



# City of Independence

## Agenda

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

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	Page
1. CALL TO ORDER	
2. ROLL CALL	
3. MINUTES	
3.1. Regular Meeting <a href="#">02-03-2025</a>	3 - 4
4. VISITORS / PUBLIC COMMENTS	
5. STAFF REPORTS / PRESENTATIONS - OTHER	
6. UNFINISHED BUSINESS	
7. NEW BUSINESS	
7.1. Public Hearing: Rezone of 19.39 acres along Gun Club Road <a href="#">Staff Report</a> <a href="#">Attachment A</a> <a href="#">Attachment B</a> <a href="#">Public Comment-Fair Housing Council</a>	5 - 19
7.2. Discussion: Code Change to Require a Pre-Application for Most New Development <a href="#">Staff Report</a> <a href="#">Attachment A</a>	21 - 25
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>.

- The public may attend the meeting by coming to City Hall at 555 S. Main St.
- For **Zoom login** visit:  
<https://us06web.zoom.us/j/89429953460?pwd=XyvsES99x6HIRzKaKRmi8JlfdxCTSk.1>
- To participate in the meeting by **phone**, dial **1-253-215-8782** and enter **Webinar ID: 894 2995 3460** and **Passcode 428134** .

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

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



# City of Independence

## Minutes

Planning Commission Meeting  
Monday, February 3, 2025

1. **CALL TO ORDER.** The meeting was called to order at 7:01 pm by Chair Corby Chappell

2. **ROLL CALL**

Planning Commissioners Present:

Sally Coen	Becky Jay
José Oliveros	Alex Paraskevas
Corby Chappell, Chair	Evan Sorce

Commissioners Absent: Jordan Carpenter, excused

Others Present: Fred Evander, Planning Manager; Myra Russell, City Recorder; Shannon Corr, Council Liaison

**MINUTES.** The minutes of the January 6, 2025, meeting were submitted in the agenda packet.

**ACTION:**

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

AYES: Coen, Jay, Oliveros, Paraskevas,  
Sorce, Chappell

NAYS: None

ABSTENTIONS: None

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

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

6. **UNFINISHED BUSINESS.** None

7. **NEW BUSINESS.**

7.1. Request to Extend Subdivision Approval for Brandy Meadows. Evander presented an extension request. Request was made in December 2024. The request meets all 4 criteria for extension. Extend for one additional year. Commissioner Sorce asked if it was usual for the requestor to appear at the meeting. Evander said they usually do, but that it wasn't a criterion for the extension to be approved.

**ACTION:**

Commissioner Coen moved to approve the extension of the land use approval granted under SUB 2022-02, Brandy Meadows Phases 5 through 9, with the conditions and

findings articulated within the Notice of Decision for the project.; Commissioner Paraskevas seconded. No discussion. Motion passed 6-0-0:

AYES: Coen, Jay, Oliveros, Paraskevas, Chappell, Sorce

NAYS: None

ABSTENTIONS: None

7.2. Potential Rezone along Gun Club Road. Discussion of potential rezone along Gun Club Road. PCL & Polk CDC are working on a project but are currently limited to duplex style houses due to zoning. Evander asked the commission if they would consider rezone. Commissioner Paraskevas asked if it would impact future transportation plans. Evander said he doesn't see issues. The Commission agreed to move forward with the idea, staff will prepare the necessary materials and schedule a time to hold a public hearing on the issue in the future.

7.3. Goals for Revisions to Standards for Infill Development. Evander gave the Commission a variety of maps related to housing and lot characteristics to begin to consider potential infill development types. Considerations of these items will hopefully help frame a Commission discussion about goals for the upcoming infill development project. Discussion about allowing infill while minimizing impact on neighbors. Commissioner Paraskevas wondered about averaging height and setback to what is already in the neighborhood. Evander mentioned transitioning scale. Commissioner Sorce: ideas for recommended examples for developers to fast-track projects, other Commissioners agreed. Commissioner Coen would like a definition for infill to easily explain to the public. Commissioner Oliveros mentioned efficiency of design. Summary of things to consider: Historic Preservation Commission, scale, parking, design standards. Will have ongoing discussions with HPC and community members about this project.

8. **OTHER DISCUSSION / INFORMATION ITEMS**

8.1. Video: What happens when you lose your home at 72 in Amesbury, Massachusetts? Creating more paths to find housing is the goal.

9. **ADJOURNMENT**

Commissioner Paraskevas moved to adjourn, seconded by Commissioner Jay. Meeting adjourned at 8:33 at pm



# INDEPENDENCE

*Oregon's Story Begins Here*

## PUBLIC HEARING CHANGE TO ZONING MAP (FILE NO. LA | 2025-02) STAFF REPORT

**MEETING DATE:** April 7, 2025

**RECOMMENDATION:** **RECOMMEND APPROVAL**

**FILE NUMBER:** LA | 2025-02

**RE:** Public Hearing – Change to Zoning Map  
White Oak Circle and Gun Club Road

**CRITERIA:** Oregon State Planning Goals  
Independence Comprehensive Plan  
Independence Development Code (IDC)  
-Subchapter 10: General Provisions  
-Subchapter 11: Administrative Provisions  
-Subchapter 12: Zone Changes and Plan Amendments

**CONTENTS:**

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

**ATTACHMENTS:**

- A. Proposed Map Change (Two pages)
- B. Transportation Planning Rule Analysis (Two pages)

### I. SUMMARY

At the meeting of April 7, 2025, the Independence Planning Commission will hold a public hearing to consider a change to the Independence Zoning Map.

