 90.60 Subdivisions and Major Partitioning Regulations b. Subchapter 90.80 Improvements c. Subchapter 90.90 Design and Development Standards
ATTACHMENT:	A. Notice of Decision for SUB 2024-01 (3 pages) B. Extension Request (1 page)

I. BACKGROUND

On May 14, 2026, Zach Pelz of AKS Engineering and Forestry submitted a request to extend the subdivision approval for SUB | 2024-01, a five-lot subdivision at 940 S. 7th Street that would accommodate 10 dwelling units.

The Independence Planning Commission approved the Subdivision Application on June 4, 2024, with 16 conditions of approval. The appeal period for the project expired on June 17, 2024.

Following the approval of the project, the applicant delayed the project to minimize financial impacts associated with market fluctuations in building and financing costs, and respond to changes to federal funding on which the project relied. The applicant now seeks to extend the approval to July 17, 2027 (three years from the date that the decision became final) to accommodate the additional time needed to deliver a financially feasible project.

No changes to the original approval were sought as part of the extension request.

II. PROCESS

The Independence Planning Commission may extend the subdivision approval for one year, subject to the requirements of Independence Development Code Section 11.080(D). The section states:

D. The following criteria shall govern the review of the extension.

1. The extension request shall be filed no later than 45 days before the expiration of the previous approval.

Staff Response: The request for the extension was originally submitted on May 14, 2026. While the request was not submitted within the 45-day period required, sufficient time was provided for staff review. This standard is met.

2. The proposed extension shall be in substantial conformance with the originally approved plan.

Staff Response: The proposed extension did not seek any revisions to the original approval. This standard is achieved.

3. The applicant shall submit a reason for the need to extend the approval and satisfactorily demonstrate that they plan to complete the work articulated in IDC 11.070(B) within the one-year extension period.

Staff Response: According to the applicant's representative, market fluctuations in building and financing costs, as well as changes to federal funding, have had an impact on project delivery. Given the time necessary to install the improvements before recording a plat, the applicant has sought an additional year to initiate and finish the site enhancements needed.

Habitat for Humanity has not provided an anticipated timeline for next steps in the project, but engineering plans have been recently submitted to the City for review and the applicant's representative has communicated that funds have been reallocated to the project. Given these factors, this standard is met.

4. No substantive changes shall have occurred to the applicable Code provisions on which the approval was based. If there have been substantive changes to the applicable Code provisions and the subject plan does not comply with the changes, an extension shall not be granted, and a new application shall be required.

Staff Response: The code under which the project started has not changed. The requested extension is consistent with this standard.

III. ANALYSIS AND FINDINGS

Given the findings above, staff believes that the application meets the criteria in IDC 11.080(D). The extension was submitted with an appropriate amount of time to process the request, the proposal has not changed from the original submittal, and no amendments have occurred to the code under which the proposal was submitted. Additionally, the applicant has submitted adequate information to detail why the project has not started to date, and how the proponent plans to move forward. Given these considerations, the approval can be extended.

IV. RECOMMENDATION

Staff recommends that the Planning Commission approve the request to extend the subdivision approval based on the requirements in IDC Section 11.080.

The Commission may elect to:

1. Approve the extension of the subdivision till June 17, 2027, or
2. Deny the extension if the Commission feels that a legislative amendment or other applicable change has warranted a reconsideration of the approval.

Potential motion:

I move to approve the extension of the land use approval granted under SUB 2024-01, with the conditions and findings articulated within the Notice of Decision for the project.



INDEPENDENCE

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TYPE II SUBDIVISION (FILE NO. SUB | 2024-01) DECISION

MEETING DATE:	June 3, 2024
DECISION:	APPROVE WITH CONDITIONS
APPLICANT:	Habitat for Humanity of the Mid-Willamette Valley
REQUEST:	Five-Lot Subdivision, to include Ten Housing Units
PROPERTY:	940 S. 7 th Street
ZONING:	Medium-Density Residential (RM) Zone
CRITERIA:	Independence Comprehensive Plan Independence Development Code (IDC) -Subchapter 10 General Provisions -Subchapter 11 Administrative Provisions -Subchapter 17 Allowed Uses in Residential Zones -Subchapter 18 Density, Area and Dimension Requirements in Residential Zones -Subchapter 19 Residential Design Standards -Subchapter 21 Medium-Density Residential (RM) Zone -Subchapter 90 Subdivision Regulations a. Subchapter 90.60 Subdivisions and Major Partitioning Regulations b. Subchapter 90.80 Improvements c. Subchapter 90.90 Design and Development Standards

I. OVERVIEW

At their meeting on June 3, 2024, the City of Independence Planning Commission held a public hearing to consider a proposal by Habitat for Humanity of the Mid-Willamette Valley to divide 940 S. 7th Street into five lots. The public hearing was conducted pursuant to the provisions of IDC Subchapter 11.

Relevant approval criteria for the proposal include Independence Development Code (IDC) Subchapter 10 (General Provisions); Subchapter 11 (Administrative Provisions); Subchapter 21 (Medium-Density Residential (RM) Zone), and chapters referenced by the zone; and Subchapter 90 (Subdivision Regulations).

The hearing began with a staff report presented by Community Planner, Fred Evander, outlining the proposal. The applicant team also spoke briefly about the project. Following the testimony, Commissioner Carpenter made a motion to approve the application, as presented by staff, with sixteen conditions. The motion was seconded by Commissioner Coen. The motion passed 5-1.

II. CONDITIONS OF APPROVAL

The adopted conditions of approval are as follows:

- Condition 1: Prior to the construction/installation of improvements, the applicant shall submit civil plans that are approved by the City of Independence and Polk County Fire District 1. Items in the letter from Matt Hendrick, City Engineer, are required to be addressed as part of the civil plans.
- Condition 2: A geotechnical report for the subject property shall be required prior to the approval of the final plat.
- Condition 3: Prior to the approval of the final plat, sewer engineering plans shall be submitted to the city for review and approval. Evidence of Oregon Department of Environmental Quality (DEQ) approval of the proposed sewer system shall also be submitted.
- Condition 4: Prior to final plat approval, water engineering plans shall be submitted to the city for review and approval. Evidence of Oregon Health Authority approval of the water system shall also be required.
- Condition 5: All utilities to the lot shall be installed below ground. To achieve this, prior to the recordation of the final plat, the applicant shall remove the pole and light in front of the property and install underground power to the site.
- Condition 6: Easements shall be provided for the utilities proposed in the private roadway. An 8-foot Public Utility Easement shall also be provided along Seventh Street.
- Condition 7: Proposed signage and striping along the private street, including notations regarding no parking areas, shall be detailed on the civil plans and shall be approved by the Independence City Engineer and Polk County Fire District #1 Fire Marshall.
- Condition 8: The applicant shall build the private street to a local street section and record a joint access easement to benefit the parcel to the north to ensure that the parcel may utilize the roadway for access in the event of future redevelopment.
- Condition 9: The applicant shall name the private street Riverwood Court and ensure that the roadway is signed with a blue road sign.
- Condition 10: One street tree shall be required for every 35 feet of street frontage along 7th Street. Species, size, location, and installation shall conform to the Independence street tree standards.
- Condition 11: Plans for mail service shall be approved by the Independence Postmaster prior to approval of civil plans for the site.
- Condition 12: Where any sidewalk tripping hazards exist along 7th Street, the applicant shall be required to fix the hazard prior to the recordation of the final plat.

- Condition 13: As part of the civil plans for the site, the applicant shall submit a lighting plan that is reviewed and approved by the city.
- Condition 14: If the applicant elects to pursue a subsequent middle housing land division to divide the lots, the applicant shall request an engineering design exception at the time of civil plan review to allow each individual unit in a duplex to have their own sewer connection.
- Condition 15: The applicant is required to have a grade of at least two percent from the rear to the front of the lots, rear yard drainage systems, or another approved alternative to ensure the lots appropriately drain stormwater.
- Condition 16: Prior to the approval of the final plat, the applicant shall pay a fee-in-lieu of parks equal to 13.0 percent of the market value of the undivided land.

III. THE RECORD

The record for the proposal, which includes the entire file for SUB | 2024-01, was finalized at the June 3, 2024 hearing.

IV. FINDINGS OF FACT

- a. The Commission finds that it received the necessary information to make an informed decision based on the Staff Report, attached findings and conditions, public comment, and evidence in the record, including the exhibits displayed at the hearing. Given the materials, the Commission concluded that all the necessary approval criteria for the subdivision in IDC Subsection 90 are or can be met, given the conditions listed above.
- b. The Commission adopts the Staff Report for the June 3, 2024 public hearing, with its attachments as its findings and conditions for this proposal. The staff report is incorporated by reference into this decision.

V. DECISION

The Commission concludes that SUB | 2024-01 is approved based on the Record, Findings of Fact, and Conditions of Approval listed above.



Corby Chappell, Chair
Independence Planning Commission

06/04/2024

Date

This decision may be appealed to the City Council pursuant to the provisions of IDC Subchapter 11 and any other applicable rules and statutes. The decision will become effective 12 days from the date of mailing of this decision as identified below.

Mailed this 5th day of June, 2024.

This decision therefore becomes effective at 5 pm, 17 June, 2024.

May 14, 2026

Fred Evander, City Planner
City of Independence
555 South Main Street
Independence, OR 97351

RE: Request for 1-year Extension of City of Independence Planning File No. SUB 2024-01

Mr. Evander,

On behalf of our client, Habitat for Humanity (Applicant), please accept this request for a 1-year extension of the subdivision approval granted in City of Independence Planning File No. SUB 2024-01. The Independence Planning Commission approved File No. SUB 2024-01 on June 3, 2024, and the decision became effective on June 17, 2024.

Per Independence Development Code (IDC) Sections 11.070.A.2 and 11.070.B.1, this subdivision approval is valid for a period of two years from the effective date of the decision unless a subdivision plat is recorded, or a request for an extension is submitted by the applicant. Planning File No. SUB 2024-01 is set to expire on June 17, 2026. Because Applicant will not be ready to record a subdivision plat by this deadline, Applicant respectfully requests a 1-year extension as is authorized in IDC 11.070.A. The City can find that this 1-year extension request meets the applicable criteria in IDC 11.080 because no changes to the approval granted in SUB 2024-01 are requested, and subsequently the extension is in substantial conformance with the originally approved plan; the extension request is necessary to accommodate market fluctuations in building and financing costs that are associated with the construction of the improvements; and, finally, there have been no substantive changes to the IDC that call into question the compliance of the approval in SUB 2024-01. Applicant now anticipates completing substantial construction on the work necessary to receive approval by June 17, 2027.

We appreciate the City's consideration of this request. Please do not hesitate to reach out with any questions.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Zach Pelz, Principal
pelzz@aks-eng.com



INDEPENDENCE

Oregon's Story Begins Here

PUBLIC HEARING MORE HOUSING, SAME (GREAT) NEIGHBORHOOD (FILE NO. LA | 2026-03) STAFF REPORT

MEETING DATE:	June 15, 2026
FILE NUMBER:	LA 2026-03
RE:	PUBLIC HEARING – MORE HOUSING, SAME (GREAT) NEIGHBORHOOD
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. Proposed Change IV. Public Process V. Staff Recommendation VI. Staff Findings – Oregon State Planning Goals VII. Staff Findings – Independence Comprehensive Plan VIII. Staff Findings – Independence Development Code
ATTACHMENTS:	A. Proposed Code Changes (58 pages) B. Existing Zoning Map (1 page)

I. SUMMARY

At the meeting of June 15, 2026, the Independence Planning Commission will hold a public hearing on a draft set of revisions to the Independence Development Code that would promote infill development in existing neighborhoods, while respecting the character of those neighborhoods. Following the hearing, the Planning Commission may forward a recommendation on the proposed changes to the Independence City Council.

II. WHAT IS THE PROBLEM?

The City of Independence is projected to need around 2,000 new homes over the next 20 years. In early 2025, the city completed a Housing Production Strategy that outlined ways to help achieve this growth. Among the goals included strategies to:

1. Allow a wider range of middle housing types in the Low Density Residential (RS) and Medium Density Residential (RM) Zones (see Action 2.4 of the Housing Production Strategy).

2. Allow cottage cluster housing (see Action 2.5).
3. Allow for small lot detached homes in the Medium Density Residential (RM) and High Density Residential (RH) Zones (see Action 2.7).
4. Improve standards and review processes for small infill housing projects (see Action 2.10).

III. WHAT IS PROPOSED?

This project would help achieve these goals/actions through a series of changes to the Independence Development Code. These changes include:

Expanding the housing types that are permitted in residential zones (see Table for Subchapter 17). Currently, the Low-Density and Medium Density Residential zones do not allow uses such as triplexes or quadplexes, even though examples of the housing types exist within the zones. The proposed revisions would expand the allowed uses in the zones to better reflect how the city has grown over time (and address Action 2.4 of the Housing Production Strategy).¹

Slightly reducing the minimum lot size for single-unit homes and duplexes (see Table for Subchapter 18). The existing development code relies on a 5,000 square-foot minimum lot size, which does not allow the division of many of the historic lots in Independence (which were platted at 9,801 square feet). One historic subdivision within the community is allowed to have 4,500-square-foot lot sizes, with the approval of a variance, but the variance process is unnecessarily complicated and does not apply to other subdivisions with the same lot size, creating an inequitable situation for the property owners in the other subdivisions.

The proposed revisions would reduce the minimum lot size from 5,000 to 4,800 square feet and make it easier to divide the lots. The revisions would also create a related average lot size of 2,400 square feet per unit for uses such as triplexes and quadplexes or a combination of single homes, ADUs and/or duplexes. These changes together would significantly expand the options that are available for people to construct additional housing on their land – especially in older portions of town (helping to address Action 2.4 of the Housing Production Strategy) – and streamline review processes (to help achieve Action 2.10).

Tweaking the residential design standards to respond to the additional types of housing that may be constructed (see Subchapter 19). The existing residential design standards primarily apply to uses such as single-family homes and duplexes, and do not effectively address housing types such as triplexes, quadplexes, or cottage clusters. The proposed draft would better address how things like parking and the provision of windows would apply to properties with multiple units. The new standards would help make better use of alleys (and establish standards for homes oriented to alleys), ensure driveways do not overwhelm certain portions of lots, and effectively distribute access and parking areas on individual properties.

Adding standards for cottage clusters (see Section 75.070). No cottage housing standards currently exist in the Independence Development Code. The proposed revisions would allow the housing type and add new standards to the code, helping to address Action 2.5 of the Housing Production Strategy.

Adding Standards for Middle Housing Land Divisions (see Section 90.115). The State of Oregon recently passed legislation allowing and establishing standards for Middle Housing Land Divisions. The draft code would incorporate this language and apply the standards and criteria to projects that look to divide the ownership of duplexes, triplexes, quadplexes, cottage clusters and structures that contain townhouses. Incorporation of these standards would support Action 2.7 (to create smaller lot attached and detached homeownership options) and Action 2.10 of the Housing Production Strategy (to improve standards and review processes for small infill housing projects).

Editing the public facility improvement standards for land divisions to primarily rely on the Public Works Design Standards (see Section 90.80). The existing code either contradicts or unnecessarily duplicates the Independence Public Works Design Standards (PWDS) in several areas. The proposed revisions would rely more heavily on the

¹ To help accommodate these allowances, the draft changes also include new definitions for cottage clusters, triplexes, and quadplexes that are based on recent changes to state law. A change to the duplex definition will also likely be required.

Public Works Design Standards and ensure that a clear and objective standard is applied to review. The proposed standards would also set up a potential secondary discretionary path for individuals to use, so long as certain requirements are met.

Ensuring all standards related to housing are clear and objective. Lastly, the draft proposes a variety of minor changes to standards related to landscaping, architectural design, and other aspects of development to ensure the standards are simple to understand and administer, meet state requirements, and are consistent within the code.

IV. PUBLIC PROCESS

The City of Independence used several measures to inform area landowners about the proposed revisions associated with this project. Staff hosted two walking tours that showcased various triplexes, quadplexes, and smaller-lot homes that are found in Independence, created a short informational video about the project, hosted two joint City Council/Planning Commission meetings, and discussed the code changes over the course of several Planning Commission meetings. Additionally, details about the proposed changes and public hearings were posted on the City of Independence website.

Beyond these items, staff posted a notice of the changes on the Oregon Department of Land Conservation "PAPA" website on April 28, 2026, and published a Notice of the Public Hearings before the Planning Commission and the City Council in the Polk County Itemizer-Observer on June 3, 2026.

No formal comments were received through these public outreach methods as of the date of the writing of this staff report.

V. STAFF AND PLANNING COMMISSION RECOMMENDATION

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

VI. STAFF FINDINGS - OREGON STATE PLANNING GOALS AND INDEPENDENCE COMPREHENSIVE PLAN

Updates to the Independence Development Code are required to meet the Oregon State Planning Goals. Among these goals are provisions related to Citizen Involvement (Goal 1), Land Use Planning (Goal 2), Housing (Goal 10), and Urbanization (Goal 14), which together are implemented through measures such as the Independence Comprehensive Plan and Development Code, as well as the city's communication and community engagement efforts. Combined these goals seek to "accommodate urban population and urban employment inside urban growth boundaries" and "ensure efficient use of land" (see Goal 14), while assuring that citizens are involved in the planning process and items related to future housing, economic development, transportation, and the natural landscape are adequately addressed.

The proposed code revisions have been drafted with this planning framework in mind. Key findings related to the proposed changes are addressed below:

Goal 1. Citizen Participation. Goal 1 of the Oregon State Planning Goals looks "to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process." This goal is implemented by the Citizen Involvement Element of the Comprehensive Plan, as well as Subchapter 11 of the Independence Development Code.

Several methods were used to provide information and to encourage individuals to be engaged in this project. The city:

- Held two walking tours to look at city precedents for the code changes.
- Held two joint City Council/Planning Commission work sessions.
- Prepared project fact sheets that were posted on the city's website and distributed during Planning Commission and City Council meetings.
- Shot and aired a video explaining the draft code changes. According to data from the social media platforms, the video was viewed more than 3,500 times on Facebook, 594 times on Instagram, and 127 times on YouTube.
- Presented information about the code changes in the lobby of the Independence Civic Center, including on large format presentation boards that were on display for extended periods over the course of the project.

In addition to this outreach, the city offered notice about the changes on its website, newsletter, and Facebook page, and posted notice on the State Department of Land Conservation and Development "PAPA" website and in the Polk County Itemizer-Observer.

The proposed changes were also discussed by the Independence Planning Commission in work sessions at several points throughout the project and will be heard at public hearings before the Independence Planning Commission on June 15 and the City Council on July 12.

Given these considerations, individuals have had and will have several opportunities to learn about the proposed code changes and to be involved in the process. This goal has been met during the planning process and will continue to be achieved during the adoption hearings period.

Goal 2. Land Use Planning. Goal 2 of the Oregon Planning Goals looks "to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions." In Independence, this goal is implemented by the Land Use Element of the Independence Comprehensive Plan, which seeks "to encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs."

The draft code associated with the More Housing, Same (Great) Neighborhood project supports this framework by seeking to modify standards to best anticipate the housing needs identified in Independence (through documents

such as the Housing Needs Analysis and Housing Production Strategy), while assuring that new development effectively supports the character of Independence.

The amendments would:

1. Expand the allowed housing types permitted in residential zones.
2. Slightly reduce the minimum lot size required.
3. Tweak the residential design standards to ensure the standards adequately address the additional types of uses that may be constructed.

Additionally, the standards would include new requirements for activities such as cottage clusters and middle housing land divisions that are not currently addressed within the code

Given these considerations, the code changes would establish a clear and objective planning process and policy framework that would serve as a basis for all decisions and actions related to the use of land, and assure that needs identified for housing are addressed in a manner that taps the development potential of existing neighborhoods, while remaining respectful to the character of Independence. This goal has been achieved.

Goal 10: Housing. Goal 10 of the Oregon State Planning Goals seeks “to provide for the housing needs of citizens of the state.” This goal is implemented in Independence through the Comprehensive Plan goal “to ensure everyone the opportunity to live in safe, affordable, healthy housing and to provide a choice of housing types, densities, and locations.”

The proposed code amendments would support these goals by offering more potential options for people to provide and live in safe, affordable, and healthy housing. As proposed, the standards primarily seek to achieve two things – a slight reduction in the required minimum lot size and an increase the types of uses that are allowed on a given lot – which together will allow landowners more opportunities to create new units on their property. This flexibility should ultimately promote more housing in Independence.

To ensure that the new units respect the character of the community, the proposed changes would also modify the existing residential design standards to address all potential housing types that may be constructed Standards such as revised parking and window requirements, as well as revised standards for the screening of items such as garbage, are included within the draft.

Given these considerations, the proposed draft effectively balances the encouragement of development that provides for the housing needs of citizens of the state and while assuring that the housing respects the qualities of Independence. This goal is achieved.

Goal 14: Urbanization. Goal 14 of the Oregon State Planning Goals looks “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” This goal is implemented through the Intergovernmental Agreement between Polk County and the City of Independence Regarding the Urban Growth Boundary, the Urbanization Element of the Independence Comprehensive Plan, and the Independence Development Code.

The proposed amendments to Independence Development Code support this planning framework. The draft changes would:

- Promote flexibility in how a person may use their land – encouraging further development in certain portions of the community.
- Make wise use of existing facilities such as water and sewer facilities and roadways that are in place and could serve future development.

Additionally, the changes would help promote development that meets the density targets agreed upon inside of the city limits and limit the demand for urban-style development (and the need for urban services) outside of the city. As noted under Goal 2, the proposed changes would help the city make efficient use of land, while assuring that future development is well designed and supportive of the character of Independence.

Given these considerations, Goal 14 would be achieved.

The proposed changes effectively balance considerations about land use, housing and urbanization. While the Planning Commission may elect to make further revisions to the draft following the public hearing, the proposed code change generally achieves the Oregon State Planning Goals and the goals of the Independence Comprehensive Plan.

VII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

In addition to the Oregon State Planning Goals and the goals and policies of the Independence Comprehensive Plan, the proposed changes are required to conform with the Independence Development Code.

Subchapter 10: General Provisions

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10.040 Amendment of Development Code

Any amendment of the text of this development code shall be accomplished by ordinance of the City Council. Proposals for such amendments shall be submitted to the Planning Commission for public hearing. The Planning Commission shall submit to the City Council its written recommendation regarding the proposed amendment. Such recommendation shall be submitted to the City Council within 30 days of the Planning Commission's action on the proposed amendment. Notice shall also be provided to state land use agencies in accordance with statutory requirements. This is a Type IV action – See 11.002 (D).

Staff Response:

The Independence Planning Commission will hold a Public Hearing on the changes associated with More Housing, Same (Great) Neighborhood project on June 15, 2026. Following the hearing, the Commission will likely forward a recommendation on the changes to the Independence City Council.

The City Council will potentially consider the proposed changes at their meeting on July 14. The Council will be given a draft of an ordinance to potentially adopt the changes at the meeting. Given the process, this standard will be met.

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Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

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

...

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 amendment as a Type IV – Legislative Review, which was originally initiated by staff and the Independence Planning Commission based on the findings of the Independence Housing Production Strategy. This standard has been met.

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 appropriate steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the revisions, and keeping a file for 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 April 28, 2026, and included information about the changes on the City of Independence Planning Department website. Staff additionally published notice of the Public Hearings before the Planning Commission and the City Council in the Polk County Itemizer-Observer on June 3, 2026. This standard has been met.



to **Fred Evander and Shawn Irvine, City of Independence**

cc **Melissa Ahrens and Ryan Marquardt, DLCD**

from **Matt Hastie, and Meg Grzybowski, MIG**

re **Final Draft Adoption-Ready Code Updates (Task 4.6)**
Independence Infill Code Update

date **April 21, 2026**

Introduction

The Independence Infill Code Update project is focused on updating Independence's residential development standards, including the design guidelines and standards, to increase opportunities for building a wide range of housing types and sizes. Overall, the project aims to:

- Update standards related to allowed housing types, lot sizes and densities.
- Address standards related to required public improvements.
- Create graphics that help illustrate standards and how they will be applied in Independence.
- Ensure new or revised standards for housing are clear and objective.
- Improve policy equity, consistency and simplification.

Code Amendments Overview

The consultant team conducted a detailed review of the Independence Development Code (“Code”) to identify initial recommendations for code updates. Overall, the findings of the audit were related to general code usability and structure as it applies to housing, City staff identified code issues, and findings pertaining to the clear and objective nature of standards related to housing development. The subchapters listed below represent the highest priority changes to the code:

- **Subchapter 13:** Ensure definitions related to housing are consistent with state model code and applicable state statutes.
- **Subchapter 17:** Update use table to allow a greater variety of housing types in existing zones; consider adding housing types that would be new for Independence like cottage clusters.
- **Subchapter 18:** Update lot development standards (density, setback, etc.) to allow for a broader range of housing types in each zone.
- **Subchapter 19:** Create a menu-based approach for basic design standards to encourage high-quality residential design while simplifying the development application process.
- **Subchapters 20-22:** Ensure all standards are clear and objective.
- **Subchapter 73:** Update parking standards to align with housing types and community need.

- **Subchapter 90:** Ensure utility, road, and other improvements standards are clear and objective and meet the City’s level of service targets, as needed or required by state law; allow for a discretionary path that incorporates negotiation with City Public Works staff to identify appropriate improvement standards in situations where the City’s current standards cannot be met. Identify steps needed to ensure compliance with state Middle Housing Land Division requirements.

The list above is not an exhaustive overview of the recommended code updates. The following section includes detailed code update recommendations for all applicable code subchapters and sections.

Draft Code Update

Proposed Code modifications are presented in underline/~~strikeout~~ legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. Text that is double underline or ~~double strikeout~~ shows existing code text that was moved to a new location in the code update. Proposed amendments are organized under existing Code chapters/sections. A description and summary of the proposed updates are provided in the gray text boxes for each section. In addition, specific “discussion items” may be included where the project team is seeking specific input from the City Council (see “City Council Discussion Item”). Other Code text may be included for context and reference, otherwise the only sections that are shown are those that have recommended amendments.

Subchapter 11

Section 11.002: Applications 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.

[...]

E. Middle Housing Land Divisions.

Middle Housing Land Divisions shall be processed in accordance with the procedures described in Section 90.115 of this code. Approval of a Middle Housing Land Division constitutes approval of development but is not considered to be a land use or limited land use decision.

Subchapter 13: Definitions

Housing type definitions have been updated to reflect state statutes and development related definitions have been added or consolidated in order to make it easier for applicants to find and understand terms.

Definitions will be reorganized and inserted into Subchapter 13 in alphabetical order in subsequent drafts of these code updates.

Housing Type Definitions

- Accessory Dwelling Unit (ADU)
 - “Accessory Dwelling Unit” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
- Apartment
 - ~~“Apartment” means a dwelling unit that is part of an apartment house.~~
- Apartment house
 - ~~“Apartment House” means three or more dwelling units within the same building or sharing one or more common walls on one lot or parcel and designed for occupancy by three or more families living independently of each other. (Same as dwelling, MULTIPLE-FAMILY.)~~
- Common Courtyard
 - “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
- Cottage
 - “Cottage” means an individual, detached dwelling unit that is part of a cottage cluster.
- Cottage Cluster
 - “Cottage cluster” means a grouping of no fewer than five detached or attached dwelling units per parcel, located on a single lot or parcel that includes a common courtyard. Cottage clusters that also meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.
- Cottage Cluster Project
 - “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
- 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.~~ means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. This definition shall not include a hotel, motel, single room occupancy unit, campground, or recreational vehicle.
- Dwelling, Accessory
 - ~~“Dwelling, Accessory” means a single dwelling unit, either attached or detached, that is a subordinate use on the same lot with any single-family dwelling unit.~~

- Dwelling, Single-Family Unit
 - "Dwelling, Single-Family Unit" means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-unit dwellings may be constructed off site, e.g., manufactured homes or prefabricated dwellings. means a single detached dwelling unit designed exclusively for occupancy by one family.
- Dwelling, Townhouse
 - "Dwelling, Townhouse" means a single-family unit structure, which is attached on one or more sides to another single family unit structure, and so designed that each individual dwelling unit is located upon a separate lot or parcel.
- Dwelling, Two-Family (Duplex)
 - "Dwelling, Two-Family (Duplex)" means two dwelling units sharing one or more common walls on one lot or parcel two attached or detached dwellings in any configuration on a lot or parcel, other than a lot or parcel created by a middle housing land division.
- Dwelling, Triplex
 - "Dwelling, Triplex" means 3 attached or detached dwelling units in any configuration on a lot or parcel.
- Dwelling, Quadplex
 - "Quadplex" means 4 attached or detached dwelling units in any configuration on a lot or parcel.
- Dwelling, Multiple-family
 - "Dwelling, Multiple-Family Unit" means three-five or more dwelling units within the same building or sharing one or more common walls on one lot or parcel, excluding cottage cluster developments, and designed for occupancy by three or more families living independently of each other. (Same as APARTMENT HOUSE.)
- Shared trash storage facility
 - "Shared trash storage facility" means an enclosure used to store trash and/or recycling materials for more than one dwelling unit.

Historic Preservation Definitions

- "Contributing Resource," for the purpose of Subchapter 59 of this code, means a building, Site, or object, originally constructed within the applicable Period of Significance that retains and exhibits significant integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, as indicated on the Local Historic Register.
- "Demolition" means the intentional destruction of all or a part of a building or structure.
- "District" or "Historic District" means an area designated pursuant to Subchapter 59 of this code which includes buildings, properties or sites of historical or architectural significance. National Historic District means a District listed on the National Register of Historic Places. Local Historic District means a District listed on the Local Historic Register. Certain Resources may be designated within both Local and National Historic Districts.

- “Historic Preservation Commission” means the body of appointed officials established in Independence Municipal Code (IMC) Section 2-260. For purposes of review procedures under this Subchapter, the Historic Preservation Commission replaces the Planning Commission as the initial review body.
- “Historic Preservation Officer” means the city official responsible for the administration of this code.
- “Historic Residential Overlay” means a portion of a historic district, defined on a map that has been adopted by the City of Independence which is typified by residential dwellings. The residential standards for new construction apply to the area, even if a commercial use or multifamily dwelling is proposed within the structure.
- “Independence National Historic District” means the District designated on the National Register of Historic Places through the 1989 Record of Designation, as shown on City of Independence official zoning map.
- “Listed Resource” means an individual historic resource, which has not been designated as part of a larger district, which has been placed on the Local Historic Register.
- “Local Historic Register” means the list of historic Resources officially recognized by the City of Independence as important in its history and afforded protection under this subchapter.
- “National Register of Historic Places” or “National Register” means the nation’s official list of buildings, Sites, objects, and districts that are important for the nation’s history and maintained by the National Park Service in Washington, D.C. The list includes “national register resources” as designated by OAR 660-023-0200(8).
- “Noncontributing Resource” means a building, Site, or object that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling and association) to contribute to an existing or potential historic District in its current condition. Noncontributing Resources may include “historic Noncontributing Resources,” which are historic, and “out-of-period Noncontributing Resources,” which are not considered historic. By virtue of their location within a historic district, Noncontributing Resources are nonetheless subject to the requirements of this subchapter.
- “Period of Significance” means the span of time when a Resource or District attained its significance to meet the local or National Register Criteria.
- “Record of Designation” means the official document that describes how a resource meets the criteria for listing in the Independence Local Historic Register. For properties listed in the Independence National Historic District, the Record of Designation includes the 1989 designation document for the district, and subsequent updates to the designations approved by the State Historic Preservation Office and the National Park Service.
- “Relocation” means the movement of a Resource from its current location.
- “Resource” means a building, Site, object, or district that is listed in the Local Historic Register. A Resource may also be called a “Landmark.”
- “Site,” for the purpose of Subchapter 59 of this code, means the location of a significant event, prehistoric or historic occupation or activity, or a building, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building or object.

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 Dwelling, Single Unit	P	P	P	P
Accessory Dwelling Unit	P ¹	P ¹	P ¹	
Two-family dwelling (duplex) 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 Dwelling, Townhouse (up to 4 attached townhouses per structure)	P ²	P	P	P
Dwelling, Triplex or Quadplex	P	P	P	P ²
Dwelling, Quadplex	P	P	P	P
Cottage Cluster Development		P	P	P
Multi-family buildings, including apartment houses, courtyard apartments and garden apartments Dwelling, Multi-Unit			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 ³²	P	P	P	P

...

Notes:

1. Permitted in conjunction with single-unit dwellings.
- ~~2. Allowance is limited to a maximum of two attached townhouse or rowhouse units.~~
- ~~3. 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.~~
- ~~4. Must meet parking and access requirements of Subchapter 73.~~
 2. 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~~

Subchapter 18: Density, Area, and Dimension Requirements in Residential Zones

DENSITY AND DIMENSION STANDARDS

ZONE

		RS	RM	RH	MX
Density		8	12	20	
Minimum Lot Area					
	Detached Single Unit	4,800 sf	4,800 sf	4,800 sf	N/A ¹
	Townhouses/Rowhouses	2,500 2,400 sf	2,500 2,400 sf	2,500 1,800 sf	2,500 1,800 sf ¹
	Duplex, Triplex, Quadplex (average per unit)	2,400 sf	2,400 sf	1,800 sf	1,800 sf ¹
	Cottage Cluster Development	NA			
	Multiple Family Unit Dwellings	N/A	N/A	N/A	N/A ¹
	All Other	5,000 4,800 sf	5,000 4,800 sf	5,000 4,800 sf	None
Lot Frontage		25	25	25	
Minimum Lot Width					
	Townhouses/Rowhouses	25-20 ft	25-20 ft	25-20 ft	20 ft
	Multiple Unit Dwellings	N/A	N/A	N/A	6 ft/unit min 30 ft/unit max
	All Other	50 N/A	50 N/A	50 N/A	35 ft min 100 ft max
Minimum Setbacks					
-Primary Structures					
	Front	15-10 ft	10 ft	5 ft	10 ft
	Side	5 ft (10 ft on Corner Lot)			
	Rear	15-10 ft	15-10 ft	15-10 ft	None
	Alley (Side or Rear)	5 ft	5 ft	5 ft	5 ft
-Attached Garages					

		RS	RM	RH	MX
	Front Garage entrances facing a public street access (driveway length)	19 ft (and 4 feet behind front façade)			
	Other	Same as primary structure			
	Other	1-ft	1-ft	1-ft	
-Detached Garages					
	Front	40 ft	40 ft	40 ft	N/A
	Side (Corner/Alley)	5 ft	5 ft	5 ft	
	Side (Interior)	0	0	0	
	Rear (Interior Lot)	0	0	0	N/A
	Rear (Abutting a Street or Alley)	1 ft	1 ft	1 ft	N/A
	Rear (Corner lot or Other)	Same as Primary Structure			
-Detached Accessory Structures Other than Garages and Fences					
	Front	Same as Primary Structure			
	Side and Rear	5 ft	5 ft	5 ft	N/A
Maximum Lot Coverage					
		40	40	40	40
	Single Unit Dwellings	40%	40%	45%	40%
	Multiple Unit Development	N/A	N/A	60%	70%
	All other Residential Development	45%	45%	50%	50%
	Non-residential development	40%	40%	45%	None
Maximum Height					
	Residential Uses	35 ft	35 ft	45 ft	35 ft
	Church/Public Service Buildings	45 ft	45 ft	45 ft	45 ft
	Other Primary Structure	35 ft	35 ft	45 ft	35 ft
	Accessory Building	15 (or, if primary building is multiple stories, the lesser of the height of the primary building or 25 feet)			

Notes:

1. The average density of residential development in the MX zone must be at least 9 units per acre.

Subchapter 19: Residential Design Standards**Section 19.005: Residential Design Standards**

A. Purpose.

The purpose of the residential design standards is to:

- Establish a base for the quality of the design of new homes;
- Foster pedestrian activity and community interaction;
- Promote the historic residential development patterns found in the Independence Historic District;
- Promote community safety for neighborhood streets and front yards by providing “eyes on the street”; and
- Enhance community livability through the creation of attractive and well-designed housing and streetscapes.

For more information, see Appendix 3: Residential Development Standards, City of Independence (2009). Note: Information contained in Appendix 3 is for information purposes only. When a conflict exists between Appendix 3 and the Independence Development Code, standards contained in the Independence Development Code shall apply.

B. Applicability.

- a. This section is applicable to:
 - i. All newly constructed residential dwellings except manufactured homes located in manufactured home parks.
 - ii. Projects that propose to expand, remodel or alter an existing structure. The standards shall only apply to the portion of the building that will be changed. Provided that if a proposal seeks to continue a feature on the existing building such as the window orientation or style, roof dimension, or siding, the relevant standard may be waived.
- b. The section is not applicable to:
 - i. Normal repair of a building.
- c. For developments permitted before January 2, 2033, per ORS 197A.400, detached single-unit, duplex, triplex, quadplex, townhouse and cottage cluster developments with 20 or more units are exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes, including standards regulating the following elements. All other design and siting standards in this code shall apply to the dwellings.
 - i. facade materials, colors or patterns;
 - ii. roof decoration, form or materials;
 - iii. accessories, materials or finishes for entry doors or garages;
 - iv. window elements such as trim, shutters or grids;
 - v. fence type, design or finishes;
 - vi. architectural details, such as ornaments, railings, cornices and columns;
 - vii. size and design of porches or balconies;
 - viii. variety of design or floorplan; or
 - ix. front or back yard area landscaping materials or vegetation.

This section is applicable to:

- ~~All newly constructed residential dwellings except manufactured homes located in manufactured home parks.~~
- ~~Projects that propose to expand;~~

remodel or alter an existing structure. The standards shall only apply to the portion of the building that will be changed. Provided that if a proposal seeks to continue a feature on the existing building such as the window orientation or style, roof dimension, or siding, the relevant standard may be waived.

The section is not applicable to:

- Normal repair of a building.

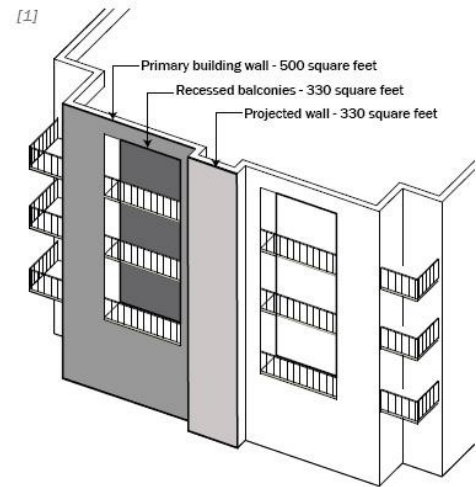


Street Facing Facade. [1] Attached garages on multi-dwelling units should not exceed 50% of the total building length as viewed from the street. [2] The maximum number of detached garages for attached or multi-family units is 4 attached garages that are a maximum of 24 feet wide each.

C. Large Building Elevation

The front elevation of buildings with over 500 square feet of surface area shall be divided into distinct planes consisting of 500 square feet or less. This can be achieved by:

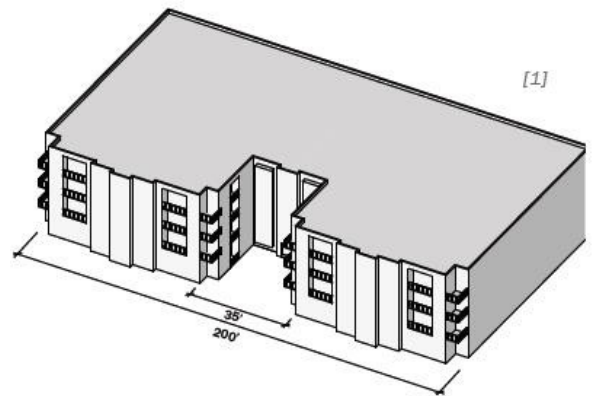
1. Incorporating elements such as a porch or a dormer into the wall plane.
2. Recessing the building a minimum of two (2) feet over ~~six~~ a distance of six (6) feet.
(6) feet.
3. Providing a bay window that extends a minimum of two (2) feet from the primary street-facing facade.



Large Building Elevation. [1] The front elevation of buildings with street-facing facades greater than 500 square feet should carve the building face into smaller, distinct planes, which can be accomplished by [2] incorporating a porch or dormer into the wall plan or [3] recessing the building a minimum of 2 feet over 6 feet.

D. Building Length

1. The maximum building length for multiple-dwelling buildings that face the street shall be 100 feet. This maximum length can increase to 200 feet if a courtyard, portal, or other shared open space is provided in order to create a break in the building wall. This open space shall be a minimum of 35 feet in width and depth.
2. The maximum building length for row houses shall not exceed four (4) units, or 100 feet (from end-wall to end-wall), whichever is less.



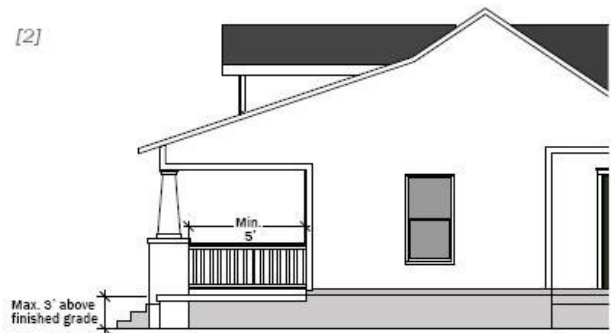
Building Length. In order to control the bulk of buildings and maintain a sense of pedestrian safety and intrigue [1] the maximum building length for multi-dwelling buildings shall be 100 feet, which can increase to 200 feet if a break is provided that is a minimum of 35 feet deep and wide [2] A break can be a portal or space between buildings or [3] a courtyard that provides a transition from the public realm to the private realm.

E. Main Entrance

1. Buildings shall have their primary pedestrian orientation and pedestrian entrance(s) oriented to the street that serves the project site.
2. If a proposal seeks to construct a duplex, townhouse, ~~triplex, quadplex or multifamily~~ multi-unit structure and the project is situated on two streets, the project shall orient one or more units to each street. Provided that, the units may be oriented to the same street, if the parking is accessed off the other street.
3. Primary pedestrian entrance(s) shall connect to the sidewalk via a straight path that is a minimum of five (5) feet wide. Where there is a continuous paved connection between the sidewalk and the front entrance, and if the driveway is within 20-feet of the front door, the driveway may be used to meet this standard.

Triplex, quadplex, and multiple-family unit building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units).

Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway, a minimum of five (5) feet wide, is provided between the building entrance and the street. In this case, at least one entrance shall be



Main Entrance. Buildings should have [1] front doors that face the street and connect to the sidewalk via a 5 foot wide path at a minimum [2] Porches should be an extension of the living space and be at a minimum 5 feet clear in depth.

provided not more than 20 feet from the closest sidewalk or street.

Porches and stoops shall not be constructed more than three (3) feet above the finished exterior grade (except if the dwelling is in a designated floodplain).

Porches and stoops shall be a minimum of 25 square feet in area and five (5) feet deep, clear from column face to the face of the primary facade to allow for handicap access.

4. For ~~triplex, quadplex, and multi-family unit~~ buildings, ~~direct~~ pedestrian connections shall be created between the front doors of all buildings and the street-facing sidewalk. These connections shall ~~be meet well lit and landscaped, preferably using some type of ADA accessible permeable paver or material be paved with a~~ material that meets ADA accessibility standards.

F. Vehicular Access and Garages

1. Vehicular Access

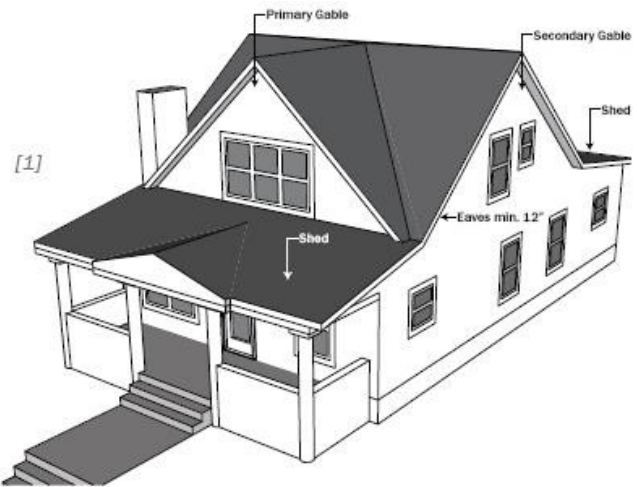
- a. When a project is proposed on a corner lot along an arterial or collector road, the ~~parking garage~~ shall be accessed off the lower classified street or an adjacent alley, unless the applicant demonstrates ~~to the satisfaction of the Public Works Director (per~~ consistent with the Public Works Design Standards) that the access via the lower classified street or alley is not possible.
- b. Townhomes, rowhouses, ~~and~~ duplexes, triplexes, quadplexes and other configurations of more than two dwelling units on a lot ~~receiving access directly from a public or private street~~ shall comply with all of the following standards, ~~in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.:~~
 - i. Where an alley serves a lot, the required parking shall be taken from the alley. Provided that, parking may occur via a current driveway if one exists.
 - ii. When a property is a corner lot, at least 50 percent of

- the required parking shall be accessed off the side of the lot with the largest frontage measurement.
- iii. Surface parking shall not exceed 50 percent of the lot dimension along any street frontage. The calculation of the parking dimension shall include the width of any driveways.
 - iv. Adjacent units shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, before building permit issuance.
2. When garages face the street, they shall be recessed behind the façade by a minimum of 4 feet.
3. ~~2-~~Any street-facing attached garage ~~on duplex, triplex, quadplex, townhouse, or multiple-dwelling units~~ shall not exceed 50% percent of the overall building length as viewed from the street. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
4. ~~3-~~The maximum number of detached garages for attached or multiple-dwelling units is four (4) attached garages of a maximum width of 24 feet each (corresponding to a two-car garage).
5. ~~4-~~Detached car ports are allowed provided that:
- a. They meet all standards for garages.
 - b. ~~a-~~They do not exceed the overall lot coverage requirement.
 - c. ~~b-~~They have a capacity of no more than eight (8) vehicles.

G. Roof Forms

For pitched or hipped roof residential buildings:

1. Except for manufactured dwellings, the primary roof shall incorporate a minimum 4/12 roof pitch. Lower roof pitches are allowed on porches.
2. In order to reinforce the pedestrian realm, roof forms shall consist of a primary gable or hip roof with one of the following additional roof forms oriented to the street:
 - a. A secondary gable of equal or smaller size that is oriented to the street and extends from the primary roof form.
 - b. Two or more smaller dormers or a single large dormer that is oriented to the street and extends from the primary roof form.
 - c. A covered front porch that encompasses a minimum of 50% of the street facing living space.
3. All roof eaves (overhangs) shall be a minimum of 12 inches wide.
4. Window(s), trimmed vent(s), changes in siding material, knee braces, or a thick



~~frieze board along the roofline or some other type of decorative element~~ shall be incorporated into the gable. For homes set on a corner lot, these features shall also be incorporated when a gable is oriented to the secondary street.