The change would rezone four properties totaling 19.39 acres along Gun Club Road from Medium-Density Residential (RM) to High-Density Residential (RH).

### II. WHAT IS THE PROBLEM?

The Independence Housing Needs Analysis recommended “identifying targeted areas to rezone for higher density housing” (see Recommendation 1 on page 21). This suggestion was offered because “there is a very small

surplus of capacity in the UGB for townhouse/plex units and multifamily units.” To address the lack of capacity, the document encouraged the city to ensure that it had adequate land zoned for at least 125% of the projected need for multifamily housing. This recommendation was reiterated in the recently adopted Housing Production Strategy.

### **III. PROPOSED REZONE**

To address the issue (at least in part), staff suggested that the Planning Commission consider rezoning approximately 19.39 acres of land along Gun Club Road, of which 15.43 acres are occupied by the Legacy Oaks Apartments and 3.96 acres are largely vacant.

- Legacy Oaks Apartments. The Legacy Oaks Apartment complex includes 196 dwelling units spread across 18 two- and three-story apartment buildings. The property was constructed in 2009 and, due to the existing zoning, is considered a nonconforming use in the Medium-Density Residential (RM) Zone.
- Remaining Acreage. The remaining 3.96 acres are largely vacant and include a home on the westernmost portion of the site, and a small, manufactured structure near Gun Club Road.

Rezoning of the area would allow Legacy Oaks to be considered a conforming use within the zone and allow the construction of a housing type that is similar to Legacy Oaks on the remaining 3.96 acres.

The 3.96-acre site is well suited for multifamily residential development. The site is close to nearby multifamily development, schools and commercial services, and is largely located outside of areas that are known to have wetlands or be subject to flooding. The topography of the area will also help to minimize the apparent scale of the housing that is built on the property (when viewed from adjacent roadways and single-family homes). The site is roughly four or five feet below Gun Club Road, while properties to the east sit three to five feet above the road. This seven-to-ten-foot difference will help to minimize the apparent height of any new structures on the site. Similarly, a treed floodplain to the west, along a fork of Ash Creek, will also limit any visual impacts to residential properties that are located west of the creek.

### **IV. PUBLIC PROCESS**

To inform area landowners and surrounding residents of the potential zoning change, staff sent a notice of the proposed changes to property owners within 250 feet of the affected area on March 13, 2025. Staff additionally posted a notice of the proposed changes on the Oregon Department of Land Conservation “PAPA” website on February 21, 2025, and published a Notice of the Public Hearing on March 19, 2025. No comments have been received as of the date of this report.

### **V. RECOMMENDATION**

Given the findings below, staff believes that Planning Commission should recommend approval of the proposed zoning map changes.

## VI. STAFF FINDINGS - OREGON STATE PLANNING GOALS

Updates to the Independence Zoning Map are required to meet the Oregon State Planning Goals. Among these goals include provisions related to Citizen Involvement (Goal 1), Land Use Planning (Goal 2), Natural Resources, Scenic and Historic Areas, and Open Spaces (Goal 5), Economic Development (Goal 9), Housing (Goal 10), and Urbanization (Goal 14). 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 considered.

The Gun Club rezone has been proposed with these provisions in mind. Key findings related to the change are addressed below:

**Goal 1. Citizen Participation.** The city has offered notice for the proposed rezone using the following methods:

- Mailing the notice to every property that would undergo a zoning change and to all the properties within 250 feet of the site.
- Posting the notice on the State Department of Land Conservation and Development “PAPA” website.
- Posting the notice on the City of Independence Planning Department website.
- Publishing the notice in the Polk County Itemizer-Observer.

The proposed changes were also discussed by the Independence Planning Commission at a meeting on February 3, 2025 (which was posted on YouTube) and will be discussed at a public hearing on April 7. A City Council public hearing will additionally occur before the adoption of the zoning map.

Given these items, individuals have several opportunities to learn about the change and be involved in the process. This goal has been achieved.

**Goal 2. Land Use Planning.** Goal 2 of the Oregon State Planning Goals seeks to ensure that community plans and policies are consistent and have been crafted after a standard planning process has been conducted (including the identification of issues and problems, the inventory of existing information, the evaluation of alternative courses of action, and the selection of ultimate policy choices).

The proposed change to the zoning map has incorporated these steps. The Independence Housing Needs Analysis (adopted in 2023) recommended that the City of Independence rezone 10 to 15 acres of land for high-density development. In seeking potential ways to implement this recommendation, several factors were suggested including:

- Identification of properties or areas that were vacant or partially vacant and have sufficient access to infrastructure but are currently zoned in a lower density zone.
- Identification of properties that are close to existing services and amenities and are within a single ownership or a small number of owners.