Roof Forms. *[1] Roof pitches less than 4 over 12 are prohibited and roof forms will consist of more than a single large roof form [2] Gables shall be decorated with window(s), trim or a vent [3] Roof eaves will project at a minimum 12 inches.*

H. Exterior Siding and Cladding

1. The following siding and cladding materials shall be allowed outright and must be used on all sides of the dwelling and accessory structures:
 - a. Horizontal wood or cementitious siding that has a maximum of 7 inches in width revealed. Horizontal siding or banding with a reveal exceeding 7 inches may be used for secondary purposes.
 - b. Wood or cementitious shingles that have a maximum of 12 inches in width revealed.
 - c. Board and batten vertical siding.
 - d. Brick or stone veneer.
2. In order to promote high-quality buildings that will be maintained for generations, the following materials shall be prohibited:
 - a. T-111 or similar sheet materials.
 - b. Plastic or Vinyl. This requirement does not apply to trim materials.



Exterior Siding and Cladding. [1] Wood or cementitious siding that has a maximum of 7 inches in width revealed and [2] wood or cementitious shingles that have a maximum of 12 inches in width revealed are allowed outright along with board and batten vertical siding and brick or stone veneer.

I. Required Street and Alley Windows

1. All detached single-family dwellings, townhouses, rowhouses, ~~and~~ duplexes, triplexes, quadplexes, and cottage cluster dwellings shall have vertically-oriented windows along required street and alley facades. Square or horizontal windows shall be formed by combining multiple window sashes into groupings. Transom windows and other windows placed above a door or window for ornamental or decorative purposes are exempt from this requirement.
2. Windows shall occupy a minimum of ~~15%~~ the alley and street-facing facades shown in Table 19.005-1:

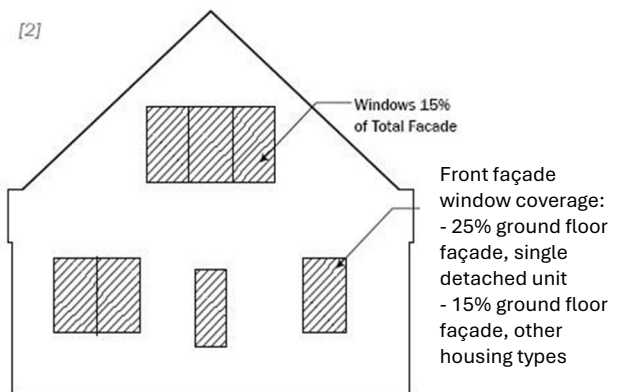
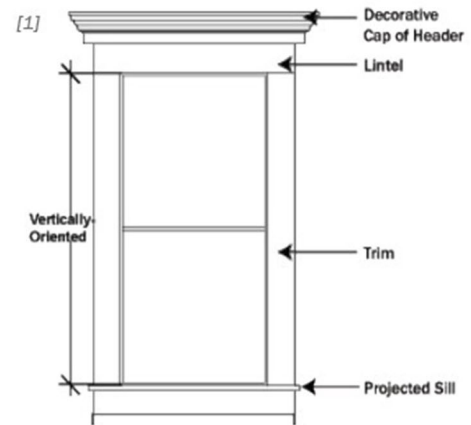


Table 19.005-1 – Street and Alley Façade Window Requirements¹

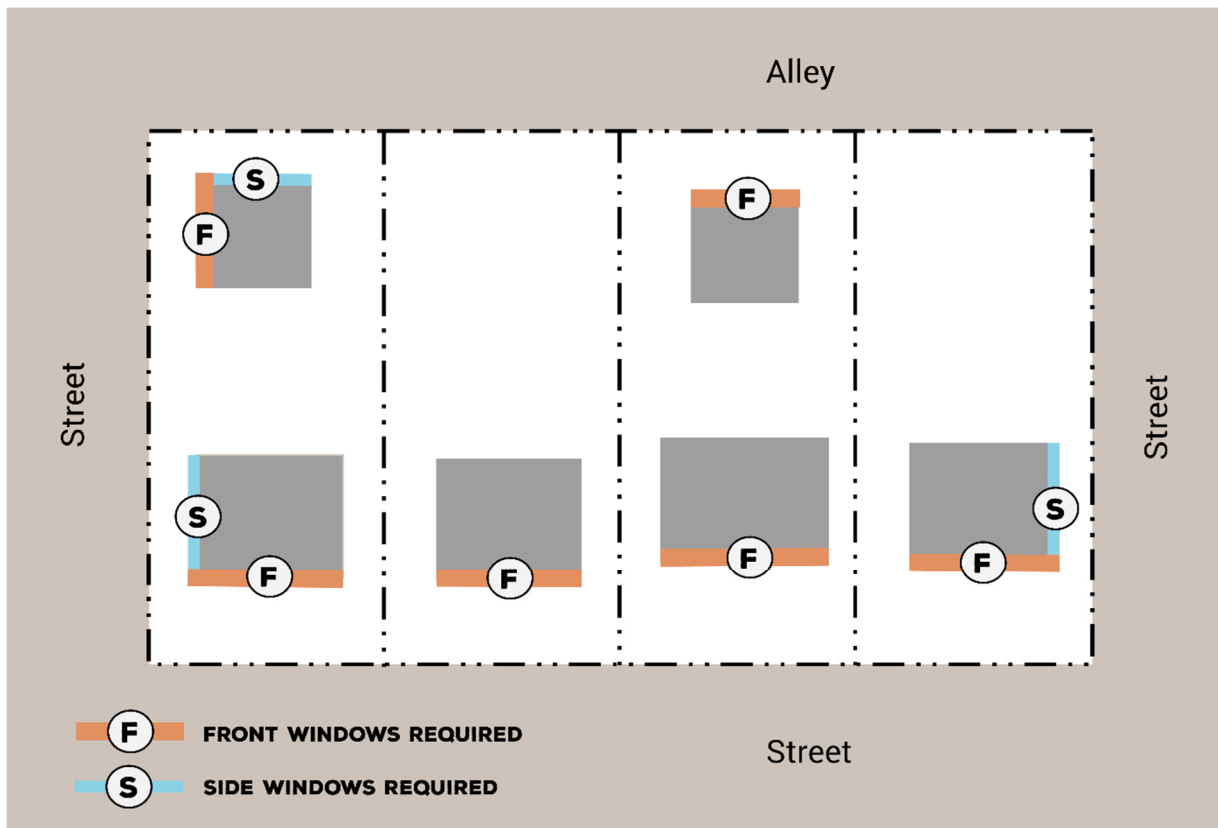
	Front – Ground Floor Living Façade Area Façade² (Percent)	Side – Ground Floor Living Façade Area² for Corner Lots (Percent)	Front or Side – Overall Façade Area³	Rear – Ground Floor Living Area and Total Façade Area
<u>Detached, Single- Unit Building</u>	<u>25</u>	<u>15</u>	<u>15</u>	<u>0</u>
<u>Other Development</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>0</u>

¹ Front or side window requirements only apply to streets and alleys. No windows are required on the rear of a structure so long as the required windows are provided on the front and sides of the structure.

² Ground floor living façade area is the length of the home facing the street or alley multiplied by the height of the first floor. The area does not include any area included in a garage.

³ Overall facade area is the length of the home facing the street or alley multiplied by the height of the structure. The area does not include any areas included in a triangle created by a sloped roof.

Examples of the location of required windows are provided in Figure 19.005-1

Figure 19.005-01

- ~~3. For detached housing, a minimum of 25% of the ground floor living area façade that faces the street (defined as the first habitable floor level of a building directly accessible from the exterior finished grade) shall consist of windows. This can include windows in the front door.~~
- ~~4. 3. 4. Structures set on a corner lot must have windows on at least 15% of the ground floor living area façade that faces the secondary street. The windows must meet the requirements of IDC 19.005(I)(45).~~
- ~~5. 4. The following types of windows are shall be prohibited along street and alley facing facades:~~
 - a. Horizontal slider windows.
 - b. Windows that use “mirror” or reflective glass.
- ~~6. 5. All windows on the street and alley-facing façades shall incorporate all of the following elements:~~
 - a. A decorative header/cap.
 - b. Continuous trim.
 - c. Projected windowsill.

~~7. J. Non-Required Windows. All non-required street facing windows shall incorporate continuous trim.~~

~~K~~J. Doors

Doors shall be made of wood, metal-clad wood, metal, or cast fiberglass, provided that the material reflects a traditional wood door and can be painted.

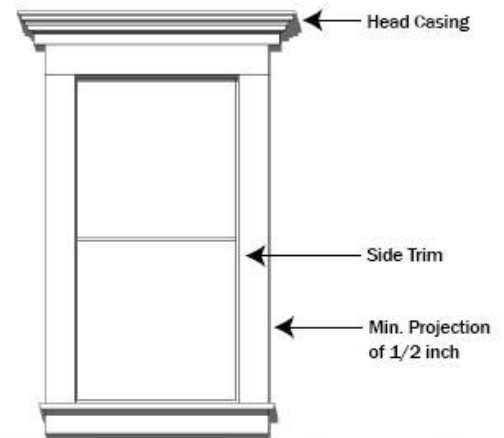


Doors. All residential doorways should face the street in order to connect the interior of the residence with the sidewalk and street in order to foster a more inviting and safe pedestrian environment.

Trim

1. All required street and alley facing windows and doors shall have side trim and head casings. Windows shall also have a projected or articulated windowsill.
2. All non-~~required~~ ~~street facing~~ windows shall have continuous trim.
3. Trim shall be a minimum of 3½ inches wide and project no less than a ½ an inch from the wall.

[1]



[2]



Trim. [1] All street-facing windows and doors shall have side trim and head casings [2] Trim shall be at a minimum 3½ inches wide and project no less than ½ an inch from the wall.

L.M. Foundations

1. Concrete block, poured in place concrete, or brick shall be allowed as foundation material on all residential types, provided that the foundation material is no more than three (3) feet above the street facing finished grade (except if the dwelling is in a designated floodplain).



[1]

2. All street facing concrete block and poured in place concrete foundations shall be landscaped with a continuous line of a range of planting materials that are a minimum of 50% site obscuring and three (3) feet high at maturity.



[2]

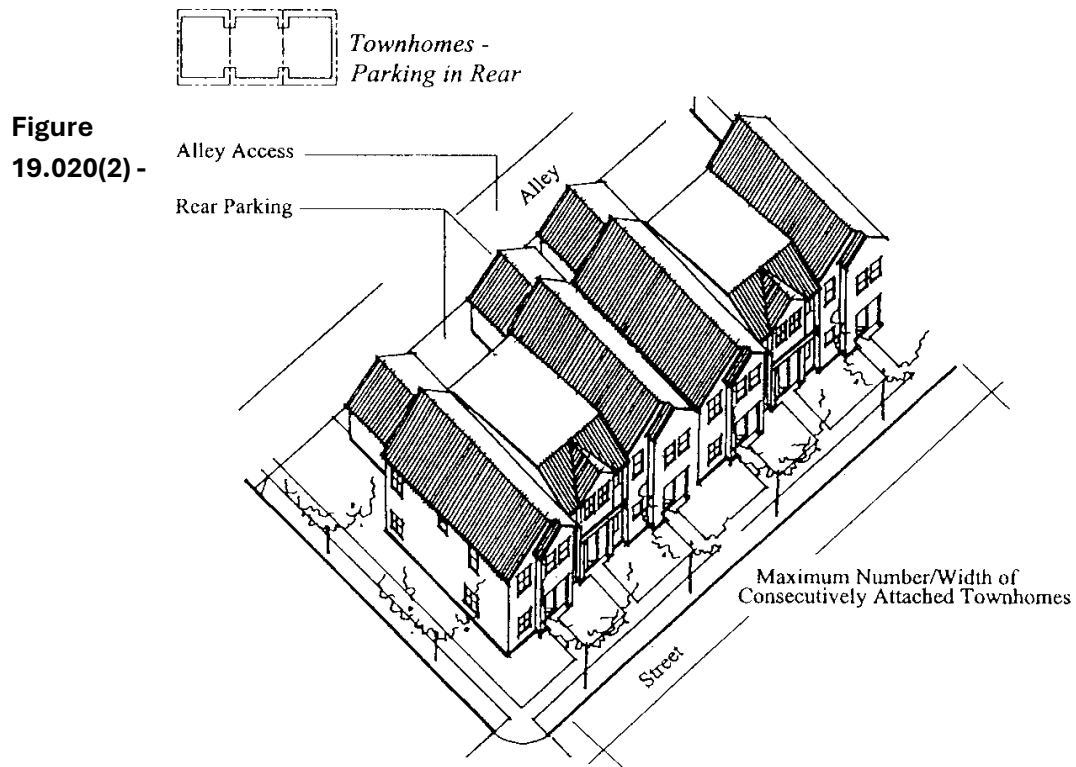
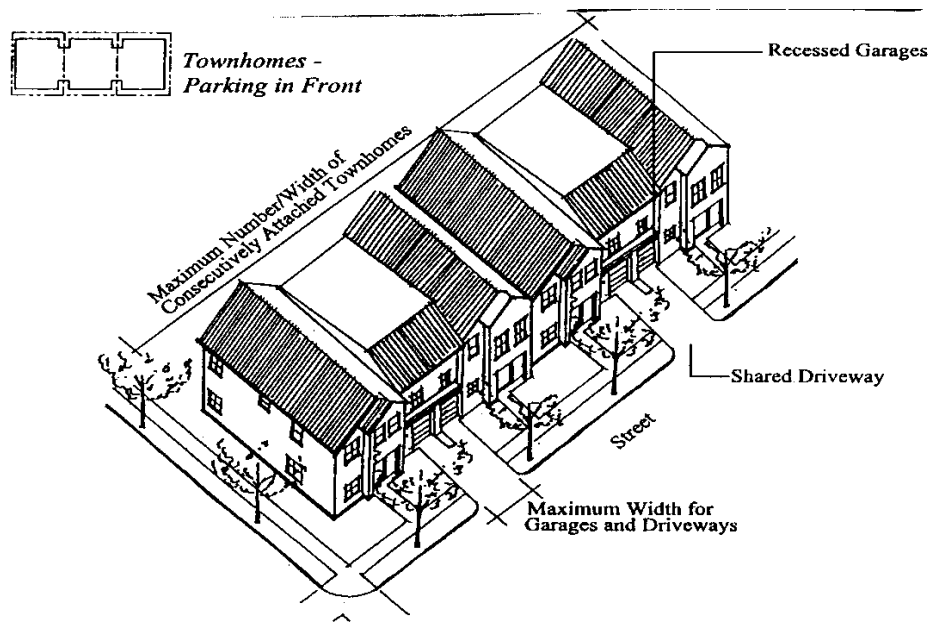
[3]

Exposed foundations or front porches can be sheathed with wood siding (clapboard) as an extension of the primary façade.

Foundations. Allowed foundation materials include concrete block, poured in place concrete, and brick [1] Concrete block and poured in place concrete should be landscaped with a continuous materials that obscure the foundation [2] These planting materials should be 50% obscuring and 3 feet high at maturity [3] The landscaped area should be 3 feet deep and covered with ground cover where not planted with site planting materials.

Section 19.020: Special Standards for Certain Uses

- A. ~~Single-family Unit~~ Attached Townhomes, Rowhouses, ~~Triplexes and Quadplexes~~. ~~Single-family unit~~ attached housing (townhome units on individual lots), rowhouse, ~~and duplex triplex and quadplex~~ developments shall comply with the standards in 1-34, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.
1. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four (4) units, or 100 feet (from end-wall to end-wall), whichever is less.
 2. Provision of Alleys. Townhome, rowhouse and duplex subdivisions (4 or more lots) may receive vehicle access from a rear alley. Proposed new ~~a~~Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks).

Figure 19.020 (1) - Townhomes With Alley Access**Townhomes With Street Access**

3. ~~Street Access Developments.~~ Townhomes, rowhouses, and duplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.:

a. ~~When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.~~

b. ~~The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.~~

c. ~~Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, before building permit issuance.~~

43. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city before building permit approval.

- B. Multiple-unit housing. Additional standards for ~~multifamily~~ multi-unit housing are listed in the applicable underlying zone.

Subchapter 21: Medium-Density Residential (RM) Zone**Section 21.065: Development Standards for Multiple-Family Unit Development**

[...]

- C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened ~~with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet~~ the standards of Section 54.010(C) of the Independence Development Code. ~~Unightly~~ Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.
- ~~D. Recreation Area. Each lot having a multiple-family unit residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front or rear yards. The required recreation area shall be planted with. Recreation areas that are provided as shared areas for multiple units shall include a combination of the following amenities: or otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.~~
- E. ~~D.~~ Access. Access points to property from a street shall be located to minimize traffic congestion, ~~and maximum effort shall be made to and~~ avoid directing traffic into residential areas. Existing access roads and access points shall ~~be used to the maximum extent possible to serve the greatest number of uses, comply with the Public Works Design Standards.~~ All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

Subchapter 22: High-Density Residential (RH) Zone**Section 22.065: Development Standards for Multiple-Family Unit Development**

[...]

- C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened ~~with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet~~ the standards of Section 54.010(C) of the Independence Development Code. ~~Unightly~~ Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street. ~~Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:~~
- D. Recreation Area. Each lot having a multiple-family unit residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front or rear yards. ~~The required recreation area and shall be planted with~~ include a combination of planted grass and hardscape areas. Hardscape areas shall not account for more than 50% of the total area. Recreation areas that are provided as shared areas for multiple units shall include a combination of the following amenities: ~~or otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.~~

- a. Outdoor seating.
 - b. Small play structures or nature play structures.
 - c. Planted grass areas.
- E. Access. Access points to property from a street shall be located to minimize traffic congestion, ~~and maximum effort shall be made to~~ and avoid directing traffic into residential areas. Existing access roads and access points shall ~~be used to the maximum extent possible to serve the greatest number of uses, comply with the Public Works Design Standards.~~ All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

Subchapter 23: Mixed Density Residential (MX) Zone

Section 23.010: Density

To achieve balance and integration of a range of housing types, sizes, and densities, the Mixed Density Residential (MX) Zone relies on two criteria.

- A. The intent of the MX Zone is to achieve a minimum average density of nine (9) dwelling units per net acre of residential land, while allowing a mix of lot sizes and densities. Net acres of residential land means the total site area devoted to residential uses, not including the area of streets, other rights- of-way to be dedicated to the public, or protected wetland or riparian areas. Net acres does include any area to be devoted to the trail/stormwater/drainage corridors located along the edges of the planning area and adjacent to riparian and wetland areas or corridors.
- B. To reflect the demand for higher-density housing within the region, at least 15 percent of the units must be either in multiple-family or attached single-family structures.

Section 23.025: Building Setbacks

Move standards to table in Subchapter 18.

Section 23.030: Density, Area and Dimension Requirements

Move standards to table in Subchapter 18.

Section 23.035: Building Height

Move standards to table in Subchapter 18.

Section 23.065: Development Standards for Multiple-Family Development

- A. ~~Multiple-family unit housing. Multiple-family unit housing is allowed per the Site Design Review process within the Mixed Residential (MX) Zone. Multiple-family housing means housing that provides three (3) or more dwellings on an individual lot. New multiple-family unit developments shall comply with all of the following standards:~~
 - 1. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently ~~reserved as~~ reserved as usable common open space in developments ~~that are at least three (3)~~

- ~~acres in size~~ with more than ~~4~~20 multiple-family unit or attached single-family unit dwellings as specified by Subsection 23.010(B). The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
2. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
 - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
 - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-unit family residences, trash receptacles, parking and drives to the greatest extent practicable.
 3. Exemptions. Exemptions to the common open space standard may be granted for the land area associated with the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), ~~lighted~~, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.
 4. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.
 5. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened ~~with a sight-obscuring fence, wall and/or sufficient landscaping which meets to meet~~ the standards of Section 54.010(C) of the Independence Development Code. ~~Unightly~~ Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.
 6. Signs. Signs shall be subject to the provisions of Subchapter 58.

Subchapter 34: Downtown Riverfront Zone

Section 34.050: ~~Duplex, Triplex, Quadplex, Townhomes, Rowhouses and Multifamily Multiple-Unit Standards~~

- A. ~~Single-family Attached Townhomes, Rowhouses, and Triplexes, Quadplexes, and Townhouses~~

- B. ~~Single-family attached housing (townhome units on individual lots), and rowhouse~~ Triplex, quadplex, and townhouse developments shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. ~~Windows. All detached single-family dwellings, triplexes, quadplexes, and townhouses, rowhouses~~ shall have vertically-oriented windows. Square or horizontal windows shall be formed by combining multiple window sashes into groupings. Transom windows, and other windows placed above a door or window for ornamental or decorative purposes are exempt from this requirement.
2. ~~Building Mass Supplemental Standard. Within the Downtown Riverfront Zoning District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four(4) units, or 120 feet (from end-wall to end-wall), whichever is less.~~
3. ~~Townhome, rowhouse subdivisions (4 or more lots) may receive vehicle access from a rear alley. Alley(s) shall be created at the time of subdivision approval. As necessary, the city shall require dedication of right- of-way or easements and construction of pathways between townhome lots (e.g., between building breaks).~~
4. ~~Street Access Developments. Triplexes, quadplexes, and townhomes~~ receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.
 - a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
 - b. The maximum allowable driveway width facing the street ~~is 24 feet per dwelling unit~~ shall comply with the Public Works Design Standards. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street.
 - c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, before building permit issuance.
5. ~~Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city before building permit approval.~~

B. ~~Multiple-family~~ Unit housing.

~~Multiple-family housing means housing that provides three (3) or more dwellings on an individual lot. New multiple-family unit developments shall comply with all of the following standards:~~

- ~~1.—Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in developments that are at least three (3) acres in size with more than 10 multiple-family or attached single-family dwellings. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.~~
2. 1. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
 - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper floor housing means housing units that are more than 5 feet above the finished grade; and
 - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-unit family residences, trash receptacles, parking and drives to the greatest extent practicable.
- ~~3.—Exemptions. Exemptions to the common open space standard may be granted for multiple-unit developments of up to 10 units. Exemptions may be granted for the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.~~
4. 2. Landscaping. All development is subject to the landscaping provisions in Subchapter 54, except as amended in subsection 34.055(B). Recreation areas may be included as part of the required landscaping.
5. 3. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet the standards of Section 54.010(C) of the Independence Development Code. ~~Unightly~~ Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.

5. 4. Design Review. All new developments and expansion of an existing development shall be subject to the Site Design Review procedures of Subchapter 80.

Section 34.055: Additional Development Standards

[...]

C. Access. Access points to property from a street shall be consolidated and located to minimize traffic congestion, ~~and maximum effort shall be made to avoid directing traffic into residential areas.~~ Existing ~~a~~ Access roads and access points shall ~~be used to the maximum extent possible to serve the greatest number of users~~ comply with the Public Works Design Standards. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

Subchapter 54: Buffering, Screening, Landscape and Ash Creek Setback Requirements

Section 54.005: Applicability

- A. ~~All subject properties developed development within the city, except for single-unit dwellings or duplexes in residential zones, are is required to be buffered, screened and landscaped in accordance with the provisions of this Subchapter. All planting materials, species, sizes and installation details shall be in substantial conformance with the Independence Urban Forestry Management Plan. The requirements of this subchapter are in addition to any yard setback requirements or other requirements contained in the zoning or city code.~~ Development shall mean land use, limited land use, building permit, or development permit applications of any kind or the erection, or construction of buildings, structures, parking lots and streets and roads in all zones.
- B. ~~All planting materials, species, sizes and installation details shall be in substantial conformance with the Independence Urban Forestry Management Plan. The requirements of this subchapter are in addition to any yard setback requirements or other requirements contained in the zoning or city code.~~ Development shall mean land use, limited land use, building permit, or development permit applications of any kind or the erection, construction or exterior remodeling of buildings, structures, parking lots and streets and roads in all zones, except for single-family dwellings or duplexes in residential zones.

[...]

Section 54.010: Buffering and Screening Requirements

[...]

- C. Screening shall be used to eliminate or reduce the visual impacts of the following:
1. service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas;
 2. outdoor storage and outdoor display areas;
 3. parking areas of 6 or more vehicles for a multiple-family, mixed-use or commercial development, when the parking is directly adjacent to a single-unit ~~family~~ home,

- duplex, townhouse, or residential zone and the screening can be used to screen the adjacent residential use from the parking area;
4. parking areas for 30 or more vehicles for industrial uses;
 5. at and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners; and
 6. any other area or use as required by this Ordinance.
- D. Screening of shared storage facilities for trash and recycling receptacles that serve more than one dwelling and all outdoor storage facilities for trash and recycling for commercial and industrial uses may shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques. meet the following standards:
1. The storage facility shall be screened by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from residences on abutting properties and from the street lot line by at least 5 feet.
 3. The storage facility shall not be located between the front lot line and a structure. The facility shall be located in an alley where one exists.
- E. Other screening required under this section shall meet the following standards:
1. Any facility or feature that requires screening, other than those listed in 54.010(D) shall be screened from view from residences and neighboring streets by a wall, solid fence, or evergreen hedge that is of a minimum height of at least one foot taller than the facility or feature being screened. Solar collecting panels are exempt from this requirement.
- F. ~~E.~~ When a required screen or buffer is adjacent to a street, the required fence structures shall be located so that the landscaped portion of the buffer is oriented toward the right-of-way.
- G. ~~F.~~ ~~All mechanical equipment on roofs shall be screened when abutting a residentially designated property or an arterial street. Screening shall obscure mechanical equipment at elevation. Solar collecting panels are exempt from this requirement.~~

[...]

Section 54.105: Ash Creek Setbacks Required

- A. There shall be a 25' greenway setback required along the banks of Ash Creek for all development except middle housing development (triplex, quadplex, cottage clusters, and townhomes). The 25' shall begin at the top of the bank or at the high water mark, whichever is higher. There shall be no development within the required setbacks. Middle housing shall have a 100' setback, beginning at the top of the bank or at the high water mark, whichever is higher.

Section 54.205: Landscaping Requirements

- A. Site Landscaping Standards

1. Multiple-family-unit residential developments or dwelling structures containing ~~three (3)~~ five (5) or more units ~~and are not cottage cluster development:~~

[...]

Subchapter 59: Historic Preservation

Section 59.40: Definitions

Words, phrases and terms used in this subchapter shall have the following meanings:

~~“Contributing Resource” means a building, Site, or object, originally constructed within the applicable Period of Significance that retains and exhibits significant integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, as indicated on the Local Historic Register.~~

~~“Demolition” means the intentional destruction of all or a part of a building or structure.~~

~~“District” means an area designated pursuant to this Chapter which includes buildings, properties or sites of historical or architectural significance. National Historic District means a District listed on the National Register of Historic Places. Local Historic District means a District listed on the Local Historic Register. Certain Resources may be designated within both Local and National Historic Districts.~~

~~“Height” means the height of a Building, as defined in Independence Development Code (IDC) Subchapter 13. Height includes foundation walls, porch roofs, and main roofs.~~

~~“Historic Preservation Commission” means the body of appointed officials established in Independence Municipal Code (IMC) Section 2-260. For purposes of review procedures under this Subchapter, the Historic Preservation Commission replaces the Planning Commission as the initial review body.~~

~~“Historic Preservation Officer” means the city official responsible for the administration of this code.~~

~~“Historic Residential Overlay” means a portion of a historic district, defined on a map that has been adopted by the City of Independence which is typified by residential dwellings. The residential standards for new construction apply to the area, even if a commercial use or multifamily dwelling is proposed within the structure.~~

~~“Independence National Historic District” means the District designated on the National Register of Historic Places through the 1989 Record of Designation, as shown on City of Independence official zoning map.~~

~~“Listed Resource” means an individual historic resource, which has not been designated as part of a larger district, which has been placed on the Local Historic Register.~~

~~“Local Historic Register” means the list of historic Resources officially recognized by the City of Independence as important in its history and afforded protection under this subchapter.~~

~~“National Register of Historic Places” or “National Register” means the nation’s official list of buildings, Sites, objects, and districts that are important for the nation’s history and maintained by the National Park Service in Washington, D.C. The list includes “national register resources” as designated by OAR 660-023-0200(8).~~

~~“Noncontributing Resource” means a building, Site, or object that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling and association) to contribute to an existing or potential historic District in its current condition. Noncontributing Resources may include “historic Noncontributing Resources,” which are historic, and “out-of-period Noncontributing Resources,” which are not considered historic. By virtue of their location within a historic district, Noncontributing Resources are nonetheless subject to the requirements of this subchapter.~~

~~“Period of Significance” means the span of time when a Resource or District attained its significance to meet the local or National Register Criteria.~~

~~“Record of Designation” means the official document that describes how a resource meets the criteria for listing in the Independence Local Historic Register. For properties listed in the Independence National Historic District, the Record of Designation includes the 1989 designation document for the district, and subsequent updates to the designations approved by the State Historic Preservation Office and the National Park Service.~~

~~“Relocation” means the movement of a Resource from its current location.~~

~~“Resource” means a building, Site, object, or district that is listed in the Local Historic Register. A Resource may also be called a “Landmark.”~~

~~“Site” means the location of a significant event, prehistoric or historic occupation or activity, or a building, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building or object.~~

Subchapter 73: Parking

Section 73.010: Required Number of Parking Spaces

A. Residential Uses	Minimum Number of Spaces Required
1. All residential zones Single-Unit Dwellings and Duplexes	1 space per unit

<u>2. Triplex and Quadplex</u>	<u>1 space per unit</u>
<u>3. Townhouses</u>	<u>1 space per unit</u>
<u>4. Cottage Cluster Development</u>	<u>1 space per unit</u>
2-5. <u>Multiple-family unit or attached dwellings</u>	1 space per unit
3-6. <u>Residential unit in a mixed-use building</u>	1 space per unit
<u>4.7. Single room occupancy use</u>	1 space for every 3 single room occupancy units
<u>8. Accessory Dwelling Units</u>	<u>No parking spaces required.</u> <u>Maximum 1 space per unit.</u>

Subchapter 74: Accessory Structures

Section 74.005: General Provisions Regarding Accessory Uses

Accessory uses, including accessory dwelling units, shall comply with all requirements for the principal use except when specifically modified by this section.

[...]

Section 74.010: Specific Standards for Accessory Dwelling Units

- B. Accessory dwelling units shall be subject to the following criteria:
 - 1. One accessory dwelling unit is allowed per legal building lot as a subordinate use in conjunction with any detached single-unit ~~family~~ structure.
 - 2. Accessory dwelling units are required to meet the applicable Residential Design Standards, except as modified below:
 - a. If an accessory dwelling unit is oriented to a street or an alley, the structure is required to have windows on 15 percent on the front of the building (rather than the 25 percent required in IDC 19.005(I)).
 - b. If an accessory dwelling is set behind a building and is not adjacent to a street or alley, no minimum window requirements apply.
 - 3. No off-street parking is required for an accessory dwelling unit.
 - 4. Accessory dwelling units shall not be more than 800 square feet in size, excluding any related garage area that is constructed for the use. All accessory dwelling units shall be permanently affixed to the ground.

5. Where an accessory dwelling unit is proposed inside or attached to a single-family unit residence, only one entrance to the main building is permitted in the front of the principal residence. A separate entrance for the accessory unit shall be located off the side or the rear of the building.
6. Accessory dwelling units shall meet all technical code standards including building, electrical, fire, plumbing, and other applicable code requirements.
7. An accessory dwelling unit and the primary structure on the lot shall ~~have a be~~ served by a single water meter, and the water bill for the primary structure and the accessory dwelling units shall be in the name of the property owner.
8. System Development Charges shall be charged ~~at the same level as required for a second unit in a duplex.~~ per the adopted system development charge methodology.
9. Addressing for an accessory dwelling unit shall be approved by the City of Independence.

Subchapter 75: General Development Standards

Section 75.030: Average Setback from Street

- ~~A.—Every building in the RS Zone shall be set back from the front lot line at least 15 feet, except where the average setback of other buildings on the same side of the street is less than 15 feet.~~
- ~~B.—The average setback shall be found by measuring the distance from the front lot line to the closest part of the foundation for all dwellings which are within 200 feet of the subject property and which adjoin the same side of the street as that abutting the subject property. Buildings closer than 10 feet or farther than 20 feet from the front lot line shall not be counted in determining average setback.~~
- ~~C.—When other sections of this ordinance or any other ordinance require a greater setback than is specified in this section.~~

Section 75.060: Zero-Side-Yard-(Townhouse)-Dwelling Units

~~Zero side yard townhouse~~ Townhouse units permitted in residential zones or authorized in approved subdivisions or Planned Unit Developments shall meet the following use and development standards:

- A. Number of attached units. The number of townhouse units constructed as an adjoining structure shall not be more than four (4) dwelling units, each on a lot held in separate ownership. More than one such structure may be allowed per subdivision or planned unit development.
- ~~B.—Yards adjacent to a street. This Section does not relieve the requirements of this Ordinance for yards adjacent to a street.~~
- ~~C.~~ B. Maintenance easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and

replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with Polk County prior to issuance of the permit.

(NEW SECTION) Section 75.070: Cottage Cluster Developments

- A. Siting Standards. The siting standards in the table below apply to the development of a Cottage Cluster on a lot.

Siting Standards - Cottage Cluster	
Minimum Number of Cottages per Cottage Cluster	5 cottages
Maximum Number of Cottages per Cottage Cluster	8 cottages
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster.	1,400sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height	25 ft
Minimum Site Perimeter Setbacks	Same as underlying zone.
Maximum Lot Coverage	45%
Minimum Required Open Space - Courtyard	150 sf per cottage
Vehicle Parking	See Section 73.010.
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

B. Design Standards

1. Cottage orientation. Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards:
 - a. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 - b. A minimum of 50 percent of cottages within a cluster must:
 1. Be within 10 feet from the common courtyard, measured from the façade of the cottage that includes the main entrance to the nearest edge of the common courtyard; and
 2. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.

- c. Exceptions. An existing dwelling included within a cottage cluster may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.
- 2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard that meets the following standards:
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum required open space area standard in the table in Section 75.070(A).
 - d. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 - e. Pedestrian walkways must be included in a common courtyard. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- 3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to the table in Section 75.070 (A).
 - b. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in the table in Section 75.070 (A) and/or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
- 4. Pedestrian Access.
 - a. An accessible pedestrian walkway must be provided that connects the main entrance of each cottage to the following:
 - 1. The common courtyard;
 - 2. Shared parking areas;
 - 3. Community buildings; and
 - 4. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 - b. The walkway must be hard-surfaced and a minimum of 5 feet wide.
- 5. Windows and Doors. Standard. Cottages that face a street or alley lot line must meet the following standards:

- a. The front façade must have a minimum of 25 percent windows or pedestrian entrance doors.
 - b. Alley facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - c. All other street-facing facades must have a minimum of 15 percent windows or pedestrian entrance doors.
 - d. Exceptions. The following facades are exempt from these standards:
 1. Facades separated from the street lot line by a dwelling or buildable lot.
6. Parking Design.
 - a. Parking location and access. Parking areas shall meet the standards of Section 19.020.
 - b. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 1. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 2. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 3. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 4. Clustered parking areas may be covered.
 - c. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - d. Garages and carports.
 1. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 2. Individual detached garages must not exceed 400 square feet in floor area.
 3. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
7. Accessory Structures.
 - a. Accessory structures must not exceed 400 square feet in floor area.
 - b. Accessory structures must not be located between a cottage and common open space or courtyard.
8. Existing Structures. On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. The existing dwelling may be expanded up to the maximum height or the maximum building footprint in Section 75.070 (A); however, existing

dwellings that exceed the maximum height and/or footprint of this code may not be expanded.

- c. The floor area of the existing dwelling shall not count towards the average cottage size of a cottage cluster.

- 9. Trash Storage. Shared trash storage facilities for trash and recycling receptacles as defined in Chapter 13 of the IDC shall meet the screening standards of 54.010(C).

Subchapter 90: Subdivision Regulations**Section 90.40.015 Filing an Application for a Minor Partition Action.**

The City Manager or designee shall examine each application to ascertain if the appropriate forms have been completed, the appropriate fees have been paid and if all required documents and information have been submitted. Three copies of a sketch map 18 by 24 inches in size containing the date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned shall be submitted to the City Manager or designee along with the following information:

- A. The name and address of the owner of record and of the person who prepared the map.
- B. The names and addresses as compiled from the most recent county property tax assessment roll of all property owners within 100 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- C. The approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partition.
- D. For land adjacent to and within the parcel to be partitioned, the locations, names and existing widths of all streets and easements of way; location, width and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways and power poles.
- E. Outline, location and setback dimensions to property lines of existing buildings to remain in place.
- F. Outline, location, approximate date of original construction and dimensions of existing building and other structures to be removed.
- G. Lot layout, showing size and relationship to existing or proposed streets and utility easements.
- ~~H. Such additional information as required by the City Manager or designee.~~

Section 90.40.025: Standards for Minor Partition Requests.

The City Manager or designee may approve the minor partition application upon a finding that:

- A. The proposed division complies with the requirements for its submittal, all requirements of the Comprehensive Plan, the intent and purposes of this Chapter and all other applicable laws and regulations;
- B. The proposed division is not contrary to previous conditions imposed upon the use or development of the subject parcel by the Planning Commission; and

- C. The proposed division is consistent with the extension of existing or planned City improvements such as streets and has dedicated necessary rights-of-way and easements for the improvements.
- ~~D. The City Manager or designee may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the City's Comprehensive Plan standards, land use regulations and other applicable legal requirements. In no event, however, shall the City Manager or designee require greater dedications or conditions than could be required if the parcel were subdivided.~~
- E. D. If the parcel of land to be partitioned exceeds five acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre, full compliance with all requirements for subdivisions ~~may be~~ is required if ~~the City Manager or designee should determine that~~ the entire parcel being partitioned is in the process of being divided into small parcels.

Section 90.80: Improvements

Section 90.80.005: Improvement Requirements

The following improvements are summarily required in subdivision and major partitions, and may be applied to minor partitions as conditions for approval and shall be installed at the expense of the subdivider. Applicants may choose to follow the general/discretionary standards track or the Clear and Objective standards track, where offered, in the standards below:

- A. Water Supply. Lots within a subdivision shall be served by ~~a~~ an adequate city water supply system conforming to ~~city specifications~~ Public Works Design Standards. ~~Testing of new water lines is required using city approved methods. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.~~
- B. Sewage. All lots shall be served by ~~an adequate~~ a city sewage disposal system conforming to ~~city specifications~~ Public Works Design Standards. ~~The materials and methods of construction of any sewer line shall provide for a water-tight system. Testing of new sewer lines is required using city approved methods.~~
- C. Drainage. Such grading shall be performed and drainage facilities installed conforming to ~~city specifications~~ Public Works Design Standards. ~~as is necessary to provide property drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation. All drainage improvements must conform to Subchapter 80, Storm Water Management Requirements and applicable State and Federal laws.~~
- D. Streets.
 - 1. General/Discretionary Standard: The subdivider shall grade and improve streets in the subdivision and the extension of such streets to the paving line of existing streets with which such streets intersect in accordance with ~~city specifications~~

Public Works Design Standards. The paving line of existing streets shall be "saw-cut" to provide the most stable joint with the new street construction. Treatment of the joint created at this point will conform with general road construction standards. Section design will be based on an on-site soils investigation, report and recommendation by a licensed geotechnical foundation engineer. The road sub-base, base and asphalt overlay shall be tested for compaction requirements outlined in the engineer's report or as recommended by the city.

2. Clear and Objective Standards:
 - a. Wherever existing streets are within, adjacent to, or provide access to a property proposed for subdivision or partition, those existing streets must be improved to the standards of Public Works Design Standards.
 - b. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in Public Works Design Standards.
 - c. During consideration of the tentative plan for the subdivision or partition, the Public Works Director, shall determine whether improvements to existing streets adjacent to or within the tract, are necessary to meet the Public Works Design Standards. If so determined, such improvements shall be required as a condition of approval for the tentative plan.
- E. Pedestrian Ways. Sidewalks shown on the street sections shall be installed as located on those sections as a result of the subdivision or major partition. The date of sidewalk installation shall conform with the procedures outlined in Subsection 90.90.105.
- F. Bikeways. Bikeways consistent with the Independence-Monmouth Bicycle Master Plan and the Independence Transportation System Plan shall be installed in accordance with City standards Public Works Design Standards.
- G. Monuments. Monuments shall be installed in accordance with Public Works Design Standards and with the requirements of the Oregon Revised Statutes.
- H. Service Utilities.
 1. General/Discretionary Standard: Before approval shall be given of any plat or plan of any subdivision, the subdivider shall provide for the installation of all service utilities in underground conduits and for easements therefor in the manner as hereby set forth and subject to the conditions set forth in this ordinance. The city may require installation of said utilities to any boundary line of the parcel being divided as to provide for the orderly extension of utilities or future development.
 2. Clear and Objective Standard: All permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities. The subdivision or partition shall:
 - a. Obtain a permit from the City for placement of all underground utilities;
 - b. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission; and

- c. The city shall require installation of said utilities to any boundary line of the parcel being divided as to provide for the orderly extension of utilities or future development.
- I. Above-Ground Utility Prohibited. In all new subdivisions in the City of Independence hereafter approved by the Commission it shall be unlawful for any service utility or utilities to be installed or used above the surface of the ground except on a temporary basis upon a special permit issued by the Building Official, but no use under such a special permit shall extend for a total period of more than six months from the date of issue of the first permit therefore. All new street light poles shall be metal. The developer is responsible for any initial cost for such poles (one time fee and concrete footings). The developer will contact and coordinate this work with the appropriate utility.
- J. Manner of Installation.
 - 1. General/Discretionary Standard: All service utilities installed as herein provided shall be installed at a depth and in the manner conforming to city specifications.
 - 2. Clear and Objective Standard: All service utilities shall be installed in public utility easements prior to the surfacing of such streets.
- K. Acceptance of Public Improvements. Acceptance of all public improvements will comply with ~~Section V – Acceptance Policies of the City of Independence Specifications and Standards for Public Works Construction~~ the City of Independence Public Works Standards.
- L. Middle Housing Land Divisions. For middle housing developments where a Middle Housing Land Division is proposed, the following conditions shall be met.
 - 1. Sidewalks are required for the parent lot and any child lots with street frontage.
 - 2. Each resulting dwelling unit shall be served by a separate water service line and sewer service line.
 - 3. Individual water service lines shall be connected to a public water main located either in the public right-of-way (ROW) or in a public easement on private property subject to the following conditions:
 - a. The public water main is constructed to the City’s Public Works Design Standards.
 - b. Future repair or replacement of the public water main will be the responsibility of the City of Independence.
 - c. If located in a public easement, the dimensions and location of the easement shall be approved by Public Works.
 - 4. Individual sewer service lines shall be connected to a public sewer main located either in the public right-of-way (ROW) or in a public utility easement on private property subject to the following conditions:
 - a. The public sewer main is constructed to the City’s Public Works Design Standards.
 - b. Future repair or replacement of the public sewer main will be the responsibility of the City of Independence.
 - c. If located in a public easement, the dimensions and location of the easement shall be approved by Public Works.

5. Public utility easements shall comply with the Public Works Design Standards.

Section 90.80.010: Improvement Procedures

~~In addition to other requirements, All improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure: the Public Works Design Standards.~~

- A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City ~~and the developer enters into a development agreement with the City.~~ For evaluation of the subdivision proposal, the engineering plans will be required before approval of the final map or plat. All plans shall be prepared in accordance with ~~acceptable engineering standards by a registered engineer, licensed to practice in the State of Oregon~~ the Public Works Design Standards. The fee for engineering plan review shall be set by the City Council.
- B. Work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified. A pre-construction meeting with the city is required prior to any construction activity, including material storage and mobilization of equipment to the site.
- C. Required improvements shall be inspected by ~~and constructed to the satisfaction of the city to ensure they meet the Public Works Design Standards. The city may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.~~ The cost of improvement plan review and inspection will be paid by the developer in accordance with ~~90.60.075.24(L).(1). the fee schedule set by the City Council. The fee for construction inspection shall be set by the City Council.~~ The developer shall submit cost estimates for such improvements to the City for review and approval. The cost estimates must be prepared and stamped by a licensed engineer, registered in the State of Oregon.
- D. Underground utilities, television cables, telephone lines, sanitary sewers and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, television cable, telephone lines, and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- E. ~~Two (2) copies and one (1) reproducible copy of the plans showing public improvements a~~ As-builts shall be filed with the city Public Works Department in compliance with the Public Works Standards by the subdivider/developer or ~~his~~ their agent upon completion of the improvements.

Section 90.80.015: Specifications for Improvements

~~Specifications for improvements shall be adopted by or under authority of city ordinance.~~

Section 90.90: Design and Development Standards

90.90.005 Principles of Acceptability.

Subdivisions and major partitions shall conform to any development plans and shall take into consideration tentative plans made in anticipation thereof. Subdivisions and major partitions shall conform to the requirements of state law and the standards established by this chapter.

90.90.10 Streets

- A. General. The location, width, and grade of streets, bikeways and pedestrian facilities shall be considered in their relation to existing and planned streets, bikeways and pedestrian facilities, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All streets, bikeways and pedestrian facilities shall connect to other said facilities within the development and to existing and planned streets, bikeways, and pedestrian facilities outside the development. Where location is not shown in the Independence Transportation System Plan, Public Works Design Standards, or another a development plan, the arrangement of streets in a subdivision shall ~~either: provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas.~~
 - 1.—~~Provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas; or~~
 - 2.—~~Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets, bikeways and pedestrian facilities impractical.~~
- B. Widths of street rights-of-way and paving design for streets shall ~~not be less than those set forth in the table below. The street section shall be designed in accordance with Subsection 90.80.005-D: comply with the Public Works Design Standards. Provided that S~~ streets within the Southwest Independence Concept Plan area shall be designed in accordance with the street cross sections provided in the Southwest Independence Concept Plan, except when modified by the Independence Transportation System Plan. Where applicable, the street cross-sections provided in the Southwest Independence Concept Plan supersede any conflicting standards in this section. Engineering staff may make exceptions to the standards based on individual site conditions.
- C. The width of street rights-of-way ~~provided in the table below~~ shall comply with the Public Works Design Standards and be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets, and the applicant shall dedicate additional rights-of-way, as determined by the City ~~in accordance with such table,~~ for any such adjacent street where the existing width of rights-of-way for such street is less than the minimum in said table.
- D. Street Standards: See Public Works Design Standards for right of way, street lanes, bike lanes, planter strip, and sidewalk widths.
- E. Slope Easements. Slope easements shall be dedicated in accordance with ~~specifications adopted by the City Council:~~ the Public Works Design Standards.

- F. Reserve Strips or Block. The City may require the land divider to create a reserve block controlling the access to a street, said block to be placed under the jurisdiction of the ~~Council~~ City to:
1. ~~To p~~ Prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
 2. ~~To p~~ Prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the above table.
 3. ~~To p~~ Prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.
 4. ~~To p~~ Prevent access to land unsuitable for building development.
- G. Alignment. As far as practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, ~~wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet~~ comply with the Public Works Design Standards.
- H. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips or blocks may be required to preserve the objectives of street extensions.
- I. Intersections of Streets:
1. Angles: ~~Streets shall intersect one another at an angle as near to the right angle as is practicable considering topography of the area and previous adjacent layout. Where not practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the City may determine in accordance with the purpose of Section 90.10.010 of this chapter.~~ Angles of street intersections shall comply with the Public Works Design Standards.
 2. Offsets: ~~Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections on arterial streets should be separated by at least 500 feet; and in no case shall there be an offset of less than:~~
 - a. ~~(250 feet) on a minor arterial street. To the greatest extent possible the City shall also encourage consolidation of curb cuts and access points on arterial streets.~~
 - b. ~~(125 feet) on local and collector streets.~~

Opposing intersections shall be designed in compliance with the Public Works Design Standards to ensure that no offset creates dangerous conditions for the traveling public.