Proximity to business areas, schools, and similar development; suitability of the area for higher density development; and willingness and readiness of landowners to construct housing were also weighed. The proposed zone change has grown out of these considerations.

Four separate parcels comprise the proposed rezone area:

- One parcel is currently occupied by Legacy Oaks Apartments, a 196-unit apartment development. This site is currently considered a non-conforming use in RM zone, and the zone change would make the site a conforming use. No further development is anticipated on the property.

- The remaining three parcels (3.96 acres in size) are owned by Partners in Community Living (PCL). The rezone of this land would allow PCL to construct a development type that is not currently allowed in the Medium-Density residential zone (apartments) and allow the organization to construct a higher number of units than are currently permitted in the Medium-Density residential zone (20 units per acre instead of 12 units per acre).

In short, the proposed zoning change would make the Legacy Oaks Apartments a conforming use within RH Zone and allow PCL and their development partners to develop the area in a manner that is similar to the Legacy Oaks apartments.

The relatively vacant 3.96 acres that are owned by PCL are well suited to accommodate a more multifamily type of development. The site is bordered by greenspace associated with a floodplain (which also travels through the Legacy Oaks apartments) on the western portion of the site and is grade-separated from the homes directly to the east, which will limit impacts associated with the potential height of the buildings. The site will also be within walking/cycling distance (a half mile) of three schools (Ash Creek Elementary, Talmadge Middle School and Central High School).

Given these considerations, the proposed zone change has effectively responded to a key planning issue identified within the community and proposed an actionable alternative to effectively address the community's goals and needs. This goal has been achieved.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.** Goal 5 of the Oregon State Planning Goals seeks “to protect natural resources and conserve scenic and historic areas and open spaces.” As part of this goal, local governments are intended to implement policies and programs that “protect natural resources and conserve scenic, historic, and open space resources for present and future generations.” The proposed zoning change effectively achieves this intent.

The area proposed for the rezone does not include any known historical or cultural resources but does contain a variety of natural resources. The properties include a large floodplain that travels through the area, as well as some wetlands that are co-located within the flood area (according to Zion Consulting, who conducted the Local Wetland Inventory for Monmouth and the previous wetland delineation for Legacy Oaks Apartments).

To avoid any impact to wetlands or riparian areas in the area, and to avoid the need for any wetland or floodplain permitting, the applicant for the 3.96 acres anticipates locating all future development outside of the floodplain area. To ensure that Goal 5 resources are protected, the city will additionally require development on the site to:

- Incorporate a 100-foot setback for any middle housing development (per OAR 660-046-0010(3)(a)(A)(iii)).
- Receive a FEMA Floodplain Permit for any activity proposed within the FEMA floodplain and approval for the mitigation for any development impact (using the FEMA-Pre-Implementation Compliance Measures (PICM) guidance).
- Offer notice of the development project to the Oregon Department of State Lands using the Wetland Land Use Notification process.

Given this variety of measures, Goal 5 resources will be protected. This goal will be achieved.

**Goal 10: Housing.** Goal 10 of the Oregon State Planning Goals seeks “to provide for the housing needs of citizens of the state.” To accomplish this goal “Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” Implementation of Goal 10 occurs in part through the preparation and adoption of a Housing Needs Analysis and the creation of a subsequent Housing Production Strategy.

Independence adopted a Housing Needs Analysis in 2023 and adopted a Housing Production Strategy in 2025. These documents encouraged the city to “Identify targeted areas to rezone for higher density housing (Housing Needs Analysis, page 21) and “rezone approximately 10-15 acres of land from lower density zones (including RS, RM or MX Zones) to the RH Zone to increase the supply of land that is zoned for multi-family and higher density middle housing types” (see Housing Production Strategy, page 36). This rezone would add approximately 3.96 acres of newly developable land to help achieve this goal.

**Goal 12: Transportation.** Goal 12 of the Oregon State Planning Goals seeks “to provide and encourage a safe, convenient and economic transportation system.” This goal is realized locally through the preparation and implementation of the Independence Transportation System Plan.

To evaluate the proposed rezone with regard to the Independence Transportation System Plan, the City of Independence prepared an analysis of transportation impacts that are associated with the development. This analysis, attached to this report as Attachment B, determined that no significant impacts are anticipated from rezoning the 19.39 acres.

**Goal 14: Urbanization.** Finally, Goal 14 of the Oregon State Planning Goals seeks “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 rezone would achieve these ends. Goal 14 will be achieved.

Based on these considerations, the proposed changes have incorporated opportunities for public feedback and promoted the efficient use of urban land, all while effectively balancing considerations about housing, economic development, transportation, and the natural environment. This holistic approach, which will promote housing near high-quality amenities and transportation infrastructure, while ensuring the protection of the environment, will effectively address the Oregon State Planning Goals.