3. Collector and Residential Lot Access to Arterials and Collectors: When residential development abuts an existing or proposed arterial or collector street, lot access shall connect to internal local streets or alleys and comply with the Public Works Design Standards.

~~When a residential development abuts an existing or proposed arterial or collector, the Planning Commission shall require that access to such streets be limited by one of the following means:~~

- ~~a. — The lots of the development back onto the arterial or collector and front onto a parallel local street.~~
- ~~b. — A series of cul-de-sacs, U-shaped streets, shared driveways, or short loops entered from and designed generally at right angles to the arterial or collector street and where no lots derive direct access to the arterial or collector street.~~
- ~~c. — Lots that would only have access to an arterial or collector shall be restricted to the collector street.~~

- J. Topography. The layout of streets shall ~~give suitable recognition to surrounding topographical conditions~~ be in accordance with the purpose of Section 90.10.010 of this chapter and comply with the Public Works Design Standards.
- K. Future Extension of Streets. Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through boundary lines to provide for the orderly division of such adjacent land or the transportation and access needs of the community.
- L. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width with regard to right-of-way and/or roadway pavement, additional right-of-way and/or roadway pavement shall be provided by the developer(s) at the time of subdivision.
- M. Cul-de-sac. The use of cul-de-sacs is discouraged and may only be approved upon a showing by the applicant that there are unusual or unique circumstances that justify the cul-de-sac ~~There shall be no cul-de-sacs more than 400-200 feet long or serving more than 20 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table in this subchapter. The use of cul-de-sacs shall be discouraged and may only be approved upon a showing by the applicant of unusual or unique circumstances justifying the cul-de-sac. A public access way connecting two (2) cul-de-sacs shall be required consistent with the standards for public accessways in Section 90.90.015(D).~~

For purposes of this section, “unusual or unique circumstances” exist when one of the following conditions prevent a required street connection:

- 1. Slopes are equal to or greater than 12 percent;
- 2. A wetland or other water body is present which cannot be bridged or crossed; or
- 3. Existing development on adjacent property prevents a street connection.

- When cul-de-sacs are used, each cul-de-sac shall comply with the Public Works Design Standards. There shall be no cul-de-sacs more than 400 feet in length or serving more than 20 single-unit dwellings.
- A public access way shall be required to connect two (2) adjoining cul-de-sacs consistent with the standards for public accessways in Section 90.90.015(D).
- N. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the City of Independence, Planning Commission, and need written approval by the Polk County Fire District #1 and the Independence Police Department, and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City.
- O. Grades and Curves. ~~Grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, or 230 feet on all other streets and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves. In flat areas allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.33 percent. and curves shall comply with the Public Works Design Standards.~~
- P. Streets Adjacent to Railroad Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- Q. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection or residential properties and to afford separation of through and local traffic. Access shall comply with 90.90.010(10)C of this section.
- R. Alleys. Alleys shall be provided in commercial and industrial districts, and residential developments per 90.90.010(V), unless other permanent provisions of access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.
1. Dedication. The Planning Commission may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 90.10.010 of this chapter.
 2. Width. Width of right-of-way and paving design for alleys shall ~~be not less than 20 feet.~~ comply with the Public Works Design Standards. Slope easements shall be

- dedicated in accordance with specifications in the Public Works Design Standards, adopted by the City Council.
3. Corner Cut-Offs. Where two alleys intersect, 10 feet corner cut-offs shall be provided.
 4. Grades and Curves. Grades and curves shall comply with the Public Works Design Standards, not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.
 5. Other Requirements. All provisions and requirements with respect to streets in this subchapter shall apply to alleys the same in all respects as if the word "street" or "streets" therein appear as the word "alley" or "alleys" respectively.
- S. Street trees are required in all new subdivisions in the amount of one tree for every 35 feet of street frontage. Species, size, location and installation construction will conform to the Independence Urban Forestry Management Plan, as adopted by the City Council and shall comply with the Public Works Design Standards. Street trees shall be installed prior to final plat approval or as allowed by an agreement with the City Manager or designee. Temporary irrigation may be required at the time of installation and shall ~~will~~ be maintained by the developer as long as required by dry/hot weather conditions.
- T. Mail Boxes. Plans for mail boxes to be used, including type and location, shall be approved by the Independence Postmaster.
- U. Paving, strip, and signage. All street plans shall include all required street signs, traffic control signs, and pavement striping. ~~All pavement striping shall use a heat tape process. The developer shall furnish and install these items to city standards. In accordance with the Public Works Design Standards.~~
- V. Access Management. New access to arterials and collectors shall be limited. Shared or consolidated access shall be required for development or land divisions adjacent to these facilities unless demonstrated to be unfeasible.
1. Number of Access Points. All proposed development shall have access to a public right-of-way. Spacing requirements for access points and intersections on arterials and collector streets shall comply with the Public Works Design Standards, be as shown in the following two tables:
[...]
 2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.
 3. Frontage on Service Roads and Common Drives or Use of Alleys.
 - a. Projects proposed on arterials shall include a frontage or service road or use an alley and shall take access from the frontage road facility rather than the arterial. ~~Frontage road design shall conform to ODOT standards.~~ This access requirement may be met through the use of interconnecting parking lots which abut the arterial.
 - b. Adjacent uses may share a common driveway provided that appropriate access easements are granted between and among property owners.

4. Alternative Designs. Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically unfeasible, alternate designs ~~may~~ shall be approved in accordance with the Public Works Design Standards.
 5. Access to Residential Lots. All lots in a proposed residential subdivision shall have frontage on and access from a local ~~or collector~~ street ~~or alley~~.
- W. Bicycle Requirements. Bike lanes or shared bike lanes shall be provided during the construction, reconstruction, or relocation of arterial and collector streets. Design and construction of bikeways, or other public paths shall conform to the requirements of the Public Works Design Standards. ~~American Association of State Highway and Transportation Officials (AASHTO) as revised and adopted in the “Oregon Bicycle and Pedestrian Plan”.~~
- X. Pedestrian Requirements.
1. Sidewalk shall be constructed along all arterial, collector, and local service streets.
 2. The design and construction of sidewalks and other public paths shall conform to the requirements of the Public Works Design Standards. ~~“Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Monmouth standards.~~
- Y. Accessways. Where required:
1. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and cyclist destinations. A reasonably direct connection is a route which minimizes out-of-direction travel for most of the people likely to use the multiple-use path considering terrain, safety, and likely destinations.
 2. The design and construction of accessways shall conform to the requirements of the “Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Independence standards.
- Z. Lighting. ~~No illumination of pathways that are off street or in riparian areas shall be allowed, unless otherwise allowed by the Independence Public Works Director. Lighting of sidewalks along roadways shall comply with the Public Works Design Standards and IESNA Lighting Standards. Illumination of all sidewalks and bicycle paths will be provided in conjunction with all new development. Adequacy of the lighting plan will be consistent with AASHTO standards and approved by the City Manager or designee. Metal street light poles with concrete bases are required.~~

(NEW SECTION) Section 90.115 Middle Housing Land Divisions.

A Middle Housing Land Division (MHL D) is a partition or subdivision of a lot or parcel on which middle housing is developed or proposed. MHL Ds are regulated by this Code and ORS 92.031. The purpose of an MHL D is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables the units to be sold and owned individually.

- A. Applicability. MHL Ds are available in zoning districts where middle housing is permitted under this Code. Middle housing development that is eligible for an MHL D may consist of:

1. A single duplex, triplex, quadplex, cottage cluster, or structure containing townhouses;
 2. Any retained or rehabilitated existing units on the lot or parcel that is part of the middle housing development.
 3. An MHL D creates two (2) or more lots or parcels from a single parent lot on which middle housing is developed or proposed. After a MHL D is completed, the resulting lots or parcels are “child lots” or “middle housing lots.” The approved development is still subject to the requirements and development standards that applied to the parent lot prior to the MHL D. In addition, the resulting development is still defined as and subject to the development standards that apply to the original middle housing type after an MHL D is completed (e.g., a duplex that undergoes an MHL D does not become a townhouse development; the structure and property are still subject to requirements/standards for a duplex).
- B. Application Timing and Sequencing.
1. An application for an MHL D shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant’s responsibility to submit a complete application that addresses the review criteria of this Section.
 2. An application for a tentative plan for an MHL D may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing.
 3. An application for a tentative plan for an MHL D may be submitted at the same time as an application for a standard subdivision or partition. The standard land division would create the parent lot(s), and the MHL D would further subdivide the lot(s) into middle housing child lots.
 4. An application of one or more than one MHL D submitted at the same time as an application for a standard subdivision or partition will be consolidated into a single application subject to the procedural requirements for the standard subdivision or partition.
 5. Within the same calendar year as an original partition that was not an MHL D, one or more of the resulting vacant parcels may be further partitioned into 3 or fewer parcels through an MHL D.
 6. Approval of the creation of MHL D parent lots does not constitute approval of a MHL D on such lots unless all of the requirements of Section 90.115 are satisfied.
- C. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the City Planning Official finds that the applicant has met all of the criteria in Subsections (1) through (6), below. The City’s standard tentative plan approval criteria do not apply.
1. The middle housing development, including all existing and proposed structures, complies with:
 - a. The Oregon Residential Specialty Code; and
 - b. The middle housing regulations applicable to the parent lot, including, but not limited to the provisions in this Code.
 2. Exactly one dwelling unit will be located on each resulting child lot except for:
 - a. Lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted; or
 - b. Lots or parcels with an existing detached single-unit dwelling and accessory dwelling unit or an existing duplex, as allowed under Subchapter 17. Such

existing units shall be considered a single middle housing unit for the purposes of the MHL.

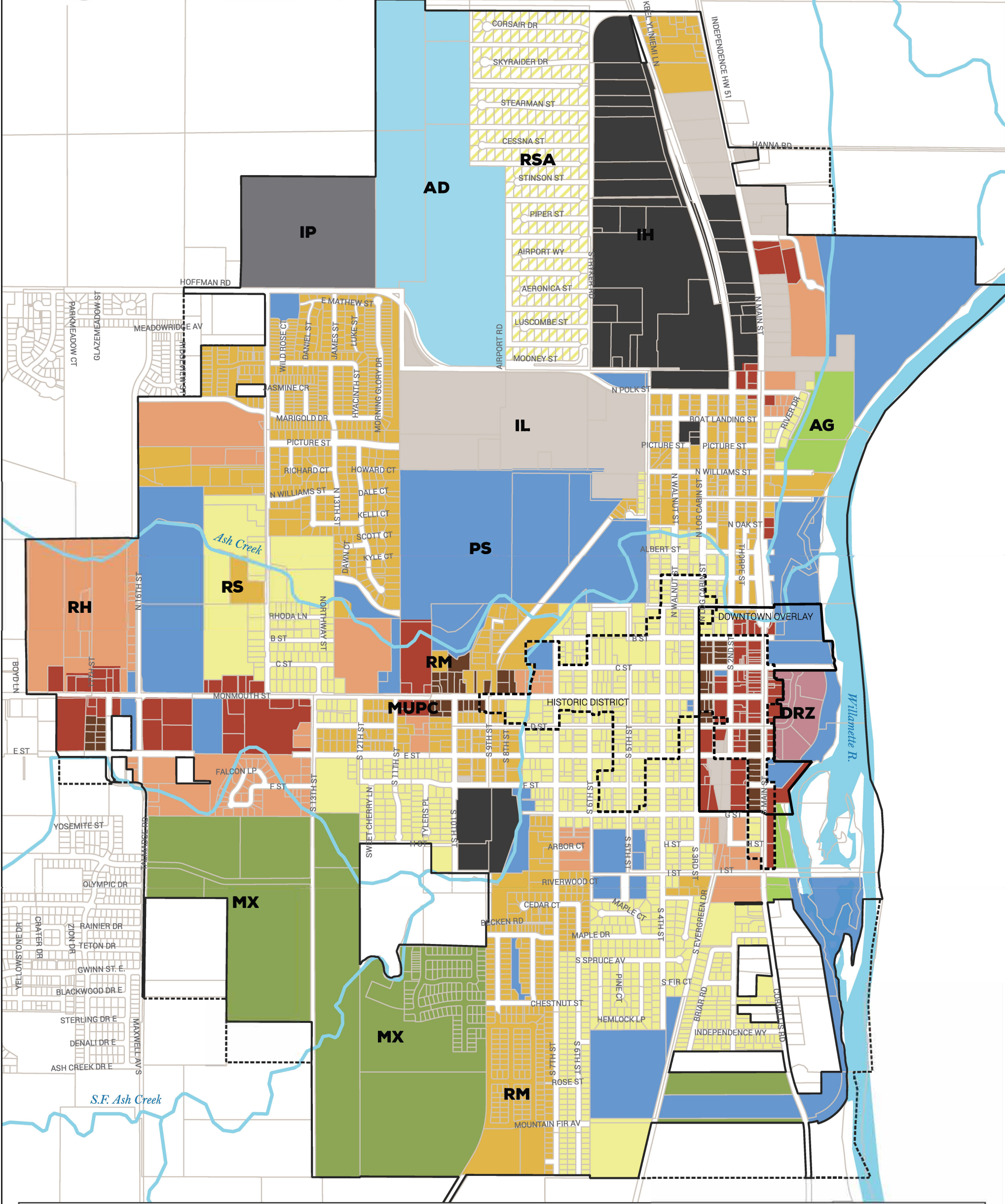
3. Utility service connections will be provided for each child lot and associated dwelling as described in Section 90.80.005 of this Code.
 4. Easements will be provided as necessary for each dwelling unit on the site for:
 - a. Locating, accessing, replacing, and servicing all utilities;
 - b. Pedestrian access from each dwelling unit to a private or public road;
 - c. Access to any common use areas or shared building elements; and
 - d. Access to any dedicated driveways or parking.
 5. Buildings or structures on a resulting child lot will comply with applicable building code provisions.
 6. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to requirements of Sections 90.80 and 90.90 of this ordinance and consistent with the Public Works Design Standards.
- D. Tentative Plan Submittal Requirements. An application for an MHL tentative plan shall include the following:
1. The boundaries, dimensions, and area of the lot;
 2. The location, width, and names of all proposed streets, flag lot accessways, and public accessways, including those abutting the perimeter of the lot;
 3. The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
 4. The location of all existing and proposed off-street parking and vehicle use areas;
 5. The location of all existing or proposed public utility connections for each dwelling unit, demonstrating compliance with approval criterion 90.115 (C) and with Sections 90.80 and 90.90;
 6. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion in Section 90.115(C)..
 7. A description of the manner in which the proposed land division will satisfy the approval criteria in Section 90.115(C).
 8. Copies of approved building permits or building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in Section 90.115(C).
- E. Tentative Plan Conditions of Approval. The City may attach conditions of approval of a tentative plan for an MHL to:
1. Prohibit further division of the resulting child lots.
 2. Require that a notation appear on the final plat indicating:
 - a. The approval was given under ORS 92.031.
 - b. The type of middle housing approved on the subject site and noting that the middle housing type shall not be altered by the MHL (e.g., a duplex that undergoes an MHL does not become another type of middle housing or a single family detached home; the structure and property are still subject to requirements/standards for a duplex).
 - c. Accessory dwelling units are not permitted on resulting child lots.

3. The City may require that all public improvements and site improvements needed to satisfy approval criteria in Section (C) and the applicable standards of the City's code are constructed or guaranteed prior to the approval and signing of the final plat for the development.
 4. The preliminary approval of an MHL D is void if and only if a final MHL D plat is not recorded within 3 years of the preliminary approval.
- F. Tentative Plan Procedure. An application for a MHL D can utilize the following procedures:
1. Expedited Procedure. Unless the applicant requests to use the City's standard land division procedure or a MHL D is submitted concurrent with a standard subdivision (and is requested to be reviewed concurrent with the subdivision), the City shall apply the procedure used for an Expedited Land Division, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
 - a. The City Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application, as described in ORS 227.178. Notice shall not be provided to any other person.
 - b. The MHL D review process does not include a hearing and the City does not accept public comment from third parties.
 - c. The City shall issue a written determination of compliance or noncompliance with the approval criteria in Subsection (C). An approval may include conditions of approval pursuant to Subsection (E) to ensure that the application meets all applicable requirements.
 - d. The written determination shall include a summary statement explaining the determination, and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
 - e. The applicant shall pay a fee according to the City's fee schedule.
 - f. Only the applicant may appeal a decision for an MHL D processed as an Expedited Land Division made under this section.
 2. Standard Procedure. If requested by the applicant as an alternative to use of the Expedited Procedure described in subsection (a) above or a MHL D is submitted at the same time as an application for a standard subdivision or partition (and the applicant requests a concurrent review), the City shall review an MHL D under the same procedure that applies to a standard land division.
- G. Final Plat Requirements. An application for an MHL D final plat shall meet the City's requirements and approval criteria that apply to a standard subdivision or partition final plat per Subsection 90.60.075.



CITY OF INDEPENDENCE

Zoning Map



LEGEND

ZONE

- Low-Density Residential (RS)
- Medium-Density Residential (RM)
- High-Density Residential (RH)
- Residential Single-Family Airpark Overlay (RSA)
- Mixed Residential (MX)
- Mixed-Use Pedestrian Friendly Commercial (MUPC)

- MUPC-Transitional (MUPC-T)
- Downtown Riverfront Zone (DRZ)
- Light Industrial (IL)
- Heavy Industrial (IH)
- Industrial Park (IP)
- Airport District (AD)
- Agricultural (AG)

- Public Service (PS)
- City Limits
- Urban Growth Boundary
- Downtown Overlay
- Historic District



INDEPENDENCE

Oregon's Story Begins Here

STREET RENAMING REQUEST STAFF REPORT

MEETING DATE:	June 15, 2026
RECOMMENDATION:	RECOMMEND APPROVAL
REQUEST:	Rename Madrona Street E. in Southwest Crossing Subdivision
PROPERTY:	Southwest Crossing Subdivision
ZONING:	Mixed Density Residential (MX) Zone
ATTACHMENT:	A. Southwest Crossing – Draft Final Plat (4 pages) B. Partition Plat No. 2021-0018 (3 pages) C. Zoning Map (1 page)

I. BACKGROUND

On May 19, 2026, the applicant for the Southwest Crossing subdivision submitted a final plat for their project (located between S. 13th and S. 16th in Southwest Independence). As part of that plat, the application showed a portion of a newly created road in the subdivision as I Street (as had been directed by the City of Independence) (see Attachment A). An earlier recorded partition for the site, however, called the roadway Madrona Street E (see Attachment B).

City staff would like to officially change the roadway name from Madrona Street E. to I Street.

II. PURPOSE

Staff at the City of Independence instructed the applicant for Southwest Crossing to call the road I Street to avoid any confusion in the addressing of the area. In both Monmouth and Independence, addresses run up in number as you travel away from downtown. Just west of S. 16th, Monmouth's addresses are 1984 Madrona Street E. and 1993 Madrona Street E and go down as an individual moves to the west. Independence's numbers are just under 1600 at S. 16th and travel down as an individual moves east. If both segments of the road were called Madrona Street E., Independence's numbers would ultimately duplicate the numbers that are found a few blocks to the west (in Monmouth).

Additionally, the use of the directional "East" at the end of Madrona Street only makes sense in the context of Monmouth and does not work in southwest Independence. Changing the direction to something different, like Madrona Street W., would also not work as the road would be east of Madrona Street E. Eliminating the direction altogether similarly would not end the potential for confusion.

In considering the potential options given this situation, city staff determined that a completely different road name was warranted. To select the road name, the city relied on the existing grid system and carried the I Street name over from similarly aligned road near the Willamette River Bridge (see Attachment C). Use of the existing naming and numbering convention would allow the city to create an easily navigable numbering grid for this new portion of Independence.

III. PROCESS

To officially change the road name, the Independence Planning Commission is required to make a recommendation to the Independence City Council, who is then required to adopt an ordinance.

Per ORS 227.120:

***Procedure and approval for renaming streets.** Within six miles of the limits of any city, the commission, if there is one, or if no such commission legally exists, then the city engineer, shall recommend to the city council the renaming of any existing street, highway or road, other than a county road or state highway, if in the judgment of the commission, or if no such commission legally exists, then in the judgment of the city engineer, such renaming is in the best interest of the city and the six mile area. Upon receiving such recommendation the council shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and the six mile area not less than once within the week prior to the week within which the hearing is to be held. After such opportunity for hearing has been afforded, the city council by ordinance shall rename the street or highway in accordance with the recommendation or by resolution shall reject the recommendation...*

As required by this section, the Planning Commission must consider the matter and find that the “renaming is in the best interest of the city and the six-mile area.”

IV. RECOMMENDATION

Given the potential for confusion associated with the existing Madrona Street E. road name, staff recommends that the Planning Commission move to find that renaming is in the best interest of the city and the six-mile area and forward the City Council a recommendation to change the road name from Madrona Street E to I Street.

Potential motion:

I move to find that renaming is in the best interest of the city and the six-mile area and forward the City Council a recommendation to change the road name from Madrona Street E to I Street.

SOUTHWEST CROSSING

LOCATED IN THE NW 1/4 OF SECTION 29, T. 8 S., R. 4 W., W.M.,
CITY OF INDEPENDENCE, POLK COUNTY, OREGON

MAY 15, 2026

PLANNING FILE NO. SUB 2021-01

SHEET 1 OF 4

ATTACHMENT A

SHEET INDEX

SHEET 1 - PLAT BOUNDARY, CURVE TABLE, NARRATIVE, LEGEND,
SURVEY REFERENCES, DEED REFERENCES
SHEET 2 - NORTH LOTS AND TRACTS, CURVE TABLE
SHEET 3 - SOUTH LOTS AND TRACTS, CURVE TABLE, LINE TABLE
SHEET 4 - SURVEYOR'S CERTIFICATE, APPROVALS, DECLARATION,
PLAT NOTES

NARRATIVE:

The purpose of this survey is subdivide into lots and tracts, Parcel 1 of Partition Plat 2021-0018 per City of Independence Planning Case No. SUB 2021-01. The Basis of Bearings used was along the south boundary of said Parcel 1 holding monuments set and data of record as shown. Found monuments and record data per Partition Plat 2021-0018 were held for the boundary of this subdivision plat.

FOUND MONUMENT LIST

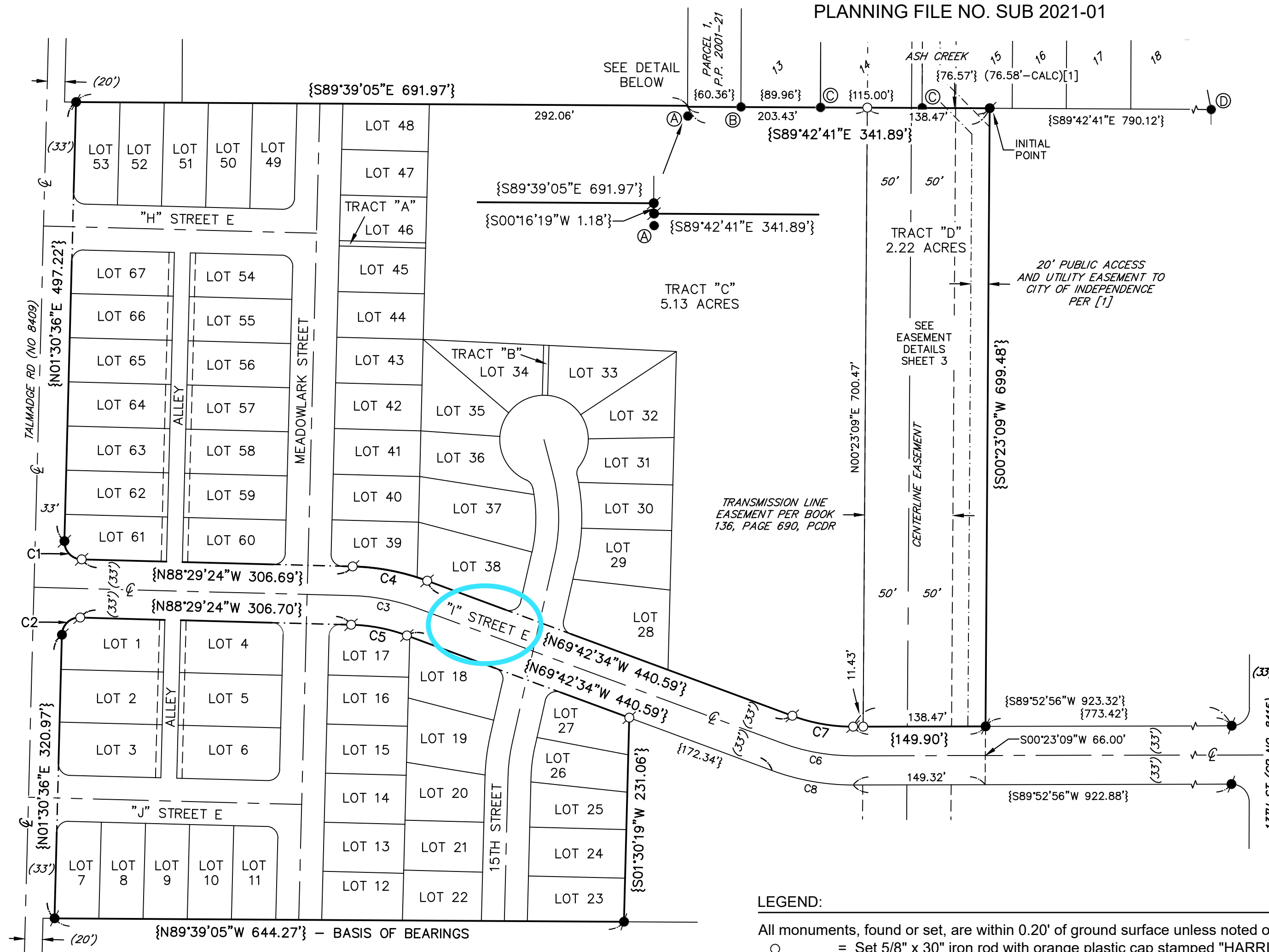
- (A) - 3/4" iron pipe, shown in [1] and [2]. Bears S00°16'19"W 0.30' from the southwest corner of Parcel 1, Partition Plat 2001-21.
(B) - 5/8" iron rod with yellow plastic cap stamped "MULTI/TECH ENG.", set in [3].
(C) - 5/8" iron rod with red plastic cap stamped "MULTI/TECH ENG.", set in [3].
(D) - 1" iron pipe inside of a 2" iron pipe, down 1.6', set in [4].

SURVEY REFERENCES:

- [1] - P.P. 2021-0018
[2] - PARTITION PLAT 2001-21
[3] - ASH CREEK (V. 12, P. 37, BOTP)
[4] - OREGON TRAIL APARTMENTS (V. 8, P. 14, BOTP)

DEED REFERENCES:

R1 - INSTRUMENT NUMBER 2024-008886

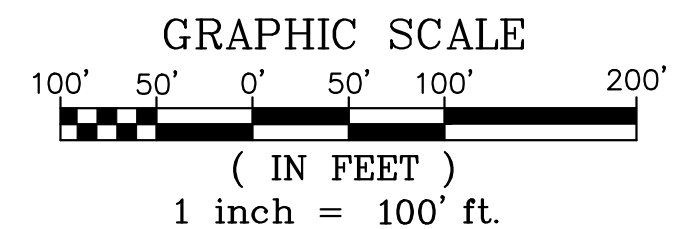
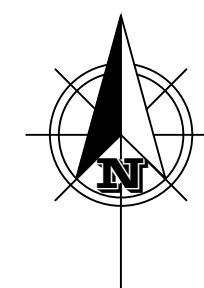


CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING & DIST.
{C1}	20.00'	90°00'00"	31.42'	N43°29'24"W 28.28'
{C2}	20.00'	90°00'00"	31.42'	N46°30'36"E 28.28'
{C3}	230.00'	18°47'16"	75.42'	N79°06'12"W 75.08'
{C4}	263.00'	18°47'16"	86.24'	N79°06'12"W 85.85'
{C5}	197.00'	18°47'16"	64.60'	N79°06'12"W 64.31'
{C6}	230.00'	20°24'30"	81.92'	S79°54'49"E 81.49'
{C7}	197.00'	20°24'30"	70.17'	S79°54'49"E 69.80'
{C8}	263.00'	20°24'30"	93.68'	S79°54'49"E 93.18'

LEGEND:

All monuments, found or set, are within 0.20' of ground surface unless noted otherwise.

- = Set 5/8" x 30" iron rod with orange plastic cap stamped "HARRIS PLS 96889"
□ = Set 5/8" x 30" iron rod with aluminum cap stamped "HARRIS PLS 96889"
⊙ = Found 5/8" iron rod with yellow plastic cap stamped "WILSON PLS 2687", set in [1], destroyed during construction and replaced with a 5/8" x 30" iron rod with orange plastic cap stamped "HARRIS PLS 96889"
● = Found monument (see found monument list)
() = Found 5/8" iron rod with yellow plastic cap stamped "WILSON PLS 2687", set in [1],
{ } = Data of record per survey noted
[#] = Record equals measured data per [1]
[#] = Survey reference number
CS = County Survey
PCDR = Polk County Deed Records
CALC = Calculated Survey Value
PUE = Public Utility Easement
PAE = Public Access Easement
SF = Square Feet
* = Per this plat



REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 10, 2023
BRAD ROBERT HARRIS
96889PLS

EXPIRES: 6/30/2027



3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: BRAD@BARKERWILSON.COM

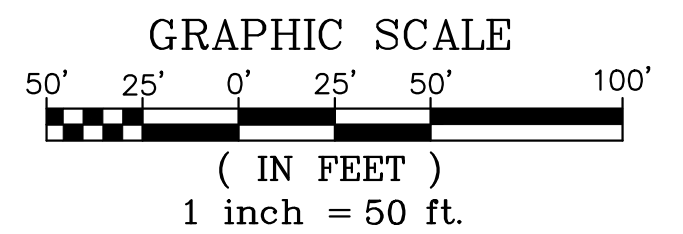
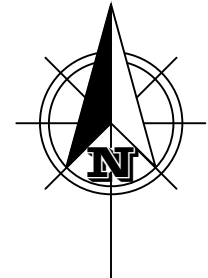
SOUTHWEST CROSSING

LOCATED IN THE NW 1/4 OF SECTION 29, T. 8 S., R. 4 W., W.M.,
CITY OF INDEPENDENCE, POLK COUNTY, OREGON

MAY 15, 2026

PLANNING FILE NO. SUB 2021-01

SHEET 2 OF 4



CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING & DIST.
{C1}	20.00'	90°00'00"	31.42'	N43°29'24"W 28.28'
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{C3}	230.00'	18°47'16"	75.42'	N79°06'12"W 75.08'
{C4}	263.00'	18°47'16"	86.24'	N79°06'12"W 85.85'
{C5}	197.00'	18°47'16"	64.60'	N79°06'12"W 64.31'
C9	13.00'	90°00'10"	20.42'	N43°29'29"W 18.39'
C10	13.00'	89°59'50"	20.42'	N46°30'31"E 18.38'
C11	13.00'	90°01'08"	20.42'	S46°29'52"W 18.39'
C12	13.00'	89°58'52"	20.42'	S43°30'08"E 18.38'
C13	13.00'	90°01'18"	20.43'	S46°29'57"W 18.39'
C14	13.00'	89°58'42"	20.42'	N43°30'03"W 18.38'
C15	263.00'	16°11'25"	74.32'	N80°24'07"W 74.07'
C16	263.00'	2°35'51"	11.92'	N71°00'29"W 11.92'
C17	13.00'	90°01'18"	20.43'	N46°29'57"E 18.39'
C18	13.00'	89°58'42"	20.42'	S43°30'03"E 18.38'
C19	13.00'	97°29'58"	22.12'	S61°32'28"W 19.55'
C20	13.00'	82°30'02"	18.72'	N28°27'32"W 17.14'
C21	226.00'	25°05'52"	99.00'	N00°14'33"E 98.21'
C22	200.00'	27°33'25"	96.19'	N00°59'14"W 95.27'
C23	174.00'	24°03'07"	73.04'	N00°45'55"E 72.51'
C24	226.00'	9°57'20"	39.27'	N07°48'49"E 39.22'
C25	226.00'	13°11'32"	52.04'	N03°45'37"W 51.92'
C26	226.00'	1°57'01"	7.69'	N11°19'53"W 7.69'
C27	174.00'	2°20'32"	7.11'	N10°05'22"W 7.11'
C28	174.00'	21°34'21"	65.51'	N01°52'04"E 65.13'
C29	174.00'	0°08'15"	0.42'	N12°43'22"E 0.42'
C30	13.00'	49°32'55"	11.24'	S12°28'04"W 10.90'
C31	13.00'	54°54'32"	12.46'	N38°42'54"W 11.99'
C32	50.00'	283°24'42"	247.32'	S75°32'11"W 61.97'
C33	50.00'	70°18'47"	61.36'	S31°00'46"E 57.58'
C34	50.00'	32°58'21"	28.77'	S20°37'48"W 28.38'
C35	50.00'	50°47'19"	44.32'	S62°30'38"W 42.88'
C36	50.00'	6°52'47"	6.00'	N88°39'19"W 6.00'
C37	50.00'	51°05'17"	44.58'	N59°40'18"W 43.12'
C38	50.00'	33°05'51"	28.88'	N17°34'43"W 28.48'
C39	50.00'	38°16'20"	33.40'	N18°06'22"E 32.78'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 10, 2023
BRAD ROBERT HARRIS
96889PLS

EXPIRES: 6/30/2027

**BARKER
SURVEYING**

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PHONE (503) 588-8800
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SOUTHWEST CROSSING

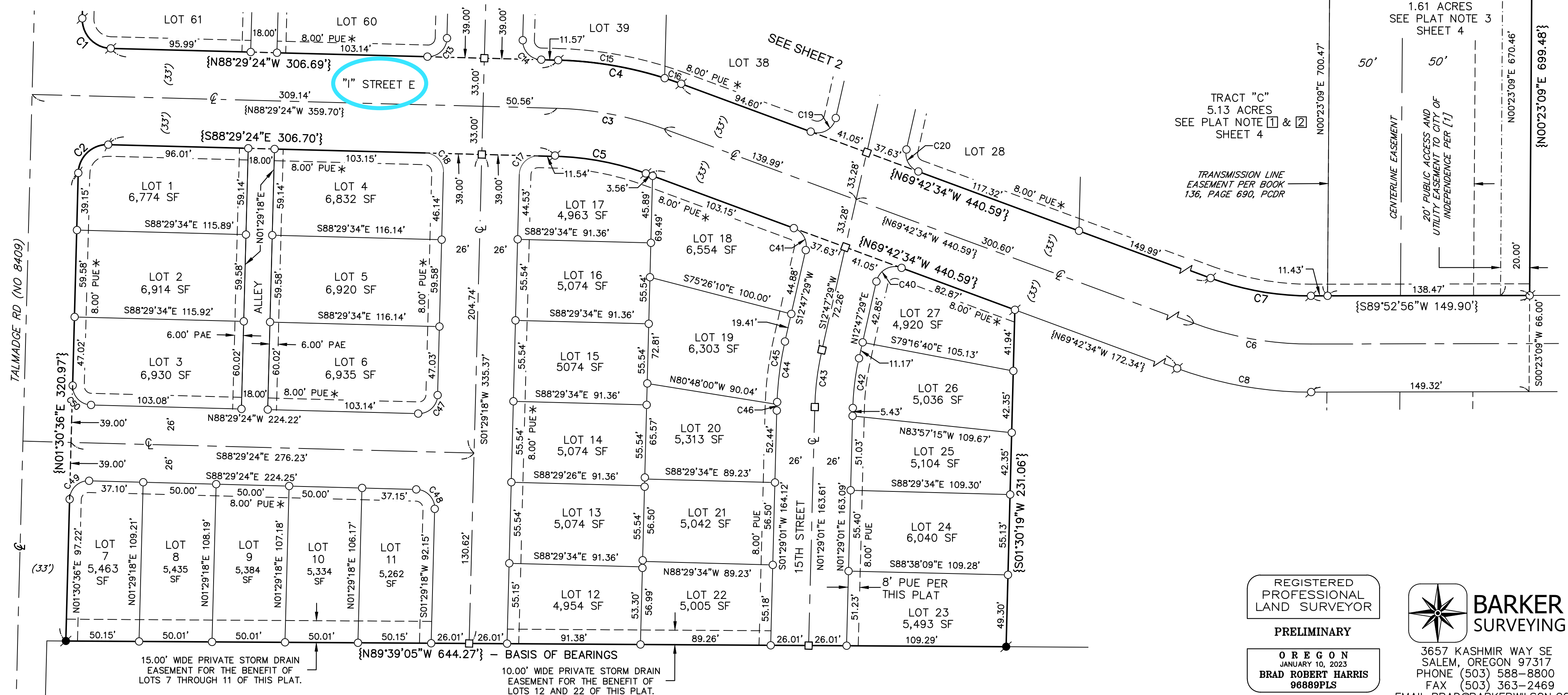
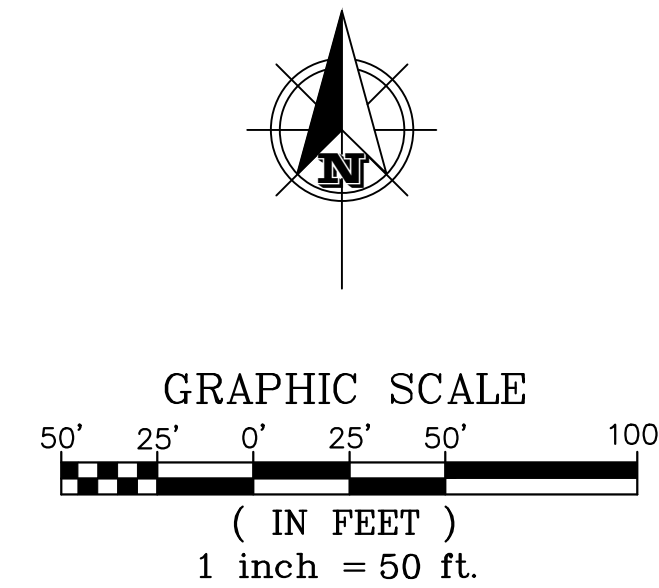
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SHEET 3 OF 4

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{C7}	197.00'	20°24'30"	70.17'	N79°54'49"W 69.80'
{C8}	263.00'	20°24'30"	93.68'	S79°54'49"E 93.18'
C13	13.00'	90°01'18"	20.43'	S46°29'57"W 18.39'
C14	13.00'	89°58'42"	20.42'	N43°30'03"W 18.38'
C15	263.00'	16°11'25"	74.32'	N80°24'07"W 74.07'
C16	263.00'	2°35'51"	11.92'	N71°00'29"W 11.92'
C17	13.00'	90°01'18"	20.43'	N46°29'57"E 18.39'
C18	13.00'	89°58'42"	20.42'	S43°30'03"E 18.38'
C19	13.00'	97°29'58"	22.12'	S61°32'28"W 19.55'
C20	13.00'	82°30'02"	18.72'	N28°27'32"W 17.14'

CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING & DIST.
C40	13.00'	97°29'58"	22.12'	N61°32'28"E 19.55'
C41	13.00'	82°30'02"	18.72'	S28°27'32"E 17.14'
C42	174.00'	11°18'28"	34.34'	N07°08'15"E 34.28'
C43	200.00'	11°18'28"	39.47'	S07°08'15"W 39.41'
C44	226.00'	11°18'28"	44.60'	S07°08'15"W 44.53'
C45	226.00'	11°02'07"	43.53'	N07°16'25"E 43.46'
C46	226.00'	0°16'21"	1.07'	N01°37'11"E 1.07'
C47	13.00'	90°01'18"	20.43'	S46°29'57"W 18.39'
C48	13.00'	90°00'00"	20.42'	S43°29'24"E 18.38'
C49	13.00'	90°00'00"	20.42'	N46°30'36"E 18.38'
C50	13.00'	90°00'00"	20.42'	N43°29'24"W 18.38'

LINE TABLE	
LINE #	CHORD BEARING & DIST.
L1	N44°36'49"W 29.54'
L2	S44°36'49"E 41.18'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 10, 2023
BRAD ROBERT HARRIS
96889PLS

EXPIRES: 6/30/2027



3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: BRAD@BARKERWILSON.COM

SOUTHWEST CROSSING
LOCATED IN THE NW 1/4 OF SECTION 29, T. 8 S., R. 4 W., W.M.,
CITY OF INDEPENDENCE, POLK COUNTY, OREGON
MAY 15, 2026
PLANNING FILE NO. SUB 2021-01

SHEET 4 OF 4

SURVEYOR'S CERTIFICATE:

I, Brad Robert Harris, a Registered Professional Land Surveyor in Oregon, do hereby depose and say that I did accurately survey and mark with proper monuments the lands represented on the attached map, situated in the northwest one-quarter of Section 29, Township 8 South, Range 4 West of the Willamette Meridian, City of Independence, Polk County, Oregon, being described as follows:

Parcel 1, Partition Plat 2021-0018 as platted and recorded in the Polk County Book of Partition Plats, containing 18.84 acres of land, more or less.
The Initial Point of this is a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687" found at the northeast corner of Parcel 1 of said Partition Plat 2021-0018.

Brad Robert Harris
Registered Professional Land Surveyor No. 96889PLS
License expires June 30, 2027

THE WITHIN PLAT IS HEREBY APPROVED

Planning Administrator,
Planning Case No. SUB2021-01

Date

Planning Commission Chairperson
or Co-Chairperson

Date

City Manager, City of Independence

Date

City Recorder, City of Independence

Date

Polk County Surveyor

Date

Polk County Assessor

Date

Chairperson, or Vice Chairperson
Polk County Board of Comissioners

Date

Taxes and assessments on the above described property as provided by ORS 92.095,
have been paid through _____.

Polk County Tax Collector

Date

STATE OF OREGON
S.S.
COUNTY OF POLK

I hereby certify that the within partition plat was received and duly recorded by me in the Polk County Book of Subdivision Plats, Volume _____, Page _____, on this ____ day of _____, 2026 at ____ o'clock __.m.

Polk County Clerk

DECLARATION:

Know all people by these presents that Chad E. Davis Construction, LLC, an Oregon limited liability company, being the owner of the property described in the Surveyor's Certificate hereon made and desiring to dispose of the same in lots and tracts, has caused the same to be platted and surveyed in accordance with the provisions of O.R.S. Chapter 92.

We hereby grant the easements as shown. We hereby dedicate to the public forever the streets and alleys shown hereon.

In witness whereof I set my hand and seal this ____ day of _____, 2026.

Chad E. Davis Construction, LLC

By: _____
Chad E. Davis, Member

STATE OF OREGON
S.S.
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 2026, by Chad E. Davis, as a Member of Chad E. Davis Construction, LLC, an Oregon limited liability company, being the identical person described in the above instrument and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.

NOTARY PUBLIC - OREGON

(PRINT NAME)

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

PLAT NOTES

- [1] - Tracts "A", "B", and "C" are subject to a Public Pedestrian Access Easement and are to be conveyed to the City of Independence by separate document.
- [2] - Tract "C" subject to a public storm drain easement to the City of Independence over its entirety.
- [3] - Tract "D" to be conveyed to the City of Independence by separate document.
- [4] - There shall be not direct motor vehicle access to or from Lots 1, 2, 3, 7, 53, and 61 through 67 onto Talmadge Rd (No. 8409) unless authorized by the governing body having jurisdiction over said road.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 10, 2023
BRAD ROBERT HARRIS
96889PLS
EXPIRES: 6/30/2027



BARKER
SURVEYING

3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: BRAD@BARKERWILSON.COM

PARTITION PLAT NO. 2021-0018

LOCATED IN THE S 1/2 & NW 1/4 OF SECTION 29, T. 8 S., R. 4 W., W.M.,
CITY OF INDEPENDENCE, POLK COUNTY, OREGON

JULY 6, 2021

PARTITION FILE NO. PAR 2021-01

NARRATIVE

The purpose of this survey is to partition that property described in Document No. 2002-019411, Polk County Deed Records, into three parcels as approved by the City of Independence Planning File No. PAR 2021-01. The Basis of Bearings used for this survey is between monuments M and N, the line being held as South 89°39'09" East per OCRS Salem. Bearings are based on OCRS (Oregon Coordinate Reference System) Salem Zone - NAD 83(2011) EPOCH 2010.00, using the ORGN (Oregon Real Time GNSS Network). The boundary of the subject property was determined as follows:

East Line - I held a point 13 feet Easterly of monument G and held record deed distance Easterly from the Southerly southwest corner of the J.E. Davidson D.L.C. No. 44. This line was shown to be along the west line of a 40 foot wide road-way in CS 9-425.

South Line - I held the south line parallel with and deed distance Northerly of the south line of Claim No. 44. The south line common to the north line of Document No. 2006-012111 was determined by holding a line parallel with and 14 chains Southerly per the subject property deed at a perpendicular distance Southerly of the determined north line of the subject property.

West Line - I held a line parallel with and record distance Easterly from the tangent portion of the centerline of Talmadge Road and the Northerly extension of said tangent Northerly through the P.1 monument O per said Document No. 2006-012111. For the portion along the Talmadge Road right of way, I held a line 20 feet Easterly of the line between monument J and a point 20.93 feet Westerly of monument A as shown in CS 14614.

North Line - I held a point 1.19 feet Southerly of monument A and held monument G per CS 12145 to determine that portion of the north line lying Westerly of Parcel 1 of Partition Plat 2001-21. For the portion of the north line lying Easterly of said point, I held monuments defining the south lines of said Parcel 1, the plat of ASH CREEK, Document No. 2015-013966 and the plat of OREGON TRAIL APARTMENTS.