## **VI. STAFF FINDINGS – INDEPENDENCE COMPREHENSIVE PLAN**

Changes to the Independence Zoning Map are required to conform with the goals and policies of the Independence Comprehensive Plan. Key goals and policies of the Comprehensive Plan are noted below:

### *Land Use*

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

**Staff Response:** The proposed change to the Zoning Map is intended to encourage an efficient land use pattern to meet future land use needs. The Housing Needs Analysis adopted in 2023 recommended “identifying targeted areas to rezone for higher density housing,” because “there is a very small surplus of capacity in the UGB for townhouse/plex units and multifamily units” (see Recommendation 1 on page 21). Given this recommendation, the analysis encouraged the city to have adequate land capacity for at least 125% of the projected need anticipated for multifamily housing.

Rezoning the land along Gun Club Road, especially the relatively vacant 3.96 acres, would:

- Help to address this future land use need.
- Allow further opportunities for walkable residential development near schools and the Central Talmadge area.

- Make good use of existing underdeveloped land, near similar multifamily development.

The designation would also be appropriate for the character of Independence. The relatively vacant 3.96 acres that are proposed to be included in the rezone are bordered:

- To the north by multifamily development.
- To the east by Gun Club Road, and homes that are slightly raised above the level of the street and the level of the site.
- To the south by a low-density residential site that currently appears to operate in a more commercial manner, as well as a couple of homes.
- To the west by a floodplain and green space, which will help buffer any single-family homes to the west of the creek from the apartments.

Given these items, this goal would be achieved.

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## *Housing*

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

**Staff Response:** The proposed change to the Independence Zoning Map is intended to ensure that residents in the City of Independence have a choice in housing types, densities, and locations.

In the creation of the Housing Needs Analysis and the Housing Production Strategy, the City of Independence found that it contained abundant land zoned for single-family residences, but that it did not contain sufficient land for new multifamily and/or townhouse/plex units. Given the limited amount of land available, it was possible that the City of Independence would not be able to offer a sufficient number of multifamily or townhouse/plex units to meet the anticipated demand, especially if some of the property owners in the existing High-Density Residential (RH) Zone did not develop their property.

To address the deficiency, the Housing Needs Analysis and Housing Production Strategy recommended that the city rezone 10 to 15 acres of land to High-Density Residential (RH). This proposal would take a step toward providing that amount.

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## *Economy*

**GOAL:** To provide for and maintain a viable and diverse economy while preserving the present sense of community and high level of environmental quality.

**Staff Response:** The Independence Comprehensive Plan sees housing as a key component of the overall economy and says that “the City of Independence shall monitor changes in demographic information to assure that the type, quantity, and location of services, facilities, and housing remain adequate to meet changing needs” (see Economy Policy 9). The Housing Needs Analysis and Housing Production Strategy recently analyzed these demographic trends and identified strategies to ensure that the housing stock

would adequately address community needs – including the incorporation of a strategy that sought to ensure that sufficient High-Density Residential (RH) land was available to address future demands. The proposed changes to the Zoning Map are meant to help this goal and policy be achieved.

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### *Citizen Participation*

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

**Staff Response:** As part of the proposed rezone, staff provided notice to property owners that would be directly affected by the changes and mailed a copy of the notice to properties within 250 feet of the area. Notice was additionally published:

- On the State Department of Land Conservation and Development “PAPA” website.
- On the City of Independence Planning Department website.
- In the Polk County Itemizer-Observer on March 19, 2025.

Given these measures, staff have offered several opportunities for individuals to learn about the update and to be involved in the process. This goal has been achieved.

## **VII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE**

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

### *Subchapter 11: Administrative Provisions*

#### 11.002 Application Types and Review Procedures

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

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#### C. Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission plays an advisory role. Public notice is provided and, except as noted in subsection (4), public hearings are held before both the Planning Commission and City Council. Sections 11.025 and 11.030 list the notice and hearing requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Zone Change
2. Comprehensive Plan Map Amendment
3. Annexation and Zone Change when requested concurrent with one another. The City Council reviews such a request without review or recommendation by the Planning Commission.

**Staff Response:** Staff have reviewed the amendment as a Type III – Site Specific Rezone, even though the amendment was initiated by staff and the Independence Planning Commission to address a broader legislative concern.

11.015 General Provisions

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

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**Staff Response:** Staff have taken the steps necessary to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the zoning map change in the Polk County Itemizer-Observer, writing a staff report for the amendment, and keeping a file related to the proposal. This standard has been met.

11.025 Notice of Public Hearings

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

**Staff Response:** Staff sent notice of the changes to the Oregon Department of Land Conservation and Development on February 21, 2025 and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the public hearing in the Polk County Itemizer-Observer on March 19, 2025. This standard has been met.

*Subchapter 12: Zone Changes and Plan Amendments*

12.005 Initiation of a Zone Change or Plan Amendment

A zone change or plan amendment may be initiated in any one of the following ways:

- A. The City Council may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- B. The Planning Commission may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- C. A property owner may initiate such action by petition for the owner's own property.

**Staff Response:** The revisions to the zoning map were initiated by staff and the Planning Commission to:

- Address a need identified within the Independence Housing Needs Analysis and Housing Production Strategy.

- Respond to a window of opportunity to rezone the property that presented itself with the interest to develop the lot by PCL.

This standard has been met.

12.015 Recommendation by the Planning Commission

The Planning Commission shall conduct a public hearing of any request for a zone change or plan amendment. Upon completion of the public hearing, the Commission shall forward to the City Council its recommendation regarding the proposed reclassification. Such recommendation shall be in writing and shall contain findings regarding the facts and conclusions used to make the recommendation. Such recommendation shall be delivered to the City Council within 30 days of the Planning Commission's hearing.

**Staff Response:** The Independence Planning Commission will hold a public hearing on the map change on April 7, 2025. Following the hearing, the Planning Commission will make a recommendation on the proposal to the Independence City Council. This standard will be achieved.

12.020 Action by the City Council

Upon receipt of a recommendation from the Planning Commission for any zone change or plan amendment, the City Council shall hold a public hearing. The City Council shall base its decision upon the findings, conclusions and recommendations reached by the Planning Commission unless, by a preponderance of the evidence, it finds facts and reaches conclusions different from those reached by the Planning Commission. All zone changes or plan amendments shall be based on written findings. Any zone change or plan amendment shall be by ordinance. Any denial of a request for a zone change or plan amendment shall be by resolution.

**Staff Response:** The Independence City Council will hold a public hearing before acting on the zoning map update. The hearing is scheduled for May 13, 2025, and any adoption of the change will be supported by ordinance. This standard will be met.

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12.025 Standards for Zone Changes

No zone change shall be approved by the Planning Commission or enacted by the City council unless it conforms to the Comprehensive Plan, including the Transportation System Plan, and at least one of the following standards is met:

- A. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer appropriate and the zone change would conform to the new conditions of the neighborhood;
- C. There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.

**Staff Response:** The proposed change to the zoning map meets the third of these criteria. The City of Independence Housing Needs Analysis recommended identifying "targeted areas to rezone for higher density housing," because "there is a very small surplus of capacity in the UGB for townhouse/plex units and multifamily units" (see Housing Needs Analysis Recommendation 1 on page 21).

In making this recommendation, the Housing Needs Analysis offered the following implementation considerations:

- *“Using the Buildable Land Inventory for guidance, identify properties or areas that are **vacant or partially vacant** and have **sufficient access to infrastructure**, but are currently **zoned in a lower density zone** such as RS, RM, or MX.*
- *Prioritize properties that are **close to existing services and amenities** and are **within a single ownership or a small number of owners**. Key potential areas include the land south of Central Plaza and the property on the southwest side of the intersection of Gun Club Road and Hoffman Road.”(See Housing Needs Analysis, page 21, emphasis added)*

The proposed rezone would achieve many of these items. The land is:

- Partially vacant.
- Near existing infrastructure.
- Zoned a lower-density residential classification (RM).
- Close to existing services and amenities, including being approximately half a mile from destinations such as Ash Creek Elementary, Talmadge Middle School, Central High School and the Central Plaza Shopping Center.
- Owned by two owners, one of which owns the Legacy Oaks Apartments and the other which owns the 3.96 acres (Partners in Community Living).

Additionally, the site is:

- Located on a collector street (designated in the Independence Transportation System Plan).
- Built out with or adjacent to multifamily housing.
- Primarily situated outside a nearby floodplain and can use the use the existing floodplain and topographic characteristics of the site to minimize the potential negative impacts associated with new development on the site.

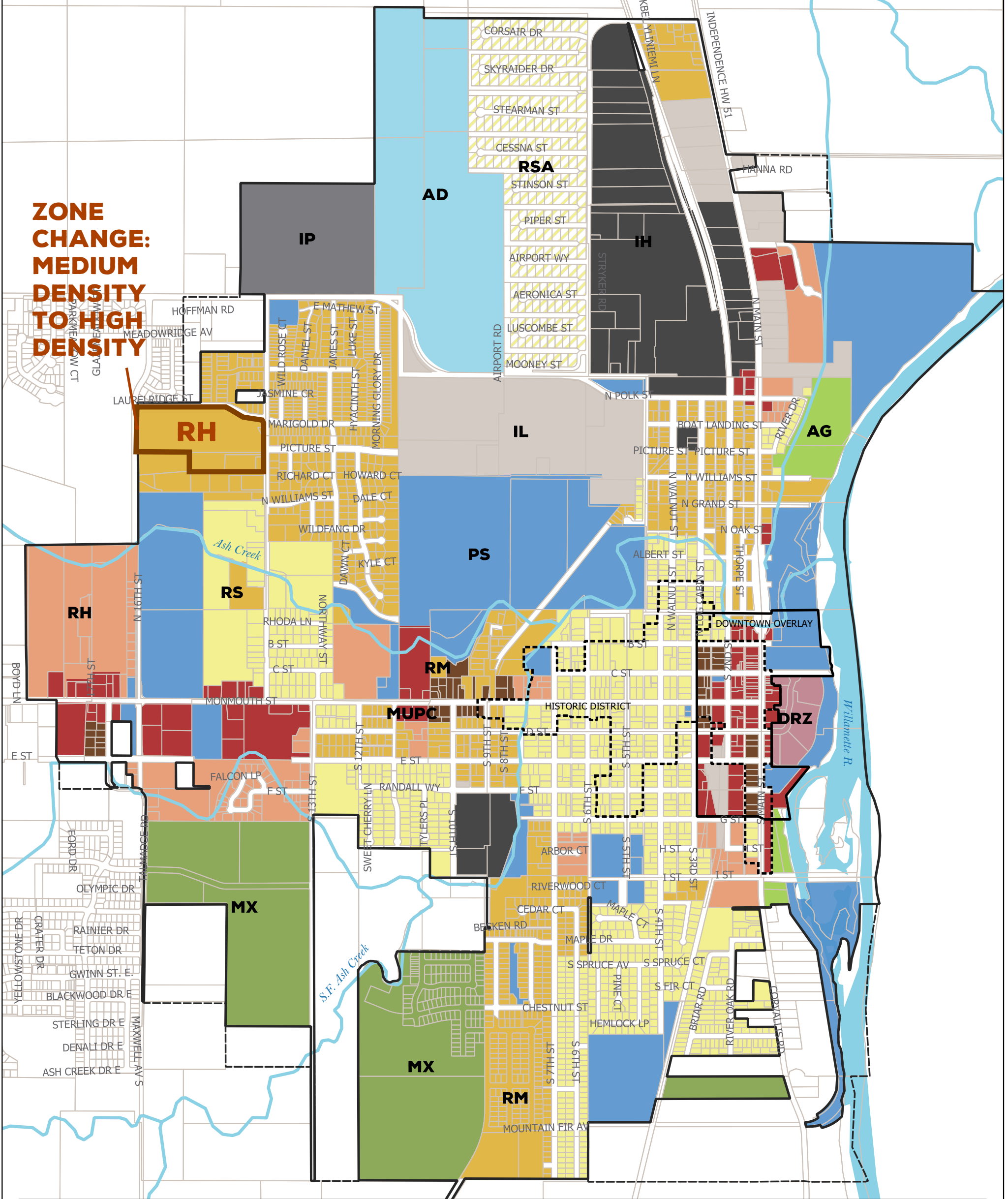
Given these characteristics, this criterion is met.