LEGEND:

- All monuments, found or set, are within 0.20' of ground surface unless noted otherwise.
- | | |
|------|---|
| ○ | = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687" |
| ● | = Found monument (see found monument list) |
| () | = Data of record per survey noted |
| { } | = Record and measured data per survey noted |
| CS | = County Survey |
| PCDR | = Polk County Deed Records |
| CALC | = Calculated Survey Value |
| CH | = Chains |
| PUE | = Public Utility Easement |

SURVEY REFERENCES

- | | |
|------|---|
| [1] | CS 2639 |
| [2] | Government Restoration Corner REC-337 |
| [3] | OREGON TRAIL APARTMENTS (Volume 8, Page 14, Book of Town Plats) |
| [4] | CS 13097 |
| [5] | CS 13202 |
| [6] | CS 13203 |
| [7] | ASH CREEK (Volume 12, Page 37, Book of Town Plats) |
| [8] | CS 9-425 |
| [9] | CS 12145 |
| [10] | CS 14614 |

DEED REFERENCES:

- R1 DOCUMENT NO. 2002-019411, PCDR
R2 DOCUMENT NO. 2006-012111, PCDR

SHEET INDEX

SHEET 1 - PLAT MAP, NARRATIVE, LEGEND, SURVEY AND DEED REFERENCES
SHEET 2 - DETAILS A, B & C, CURVE TABLE, FOUND MONUMENT LIST
SHEET 3 - SURVEYOR'S CERTIFICATE, APPROVALS, DECLARATION AND
ACKNOWLEDGEMENTS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson
OREGON
JULY 19, 1994
GREGORY L. WILSON
2687
EXPIRES: 6/30/2022

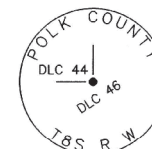
EXPIRES: 6/30/2022



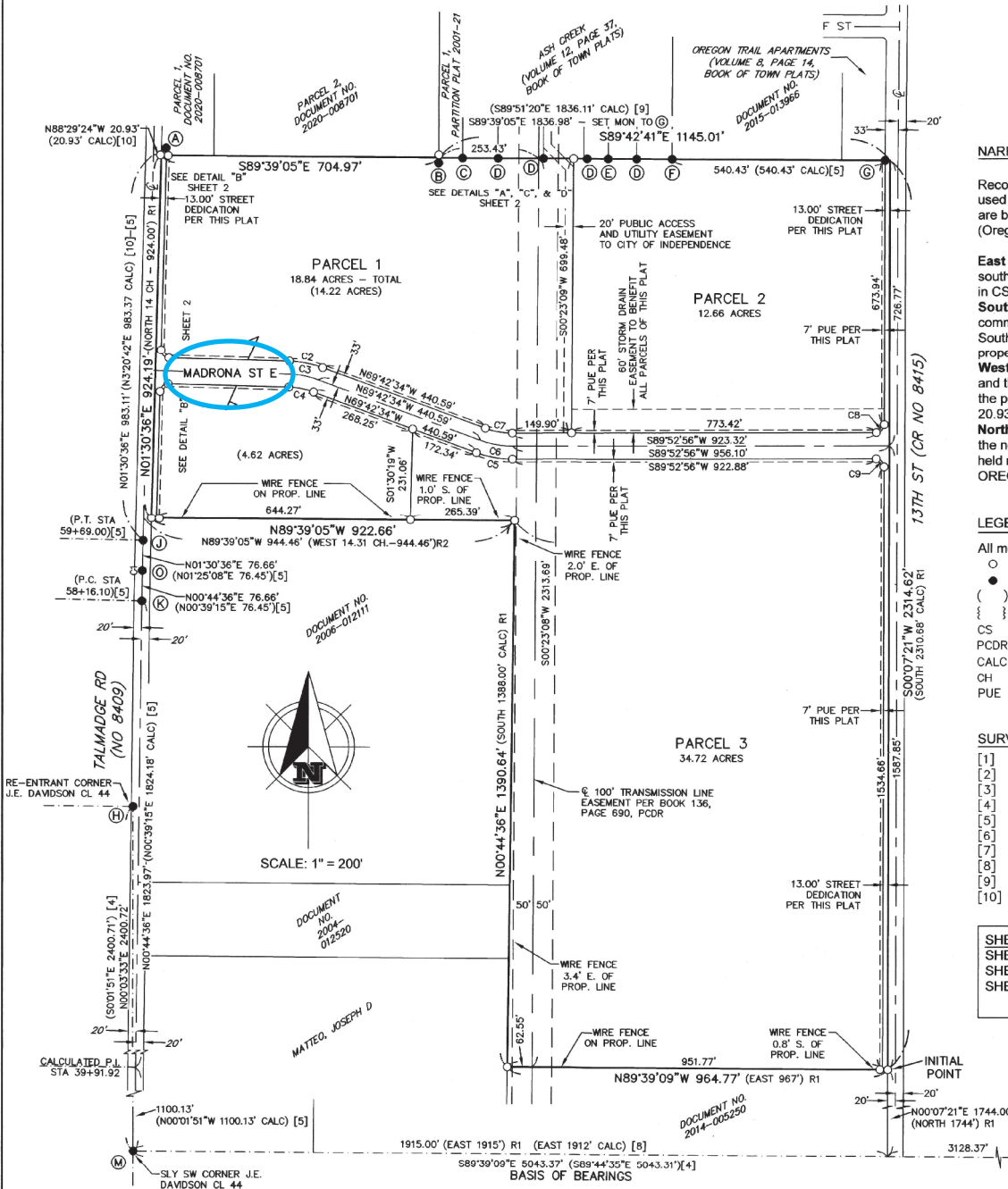
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM



MONUMENT M DETAIL



MONUMENT N DETAIL



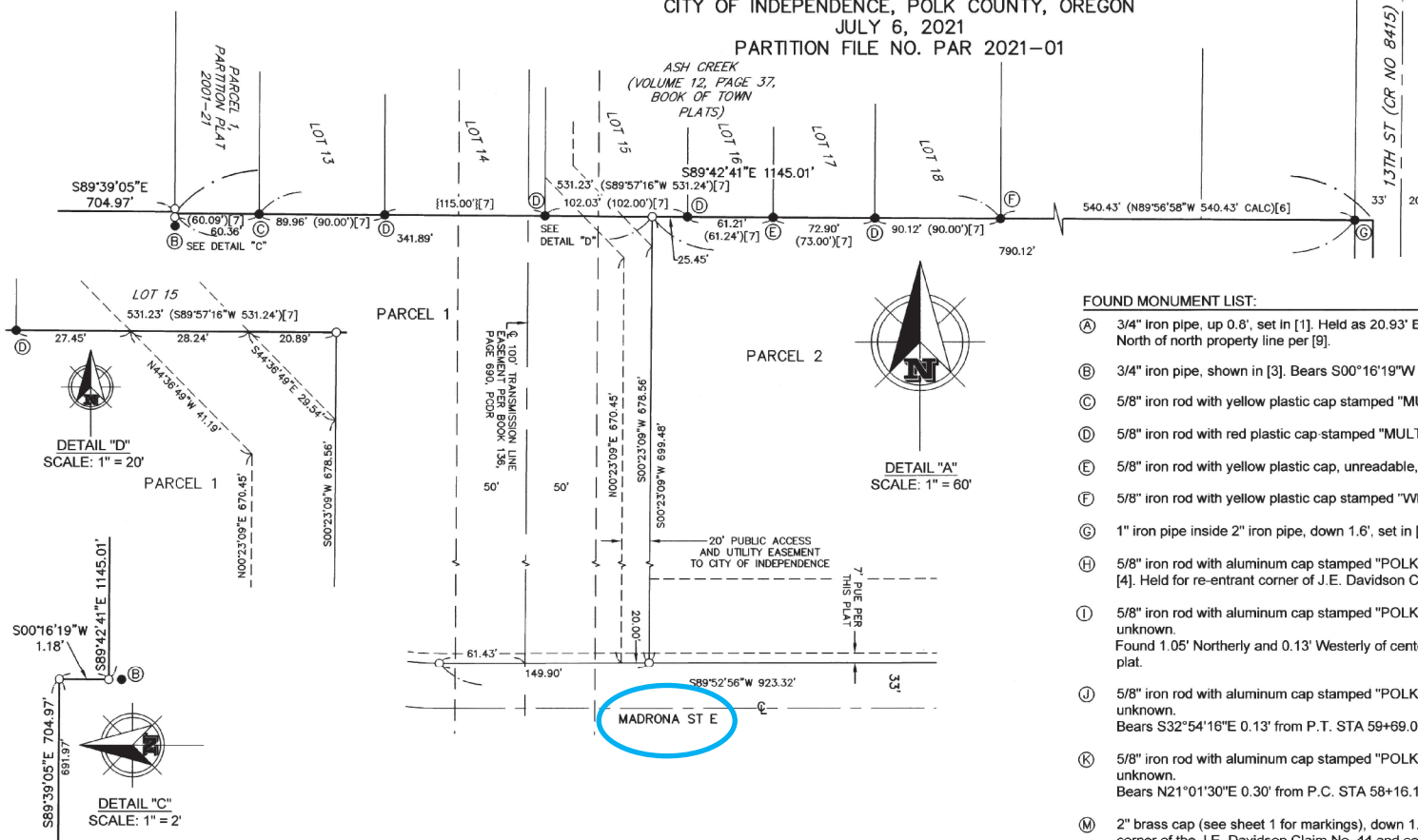
PARTITION PLAT NO. 2021-0018

LOCATED IN THE S 1/2 & NW 1/4 OF SECTION 29, T. 8 S., R. 4 W., W.M.,
CITY OF INDEPENDENCE, POLK COUNTY, OREGON

JULY 6, 2021

PARTITION FILE NO. PAR 2021-01

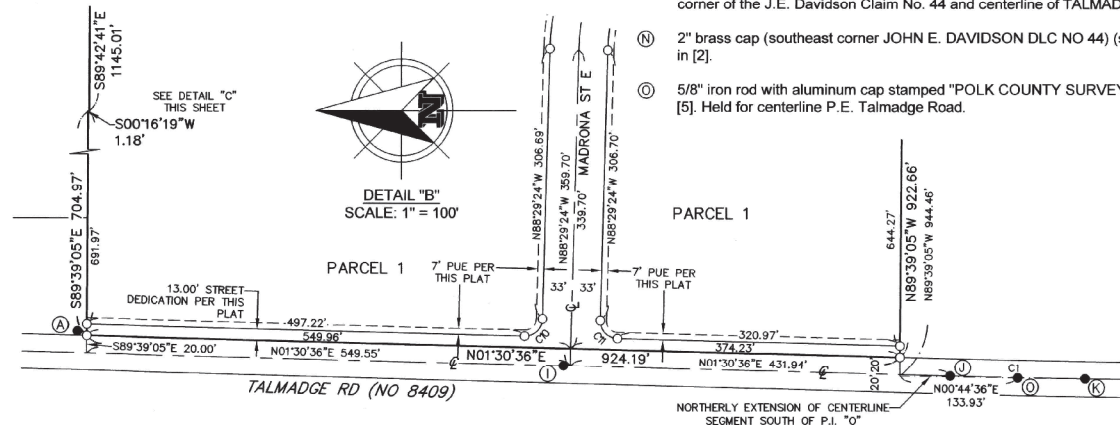
BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM



FOUND MONUMENT LIST:

- (A) 3/4" Iron pipe, up 0.8', set in [1]. Held as 20.93' Easterly of centerline Talmadge Road per [10] and as 1.19' North of north property line per [9].
- (B) 3/4" iron pipe, shown in [3]. Bears S00°16'19"W 0.30' from southwest corner Parcel 1, P.P. 2001-21.
- (C) 5/8" iron rod with yellow plastic cap stamped "MULTI/TECH ENG.", set in [7]. Held for south line ASH CREEK.
- (D) 5/8" iron rod with red plastic cap stamped "MULTI/TECH ENG.", set in [7].
- (E) 5/8" iron rod with yellow plastic cap, unreadable, set in [7].
- (F) 5/8" iron rod with yellow plastic cap stamped "WILHELM ENG. OR. LS 2413", set in [6].
- (G) 1" iron pipe inside 2" iron pipe, down 1.6', set in [3]. Held for north line of subject property.
- (H) 5/8" iron rod with aluminum cap stamped "POLK COUNTY SURVEYOR", down 0.3' in monument box, set in [4]. Held for re-entrant corner of J.E. Davidson Claim No. 44.
- (I) 5/8" iron rod with aluminum cap stamped "POLK COUNTY SURVEYOR", down 0.3' in monument box, origin unknown. Found 1.05' Northerly and 0.13' Westerly of centerline-centerline Talmadge Road and Madrona St. E for this plat.
- (J) 5/8" iron rod with aluminum cap stamped "POLK COUNTY SURVEYOR", down 0.3' in monument box, origin unknown. Bears S32°54'16"E 0.13' from P.T. STA 59+69.00.
- (K) 5/8" iron rod with aluminum cap stamped "POLK COUNTY SURVEYOR", down 0.4' in monument box, origin unknown. Bears N21°01'30"E 0.30' from P.C. STA 58+16.10.
- (M) 2" brass cap (see sheet 1 for markings), down 1.0' in monument box, set in [4]. Held for Southerly southwest corner of the J.E. Davidson Claim No. 44 and centerline of TALMADGE RD.
- (N) 2" brass cap (southeast corner JOHN E. DAVIDSON DLC NO 44) (see sheet 1 for markings), in concrete, set in [2].
- (O) 5/8" iron rod with aluminum cap stamped "POLK COUNTY SURVEYOR", down 0.3' in monument box, set in [5]. Held for centerline P.E. Talmadge Road.

CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING & DIST.
C1	11459.16'	00°46'00"	153.31'	N01°07'36"E 153.31'
(C1)[5]	11459.16'	0°45'52"	152.90'	N01°02'12"E 152.90'
C2	263.00'	18°47'16"	86.24'	N79°06'12"W 85.85'
C3	230.00'	18°47'16"	75.42'	N79°06'12"W 75.08'
C4	197.00'	18°47'16"	64.60'	N79°06'12"W 64.31'
C5	263.00'	20°24'30"	93.68'	N79°54'49"W 93.18'
C6	230.00'	20°24'30"	81.92'	N79°54'49"W 81.49'
C7	197.00'	20°24'30"	70.17'	N79°54'49"W 69.80'
C8	20.00'	89°45'36"	31.33'	S45°00'08"W 28.22'
C9	20.00'	90°14'24"	31.50'	N44°59'52"W 28.34'
C10	20.00'	90°00'00"	31.42'	N43°29'24"W 28.28'
C11	20.00'	90°00'00"	31.42'	S46°30'36"W 28.28'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson
OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6/30/2022

PARTITION PLAT NO. 2021-0018

SHEET 3 OF 3

LOCATED IN THE S 1/2 & NW 1/4 OF SECTION 29, T. 8 S., R. 4 W., W.M.,
CITY OF INDEPENDENCE, POLK COUNTY, OREGON
JULY 6, 2021
PARTITION FILE NO. PAR 2021-01

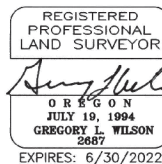
SURVEYOR'S CERTIFICATE:

I, Gregory L. Wilson, a Registered Professional Land Surveyor in Oregon, do hereby depose and say that I did accurately survey and mark with proper monuments the lands represented on the attached map, situated in the south one-half and the northwest one-quarter of Section 29, Township 8 South, Range 4 West of the Willamette Meridian, City of Independence, Polk County, Oregon, being described as follows:

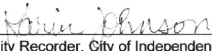
Beginning at the Initial Point for this partition plat, said point being marked by a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687" set at the southeast corner of that property described in that instrument recorded in Document No. 2002-019411, Polk County Deed Records, said point being South 89°39'09" East 1915.00 feet and North 00°07'21" East 1744.00 feet from the Southerly southwest corner of the J.E. Davidson Donation Land Claim No. 44 in said Township, said point being on the west right of way line of 13th Street (County Road No. 8415); and running thence along the boundary of said property the following five courses:

North 89°39'09" West 964.77 feet;
thence North 00°44'36" East 1390.64 feet;
thence North 89°39'05" West 922.66 feet to a point on the east right of way line of Talmadge Road (County Road No. 8409);
thence North 01°30'36" East 924.19 feet along said east right of way line;
thence South 89°39'05" East 704.97 feet to a point on the west line of Parcel 1, Partition Plat 2001-21, as platted and recorded in the Polk County Book of Partition Plats;
thence South 00°16'19" West 1.18 feet along the west line of said Parcel 1 to the southwest corner thereof;
thence South 89°42'41" East 1145.01 feet along the south line of said Parcel 1 and the south line of the plat of ASH CREEK, as platted and recorded in Volume 12, Page 37, Book of Town Plats for Polk County, Oregon, and the south line of that property described in Document No. 2015-013966, Polk County Deed Records, and the south line of Lot 1, Block 1, OREGON TRAIL APARTMENTS, as platted and recorded in Volume 8, Page 14, Book of Town Plats for Polk County, Oregon, to the northeast corner of the aforementioned property described in Document No. 2002-019411, said point being on the aforementioned west right of way line of 13th Street;
thence South 00°07'21" West 2314.62 feet along said west right of way line to the Point of Beginning, containing 70.02 acres of land, more or less.


Gregory L. Wilson
Registered Professional Land Surveyor No. 2687
License expires June 30, 2022



THE WITHIN PLAT IS HEREBY APPROVED AND DEDICATION ACCEPTED:

 City Recorder, City of Independence	<u>10-11-2021</u> Date
 Chairperson, Planning Commission, City of Independence	<u>10/11/2021</u> Date
 Director, Community Development, City of Independence Planning File No. PAR 2021-01	<u>10-11-2021</u> Date
 Polk County Surveyor	<u>10/20/21</u> Date
 Polk County Assessor	<u>11-29-2021</u> Date
 Commissioner, Chairperson or Vice Chairperson Polk County Board of Commissioners	<u>11/3/21</u> Date
Taxes and assessments on the above described property as provided by ORS 92.095, have been paid through <u>6-30-2022</u> .	
 Polk County Tax Collector	<u>11-23-21</u> Date

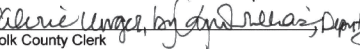
HAVE NEED
The parcels described and shown hereon () (X) an approved access permit to a county road.

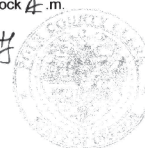

COUNTY ROAD OFFICIAL

10/20/21
DATE

STATE OF OREGON
COUNTY OF POLK

I hereby certify that the within partition plat was received and duly recorded by me in the Polk County Book of Partition Plats, Volume 2021, Page 0018, on this 29 day of November, 2021 at 6:25 o'clock A. m.


Polk County Clerk



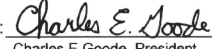
DECLARATION:

Know all people by these presents that VAL-PAC DEVELOPMENT CORPORATION, an Oregon corporation, being the owner of the property described in the Surveyor's Certificate hereon made and desiring to dispose of the same in parcels, has caused the same to be platted and surveyed in accordance with the provisions of O.R.S. Chapter 92.

We hereby grant the easements as shown. We hereby dedicate to the public forever the streets shown hereon.

In witness whereof I set my hand and seal this 11 day of OCTOBER, 2021.

VAL-PAC DEVELOPMENT CORPORATION

By: 
Charles E Goode, President

STATE OF OREGON
COUNTY OF Marion S.S.

This instrument was acknowledged before me this 11 day of OCTOBER, 2021, by Charles E Goode, as President of VAL-PAC DEVELOPMENT CORPORATION, an Oregon corporation, being the identical person described in the above instrument and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.


NOTARY PUBLIC - OREGON

Robert Carter
(PRINT NAME)

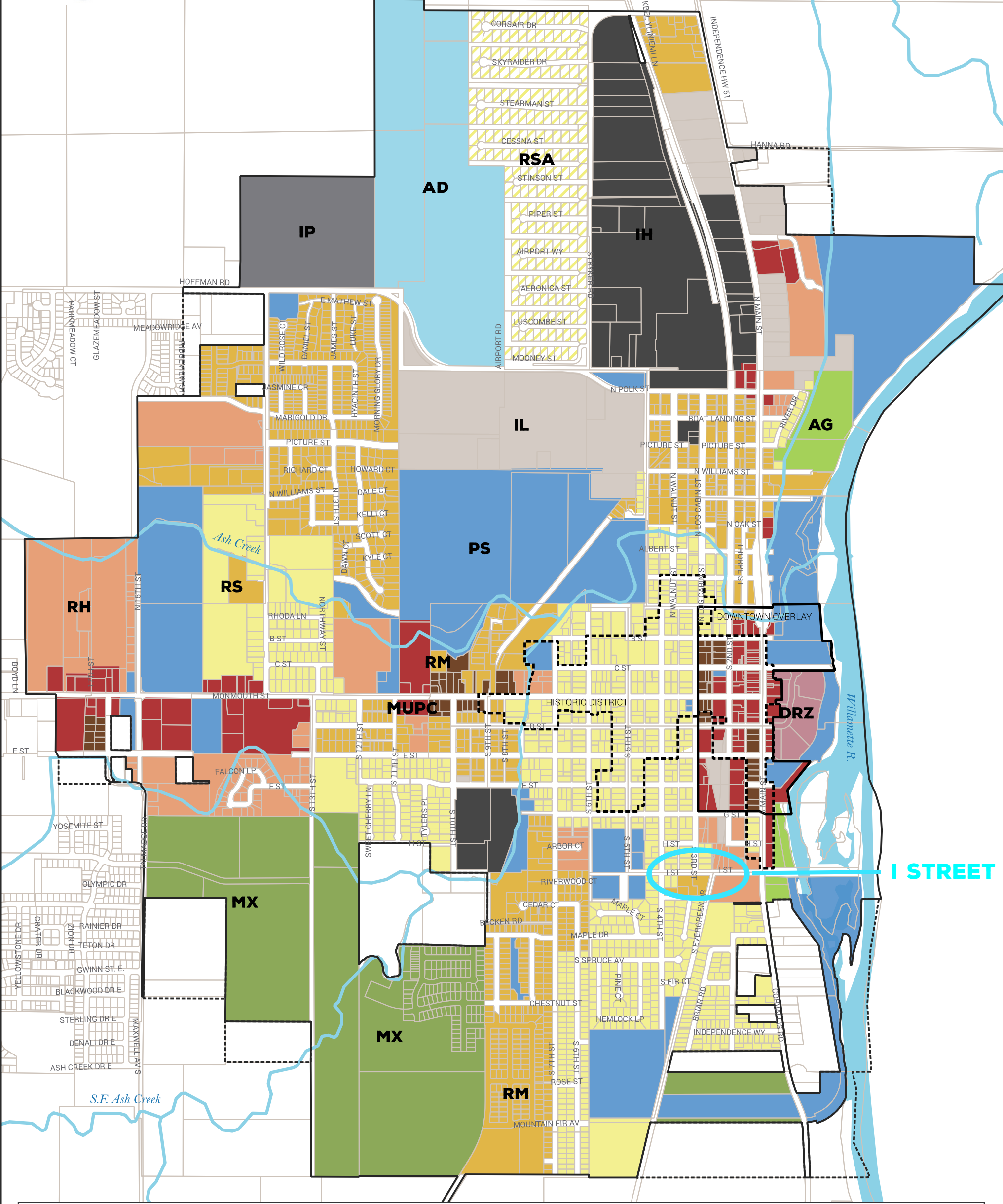
COMMISSION NO. 1004388MY COMMISSION EXPIRES OCTOBER 11, 2024

 **BARKER SURVEYING**
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM



CITY OF INDEPENDENCE

Zoning Map



LEGEND

ZONE

- Low-Density Residential (RS)
- Medium-Density Residential (RM)
- High-Density Residential (RH)
- Residential Single-Family Airpark Overlay (RSA)
- Mixed Residential (MX)
- Mixed-Use Pedestrian Friendly Commercial (MUPC)

- MUPC-Transitional (MUPC-T)
- Downtown Riverfront Zone (DRZ)
- Light Industrial (IL)
- Heavy Industrial (IH)
- Industrial Park (IP)
- Airport District (AD)
- Agricultural (AG)

- Public Service (PS)
- City Limits
- Urban Growth Boundary
- Downtown Overlay
- Historic District



PARK DEDICATION REQUIREMENTS STAFF REPORT

FROM: Fred Evander, Community Planner

TO: Planning Commission

MEETING DATE: June 15, 2026

FILE NUMBER: No File Number Assigned

RE: **PARK DEDICATION REQUIREMENTS**

ATTACHMENT: A. Potential Revisions to the Open Space Requirements (11 pages)

At the Independence Planning Commission meeting of June 15, 2026, the Commission will continue to discuss potential revisions to the park and open space dedication requirements for new subdivisions and multiunit developments (i.e. apartments). The proposed draft is meant to create distinct requirements for each type of development and ensure that the standards appropriately apply to different areas of the city.

The Planning Commission last discussed the revisions during their meeting in April.

FOR SUBDIVISIONS

What is the Problem? – Existing standards in the Independence Development Code require the dedication of 6.25 percent of the land in new subdivisions for parks and open space purposes, or the payment of a fee-in-lieu of 13 percent of the market value of the land in lieu of the land dedication. As written, however, the requirements do not offer guidance about appropriate sizes or locations of parks, or detail any considerations about floodplains, wetlands, or stormwater ponds and whether they are “suitable and adaptable for park and recreation uses.”