# CITY OF INDEPENDENCE ZONING MAP

*Existing Zoning*

**ZONE CHANGE:  
MEDIUM  
DENSITY  
TO HIGH  
DENSITY**



## LEGEND

### ZONE

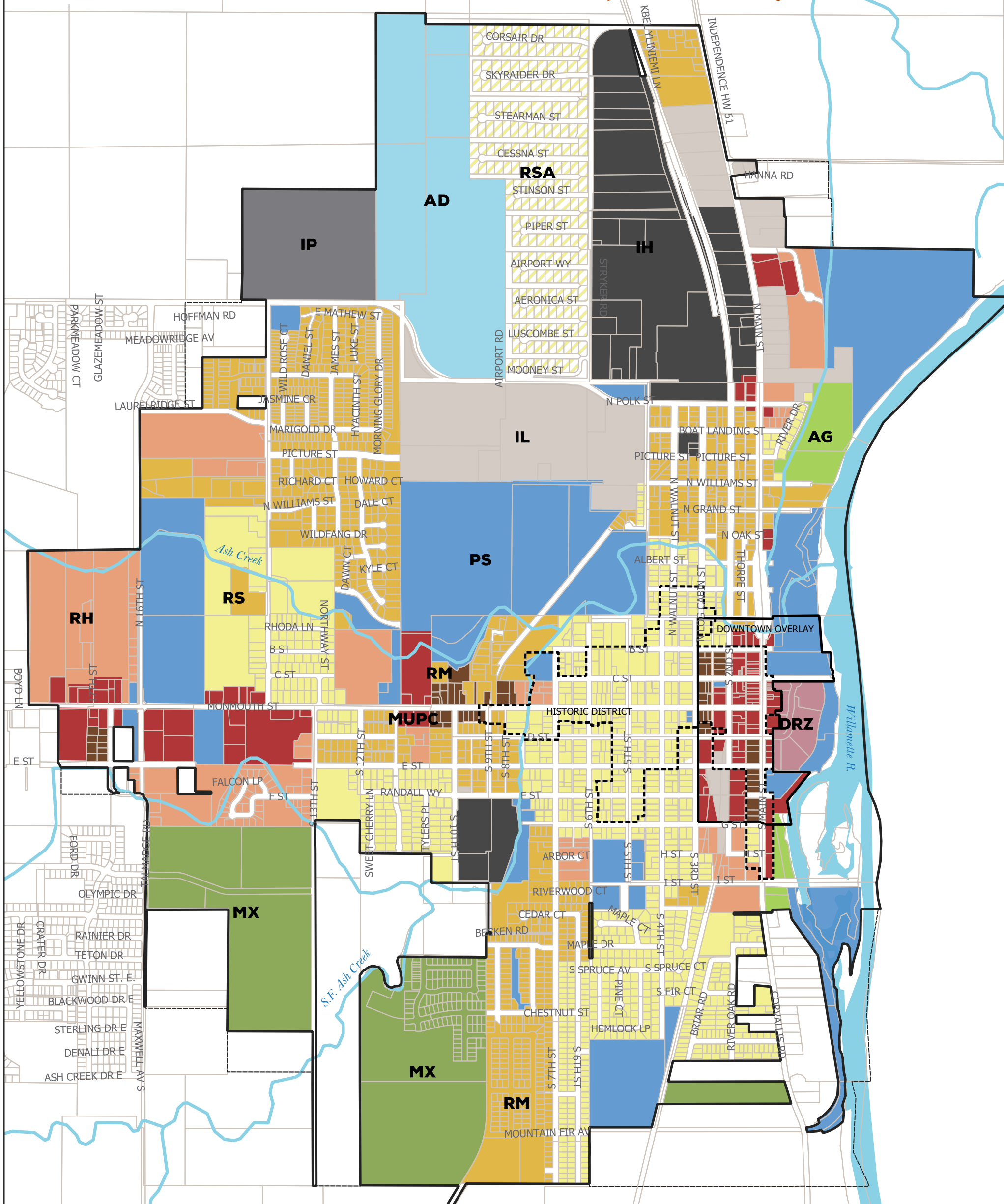
- Low-Density Residential (RS)
- Medium-Density Residential (RM)
- High-Density Residential (RH)
- Residential Single-Family Airpark Overlay (RSA)
- Mixed Residential (MX)
- Mixed-Use Pedestrian Friendly Commercial (MUPC)
- MUPC-Transitional (MUPC-T)
- Downtown Riverfront Zone (DRZ)
- Light Industrial (IL)
- Heavy Industrial (IH)
- Industrial Park (IP)
- Airport District (AD)
- Agricultural (AG)
- Public Service (PS)
- City Limits
- Urban Growth Boundary
- Downtown Overlay
- Historic District



# CITY OF INDEPENDENCE

## ZONING MAP

*Proposed Zoning*



### LEGEND

#### ZONE

- |   |   |                       |
|---|---|-----------------------|
| Low-Density Residential (RS)                    | Mixed-Use Pedestrian Friendly Commercial (MUPC) | Agricultural (AG)     |
| Medium-Density Residential (RM)                 | MUPC-Transitional (MUPC-T)                      | Public Service (PS)   |
| High-Density Residential (RH)                   | Downtown Riverfront Zone (DRZ)                  | City Limits           |
| Residential Single-Family Airpark Overlay (RSA) | Light Industrial (IL)                           | Urban Growth Boundary |
| Mixed Residential (MX)                          | Heavy Industrial (IH)                           | Downtown Overlay      |
|   | Industrial Park (IP)                            | Historic District     |
|   | Airport District (AD)                           |                       |



**INDEPENDENCE**  
*Oregon's Story Begins Here*

**REZONE ALONG GUN CLUB ROAD  
TRANSPORTATION PLANNING RULE FINDINGS  
MEMORANDUM**

**FROM:** Fred Evander, Community Planner  
**DATE:** March 17, 2025  
**RE:** **TRANSPORTATION PLANNING RULE FINDINGS**  
**FILE NUMBER:** LA | 2025-02

This memorandum is intended show that the amendment of the City of Independence Zoning Map to change 19.39 acres from Medium-Density Residential (RM) to High-Density Residential (RH) is not likely to have a significant effect on any existing or planned transportation facilities per OAR 660-012-0060.

Three main factors have contributed to this conclusion:

- 15.43 acres of the 19.39-acre total is currently developed with apartments (at a density similar to the density allowed in the High-Density Residential Zone). No further development is anticipated on the property.
- The rezone of the remaining 3.96 acres is meant to encourage the development of multifamily housing, a housing type that has a lower trip generation rate than single-family detached or attached housing units. This reduced trip generation rate will limit the increase in the overall trip generation that will occur because of the additional units in the area.
- Existing or planned transportation improvements will satisfactorily address any potential additional trips that may occur.

These factors are explored below.

**LEGACY OAKS APARTMENTS – 15.43 ACRES**

Within the area proposed for the zone change, 15.43 acres (of the 19.39 acres) are currently occupied by Legacy Oaks Apartments, a large apartment complex with 196 housing units. This complex is considered a non-conforming use in the Independence Development Code (as apartments are not allowed in the Medium-Density Residential (RM) Zone), and the property has a stream, wetlands, and a power-line corridor that limit the further development of the site. No additional development or units are anticipated on the property.<sup>1</sup>

<sup>1</sup> The proposed rezone is intended to better reflect the fact that the land is occupied by high-density housing and to make the property a legal, conforming use in the underlying zone.

## **PCL PROPERTY – 3.96 ACRES**

Rezone of the remaining 3.96 acres (owned by Partnerships in Community Living) would also have a limited impact on trip generation. According to the Institute of Traffic Engineers, changing from a single-family detached home to an apartment use (the likely use of the property in the RH Zone) would lower the number of trips that are expected per unit (from .99 peak hour trips per unit to .56 peak hour trips per unit). As such, any increase in the number of housing units that would occur because of the rezone would not have a similar proportionate increase in the number of vehicular trips generated.