What is Proposed? – The proposed revisions would establish new standards for subdivisions that are tailored for different portions of the community (see Sections IDC 90.90.060(A)(2) and IDC 90.90.060(A)(3)). The draft would additionally establish basic standards for park suitability (see IDC 90.90.060(B)).

A tiered system to address certain encumbered lands is also proposed (see IDC 90.90.060(B)(4-6)). Under the system:

- Unencumbered lands may count toward the 6.25 percent park requirement.
- Floodplains may count toward the 6.25 percent requirement, so long as a paved trail is constructed to make the land suitable for park use.
- Areas with highly restricted potential uses such as those encumbered by wetlands or powerline corridors may count toward the 6.25 percent total so long as a paved trail is constructed along the area to adapt the land for park use. The lands, however, only count at half of their overall acreage in the determination of the required parks.
- Stormwater ponds that have not been designed to be accessible or usable by the public do not count toward the required park or recreation land.

A flexible option that would allow developers to suggest an alternative approach is also included in the draft (see IDC 90.90.060(C)).

The Planning Commission began a discussion of these draft standards at the meeting in April.

FOR MULTIUNIT DEVELOPMENT

What is the Problem? – Existing standards in the Independence Development Code additionally require a certain amount of common open space/landscaping and private open space for all new multiunit development (i.e. apartments). The standards, however, vary depending on the location of the development and do not include any sort of standard that requires usable open space (such as a sports court or swimming pool).

What is Proposed? – To address these issues, the proposed draft seeks to establish three sets of standards that would apply in varying degrees to multifamily housing (usable open space, total landscaping/open space, and private open space). This multi-factor approach would not require large blocks of landscaping in contexts that are more urban in nature¹ but would rely on smaller patches of “usable open space” to serve as recreation amenities. More suburban settings, on the other hand, would have landscaping that covers 15 percent of the site and includes a certain amount of usable space.

Together the changes would:

- **Require “Usable Open Space: for Apartment Complexes that are Larger than 20 Units in Size (see IDC 19.020(B))** – At present, no apartment complex in the City of Independence is required to have “usable open space” (such as a common garden, a pool or a sports court). To help ensure that larger new developments include usable areas, the proposed draft would establish a new usable space standard that would require 500 square feet plus 50 square feet per unit of usable space for any development that is over 20 units. The proposed standard would be based on a similar requirement in Albany and appears to be reasonable and feasible after a review of open space amenities in existing apartment complexes in Independence.
- **Require a Standard 15 Percent Landscaping/Open Space for Certain Developments** – At present, the landscaping standards in the City of Independence are confusing.
 1. According to IDC 54.205(A), all multifamily developments, other than developments in the Mixed Use Pedestrian Friendly Zones (MUPCs) and the Downtown Riverfront Zone (DRZ), are required to include **20 percent of their site** as landscaping.
 2. When apartment developments are larger than 3 acres in size in the Mixed Density Residential (MX) Zone and the Downtown Riverfront Zone (DRZ), **15 percent of the site** is required for landscaping or open space.
 3. The High-Density Residential (RH) Zone requires **300 square feet of “recreation area” per apartment unit.**²

To help clarify the required open space total and make the standards more consistent, the draft proposes to waive the 15 to 20 percent landscaping/open space requirement for new apartment developments in more urban contexts and to establish a 15 percent open space requirement for other portions of town (see IDC 54.205(A)).

- **Require Private Open Space such as porches and patios for half of new apartments** – Lastly, under the existing requirements, private open space amenities such as porches and patios are required for most multifamily development, except in certain zones. The proposed draft would apply the existing standard from the Downtown Riverfront Zone (DRZ) and the Mixed Density Residential (MX) Zone to all new multiunit development in the city.

¹ More urban contexts include areas such as the Mixed-Use Pedestrian Friendly Commercial Zones, Downtown Riverfront Zone, and areas in the Central Talmadge Plan.

² How the 300 square foot “recreation area” requirement is meant to relate to the 20 percent landscaping requirement is not clear.

WHAT ARE OPTIONS TO PROCEED?

The Planning Commission will review the draft park/open space requirements at their meeting of June 15. If the draft looks appropriate, staff will schedule a public hearing for the proposal at the next Planning Commission meeting on July 6.

POTENTIAL REVISIONS TO THE OPEN SPACE REQUIREMENTS

The purpose of these draft standards is to better articulate the requirements for parks and open space associated with new development in the City of Independence. The draft would:

- Clarify the requirements for open space dedications in new subdivisions including the types of land that may be counted toward the 6.25 percent total that is required for most subdivisions (see IDC 90.90.060).
- Make the requirements for open space associated with multi-unit housing consistent throughout the city. As drafted, the proposal would:
 1. Waive the 15 to 20 percent site landscaping/open space requirement for new apartment developments in the Mixed Use Pedestrian Friendly Commercial Zones, Downtown Riverfront Zone, and Central Talmadge area. A 15 percent open space requirement would be retained for new apartments in other portions of town (see IDC 54.205(A)).
 2. Add a requirement for all apartment developments to include a certain amount of “usable open space” (see IDC 19.020(B)(1)(b)).
 3. Apply the private open space standard from the Downtown Riverfront Zone and the Mixed Density Residential Zone to all new apartment buildings (see IDC 19.020(B)(1)(c)).

The Planning Commission will discuss the changes at their meeting of June 15.

Changes to Subchapter 19: Residential Design Standards

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19.020 Special Standards for Certain Uses

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B. Multiple-unit family housing. Additional standards for multi-unitfamily housing are listed below: ~~in the applicable underlying zone.~~

1. Multiple-unit housing. New multiple-unit developments shall comply with the following standards:
 - a. Common open space/landscaping standard. Common open space/site landscaping is required per IDC 54.205(A)(1).
 - b. Minimum Usable Common Open Space. For developments with 20 or more residential units, a usable common area is required (regardless of whether 15 percent of the site is required to be landscaped per IDC 54.205(A)(1)).
 - i. Required Usable Common Open Space: The usable space shall be 500 square feet plus 50 square feet per unit over 20 units. No horizontal dimension of the space may be less than 20 feet.

ii. Required Improvement. The required usable common open space must be entirely improved with one or more of the following amenities:

- A. Inground permanent swimming pools with a minimum area of 400 square feet, or inground spas or hot tubs. Common patios and decks or pavement abutting and within 50 feet of the swimming pool, spa, or hot tub may be included.
- B. Regulation sized and equipped sports courts for tennis, handball, volleyball, pickleball, and/or basketball.
- C. Community gardens for use by residents to grow food and other vegetation. Gardens must have irrigation available for use by the residents.
- D. Rooftop terrace or ground level courtyards accessible to residents. A terrace or courtyard must include barbeques, tables, and seating that are available for use by residents.
- E. Indoor community rooms.
- F. Multi-use paths at least 10 feet wide, centered within a 20-foot-wide easement constructed to city standards as approved by the City Engineer. The path must connect to a nearby proposed or existing trail, if applicable.
- G. Children's Play Areas that include a play structure or play equipment at least 200 square feet in area, and at least two (2) different children's play amenities/equipment approved for use in a public playground. Equipment must be manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment.

iii. Usable common open space may count toward the common open space/landscaping requirement.

c. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:

- i. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
- ii. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
- iii. If feasible, the majority of private open space areas provided shall be oriented toward common open space areas and away from adjacent single-unit residences, trash receptacles, parking and drives.

d. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the

Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.

- e. Signs. Signs shall be subject to the provisions of Subchapter 58.
- f. Access. Access to the property from a street shall comply with the Public Works Design Standards and be located to minimize traffic congestion and avoid directing traffic into residential areas. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

Changes to Subchapter 21: Medium-Density Residential (RM)

(Reflects Changes from Draft Infill Code)

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21.065 — Development Standards for Multiple-Family Development

- ~~A. Signs. Signs shall be subject to the provisions of Subchapter 58.~~
- ~~B. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.~~
- ~~C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~
- ~~D. Access. Access points to property from a street shall be located to minimize traffic congestion and avoid directing traffic into residential areas. Existing access roads and access points shall comply with the Public Works Design Standards. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.~~

Changes to Subchapter 22: High-Density Residential (RH)

(Reflects Changes from Draft Infill Code)

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22.065 — Development Standards for Multiple-Family Development

All multiple-family residential developments in the RH Zone shall comply with the following specific standards:

- ~~A. Signs. Signs shall be subject to the provisions of Subchapter 58.~~
- ~~B. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.~~
- ~~C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~

~~D. Recreation Area. Each lot having a multiple-unit residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front or rear yards and shall include a combination of planted grass and hardscape areas. Hardscape areas shall not account for more than 50% of the total area. Recreation areas that are provided as shared areas for multiple units shall include a combination of the following amenities:~~

- ~~a. Outdoor seating.~~
- ~~b. Small play structures or nature play structures.~~
- ~~c. Planted grass areas.~~

~~E. Access. Access points to property from a street shall be located to minimize traffic congestion and avoid directing traffic into residential areas. Existing access roads and access points shall comply with the Public Works Design Standards. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.~~

Changes to Subchapter 23: Mixed Density Residential (MX)

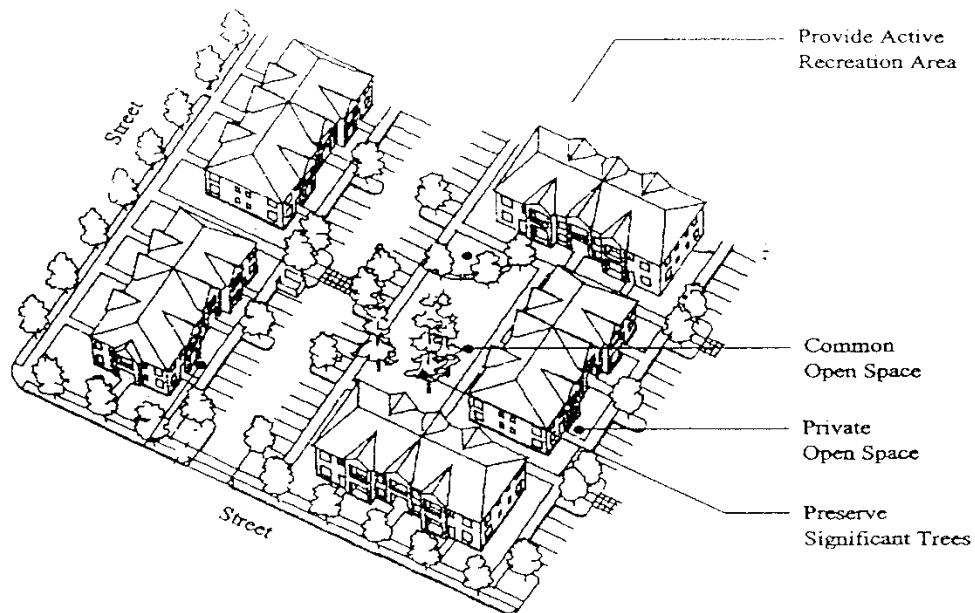
(Reflects Changes from Draft Infill Code)

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Section 23.065: Development Standards for Multiple-Family Development

~~A. Multiple-unit housing. Multiple-unit housing is allowed per the Site Design Review process within the Mixed Residential (MX) Zone. New multiple-unit developments shall comply with all of the following standards:~~

Figure 23.050(3) – Multiple-family Housing (typical site layout)



- ~~1. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in developments with more than 20 multiple unit or attached single unit dwellings as specified by Subsection 23.010(B). The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right of way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.~~
- ~~2. Private open space standard. Private open space areas shall be required for ground floor and upper floor housing units based on all of the following standards:
 - ~~a. A minimum of 50 percent of all ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);~~
 - ~~b. A minimum of 50 percent of all upper floor housing units shall have balconies or porches measuring at least 24 square feet. Upper floor housing means housing units that are more than 5 feet above the finished grade; and~~
 - ~~c. Private open space areas shall be oriented toward common open space areas and away from adjacent single unit residences, trash receptacles, parking and drives to the greatest extent practicable.~~~~
- ~~3. Exemptions. Exemptions to the common open space standard may be granted for the land area associated with the first 20 units of a larger project when the developments are within one quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.~~
- ~~4. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.~~
- ~~5. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~
- ~~6. Signs. Signs shall be subject to the provisions of Subchapter 58.~~

Changes to Subchapter 33: Mixed Use Pedestrian Friendly Commercial Zone (MUPC)

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33.020 Special Use Limitations for Residential Buildings

Multiple-unit (and mixed use?) developments in the Mixed Use Pedestrian Friendly Commercial Zone are subject to the requirements in IDC 19.020(B).

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Changes to Subchapter 34: Downtown Riverfront Zone (DRZ)

(Reflects Changes from Draft Infill Code)

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34.050 Townhomes, Rowhouses and Multifamily Standards

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B. Multiple-Unit housing. New multiple-unit developments shall comply with all of the following standards in IDC 19.020(B).

1. ~~Private open space standard. Private open space areas shall be required for ground floor and upper floor housing units based on all of the following standards:~~
 - ~~a. A minimum of 50 percent of all ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);~~
 - ~~b. A minimum of 50 percent of all upper floor housing units shall have balconies or porches measuring at least 24 square feet. Upper floor housing means housing units that are more than 5 feet above the finished grade; and~~
 - ~~c. Private open space areas shall be oriented toward common open space areas and away from adjacent single unit residences, trash receptacles, parking and drives to the greatest extent practicable.~~
2. ~~Landscaping. All development is subject to the landscaping provisions in Subchapter 54, except as amended in subsection 34.055(B). Recreation areas may be included as part of the required landscaping.~~
3. ~~Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~

- ~~4. Design Review. All new developments and expansion of an existing development shall be subject to the Site Design Review procedures of Subchapter 80.~~

Changes to Subchapter 54: Buffering, Screening, Landscape and Ash Creek Setback Requirements

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54.205 Landscaping Requirements.

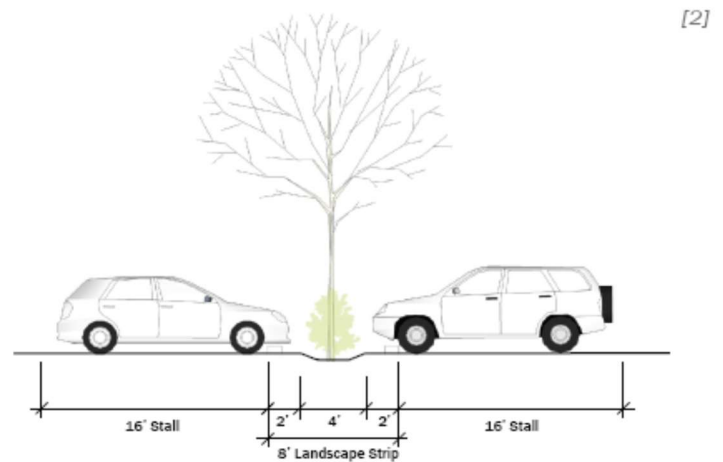
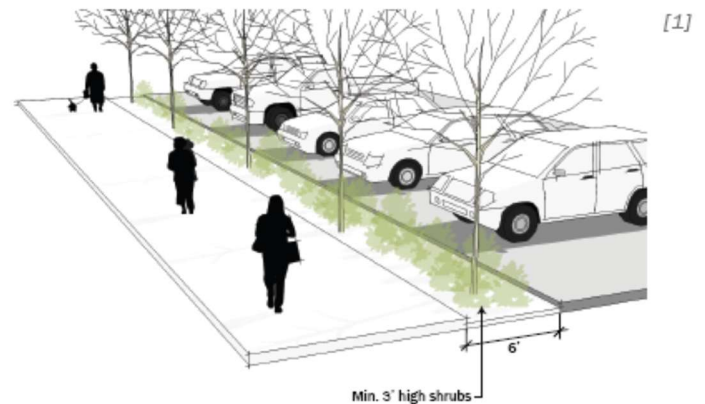
The following areas shall be landscaped in accordance with the requirements listed below. These requirements may be used in conjunction with the buffering and screening requirements listed in 54.010 above. The requirements in this subsection are not applicable to manufactured dwelling parks, which are regulated by Subchapter 61 of the Independence Development Code.

A. Site Landscaping Standards. Commercial, Industrial, Mixed-Use, and Multiple-family Unit residential developments or dwelling structures containing ~~three (3)~~ five (5) or more units, which are not cottage cluster development, require the following landscaping:

- ~~1. Multiple-family residential developments or dwelling structures containing three (3) or more units:~~

- ~~1.~~
 - a. A minimum of 20% 15 percent of the gross site area shall be landscaped. Landscaped areas included within the calculation may include ground cover, shrubs and trees for foundation planting, entrance plantings, parking island and perimeter plants.
 - b. ~~Each ground level unit, excluding manufactured homes, shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents.~~

2. ~~e. The standard in IDC 54.205(A)(1)(a) shall not apply in the Mixed-Use Pedestrian Friendly Commercial Zones, or the Downtown Riverfront Zone, or areas within the Central Talmadge area.~~
2. ~~Commercial, Industrial and Mixed Use Developments:~~
 - ~~a. A minimum of 15% of the gross site area is required to be landscaped.~~
 - ~~b. The standard in IDC 54.205(A)(2)(a) shall not apply in the Mixed-Use Pedestrian Friendly Commercial Zones or the Downtown Riverfront Zone.~~
3. Landscape Requirements. For developments that require a set percentage of the site to be landscaped:
 - a. Landscaping shall be provided in the form of a dedicated landscape zone that has at a minimum a rate of one (1) tree and three (3) shrubs per every 400 square feet of contiguous open space. Remaining area within the 400 square foot open space area shall be planted with ground cover, including grass, that fills the area after three (3) years.
 - b. Up to 30% of the landscaping requirement for the site may be dedicated to hardscape – walkways, plazas and small gathering areas. Every attempt shall be made to use permeable materials such as grasscrete, gravel, or pervious asphalt.
4. Requirements for Additions.



Off-Street Parking Lot Landscaping. Parking lot appearance and functionality can be improved by [1] a minimum perimeter setback of 6 feet with ground cover, shade trees, and shrubs that are a minimum of 3 feet high [2] internal landscaping strips that are a minimum of 8 feet wide [3] and stormwater detention and retention landscaping that reduces run-off while also providing a buffer between parking and pedestrians.

- a. Any addition to or expansion of an existing structure that falls within the standards in IDC 54.205(A) shall provide landscaping for the addition. To determine the amount of landscaping necessary, the applicant shall calculate the total area that will be covered by new impervious surfaces (whether parking spaces, loading areas or building footprint) and multiply the total by the proportion of landscaping required.
- b. Landscaping to be installed for an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the City.

B. **Parking Lot Landscaping Standards.** Parking lots that contain over ten (10) parking spaces are required to use curbed islands and landscape strips consisting of plantings therein to break up parking areas. The following landscape standards shall apply to off-street parking lots:

1. **Perimeter landscaping**

- a. In all parking lots a minimum perimeter of six (6) feet shall be landscaped within the front and side yard setbacks to buffer the parking lot. Provided that, for parking lots with 20 or fewer parking spaces, the perimeter landscaping shall only be required next to an adjacent street. The six (6) foot wide strip shall be landscaped with:
 - i. Noninvasive ground cover (including grass),
 - ii. Shrubs that are a minimum of three (3) feet high after two (2) years and form a continuous screen, and
 - iii. Approved street trees that are a minimum a 2.5" caliper and are planted at a rate of one (1) every 25 feet.
- b. A three (3) foot high wall or planter constructed of either concrete or masonry may be substituted for ground cover or shrubs to screen the sidewalk from parking.

2. **Interior landscaping.**

In parking lots that have more than ten (10) parking spaces, there shall be a minimum of 150 square feet of landscaping per every ten (10) spaces that includes two (2) shade trees for every ten (10) spaces. Any extra landscaping used along the perimeter of a parking lot or used for parking lot screening (per IDC 54.010(C)) can be used to help meet this requirement.

Changes to Subchapter 90: Subdivision Regulations

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90.90.060 Land for Public Purposes

A. The applicant shall dedicate to the City a tract of land within or adjacent to the proposed subdivision, not less than 6.25 percent of the gross area of said subdivision for public park and recreation purposes. The following lands shall be dedicated: Any tract of land dedicated shall be approved by the City as being suitable and adaptable for park and recreation uses.

1. Lands defined in the Independence Parks System Master Plan or Southwest Independence Concept Plan.
2. When lands are located in the Southwest Concept area and are provided in addition to the areas shown in the Southwest Independence Concept Plan, the lands should be:
 - a. A half-acre in size with a minimum dimension of 120 feet in any direction or
 - b. Connected to a trail corridor anticipated in the Southwest Concept Plan.
3. When lands are located outside of the Southwest Concept area, the lands should be:
 - a. A half-acre in size with a minimum dimension of 120 feet in any direction or
 - b. Located in an area that could be next to park land on an adjoining developable parcel, where possible.

Where a park would not be a half-acre in size but could be sited in a manner to produce a park that meets the requirements of IDC 90.90.060(A)(3)(a) when adjoined to a park on the neighboring property, the Planning Commission may accept the land as a park dedication.

B. Any tract of land proposed to be dedicated to the City shall be suitable and adaptable for park and recreation purposes. The following conditions represent adaptable and suitable park land.

1. The land must not be polluted according to a Phase I Environmental Site Assessment.
2. The land must not be covered with spoils and must be seeded with grass, unless preserved natural habitat exists in the area.
3. The property must have a water service stubbed to the property for future irrigation and other park use.
4. The property must not be located along a railroad track or a major arterial roadway.
5. To ensure "eyes" on the facility, the land must have at least 50 percent of the front facades of buildings that are adjacent to the property or across a street from a park (i.e. with no intervening structures) oriented to the park.
6. Floodplains may be used toward the park requirement, so long as a paved trail at least 10 feet wide is constructed to make the area suitable for use as park land.
7. Lands with highly restricted potential uses such as those encumbered by wetlands or powerline corridors may count toward the required park total so long as a paved trail at least 10 feet wide is constructed along the area to adapt the land for park use. The lands shall, however, only count at half their acreage to determine the required amount of parks. In other words, if only wetlands or power lines are provided as park land for a project site and 6.25 percent of the site is required to be parks, 12.5 percent of the site is required to be provided as open space.

8. Stormwater ponds that have not been designed to be accessible or usable by the public cannot be counted toward the required park or recreation land. Stormwater facilities without fences, which are usable or otherwise enjoyable by the public, such as a stormwater facility next to a walkway as shown in the Southwest Concept Plan, may be counted toward the required park total using the method articulated for wetlands in IDC 90.090.060(B)(5).

C. Where an applicant seeks flexibility from these standards, the applicant may seek a variation from the requirements from the Independence Planning Commission. Factors that the Planning Commission may consider include but are not limited to:

1. Whether the proposed provision of amenities within a park reduces the need for park acreage.
2. Whether the proposed park design achieves other adopted City goals or policies beyond the provision of park acreage alone.

This flexible approach, however, is not intended to propose an alternative to the protection of key pedestrian or riparian corridors shown in adopted City plans such as the Park System Master Plan, Southwest Concept Plan or Central Talmadge Plan.

D. ~~B-~~Where land is not able to be provided as required in IDC 90.90.060(A) through (C), the Planning Commission shall require ~~At the option of the Planning Commission, the City may permit~~ the applicant to pay a sum of money in lieu of the dedication of land. Said sum shall equal 13.0 percent of the market value of the undivided land as of the date of final plat approval, as carried on the tax roll or as determined by ~~of~~ the Polk County Assessor. Payment of said funds must be made at the time of approval of the final plat map.

E. ~~G-~~ All funds collected in lieu of land shall be credited to a public park and recreation development fund which may only be expended by resolution of the City Council for the purpose of acquiring land for park and recreation purposes or for the development of existing park lands.