The following calculations help display this fact:

- Current Medium-Density Residential Zoning (Built with Single-Family Detached Homes) – 3.96 acres x 12 units per acre (max density of RM Zone) x .99 peak hour trips per unit (trip generation for single-family detached unit) = 47.04 peak hour trips
- Proposed High-Density Residential (Built with Apartments) – 3.96 acres x 20 units per acre (max density of RH Zone) x .56 peak hour trips per unit (trip generation for multifamily unit) = 44.35 peak hour trips

Using the trip generation rates prepared by the Institute of Traffic Engineers, the proposed change would generate slightly fewer peak hours trips, even with more housing units on the site because of the lower trip generation rates that are typical of apartment development.

## **IMPACTS TO INTERSECTIONS**

Finally, the proposed change would have limited impacts on planned transportation improvements such as intersections.

### **Gun Club and Hoffman**

According to the Transportation System Plan, the intersection of Gun Club Road and Hoffman Road was anticipated to function at a Level of Service D, the maximum Level of Service desired for the intersection, in 2040 (see City of Independence, Transportation System Plan, Volume II page 205). However, the intersection was modeled using a previous configuration of the road, which did not separate out Northbound right and left turns (see City of Independence, Transportation System Plan, Volume II page 248). With the completion of a recent Safe Routes to School project, the left and right turn movements were separated, and a key limiting factor for the critical movement of the intersection was addressed.

The intersection is well suited for additional development with the Safe Routes to School project completed.

### **Gun Club and Monmouth**

Additionally, the intersection at Gun Club Road and Monmouth Street was anticipated to function well till 2040, so long as the Southbound left turn green light was optimized to allow more vehicles to travel through the intersection. Since no additional vehicular trips are anticipated from the rezone, the improvement should continue to be satisfactory to address the additional units.

## **CONCLUSION**

Given these items, no significant impacts are anticipated from rezoning the 19.39 acres from RM to RH.



April 2, 2025

City of Independence  
Planning Director  
555 S Main St  
Independence OR, 97351

**RE: Rezone of 19.39 acres of land from Medium-Density Residential (RM) to High-Density Residential (RH). A 196-unit apartment complex currently occupies 15.43 acres of the land.**

Dear Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO commend the City of Independence and support the adoption of **LA 2025-02**. Planning staff created a detailed staff report with Goal 10 findings that made a compelling case that this rezone will help the City meet its housing needs. This will be used as a good example for other jurisdictions.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "John Miller".

John Miller  
Executive director  
Fair Housing Council of Oregon

cc: Ethan Stuckmayer, DLCD





## **DRAFT STANDARD TO REQUIRE A PRE-APPLICATION CONFERENCE STAFF REPORT**

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**FROM:** Fred Evander, Community Planner

**TO:** Planning Commission

**MEETING DATE:** April 7, 2025

**FILE NUMBER:** LA 2025-03

**RE:** **DRAFT LANGUAGE TO REQUIRE A PRE-APPLICATION FOR MOST DEVELOPMENT**

**ATTACHMENTS:** A. Draft Standard to Require a Pre-Application Conference (3 pages)

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At the Independence Planning Commission meeting of April 7, 2025, the Commission will discuss a draft code change that would require a pre-application conference for most new development. This requirement would allow applicants to discuss their project with key city staff, who would likely review the project or interface with the proposal during development, to ensure that anticipated issues are addressed upfront.

### **What is the Problem?**

The City of Independence encourages a pre-application conference for most major new development including subdivisions, and large commercial and industrial projects. However, many smaller projects are not encouraged to utilize the process. Because of this, many individuals that conduct smaller projects are not aware of the variety of standards, requirements and fees that apply to their proposals.

The review process is often obscure for applicants and an inefficient use of city staff time (as staff are required to react to problems later in the development rather than proactively address the issues upfront).

### **What is the Proposal?**

To address this situation, the proposed draft code (see Attachment A) would require a pre-application for most new development. This requirement would ensure that applicants were well aware of the city expectations and the likely costs of their project.

The proposed draft would require a pre-application for:

- A. Development on an existing lot of record except for:
  - a. A lot within a subdivision that has been approved within the previous five years; or
  - b. An accessory structure that is under 400 square feet in size.
- B. Changes of occupancy or additions to industrial, commercial, or public uses.

### C. Divisions of land.

Several of the applications that would necessitate a pre-application under the code would require further land use review under Subchapter 11 of the Independence Development Code; however, some would not. The proposed pre-application process is intended to occur, even for activities that do not require a formal Land Use Application, because many of the activities trigger other city requirements, such as the payment of System Development Charges or the installation of public improvements, of which an applicant should be aware.

The proposed requirement for a pre-application would allow project proponents to discuss their proposals with all the individuals that are typically present at a pre-application conference, including the Fire Marshall from Polk Fire District No. 1, the Independence Building Official, the Independence City Engineer, and the Independence City Planner. While the current fee for a pre-application is \$300, the city anticipates establishing a tiered fee structure for pre-applications, which would minimize the cost to applicants seeking a pre-application for a smaller project. Minor activities would likely cost somewhere around \$100 and more major land use actions would retain the existing \$300 cost.

By adopting the process, the city ultimately believes that the pre-application would save staff time overall, by telling individuals about expectations upfront, and minimizing the time that is necessary to respond to issues over the course of development.

#### **Next Steps**

The Planning Commission will discuss the draft code at the meeting of April 7, 2025. If the draft looks appropriate, staff will work toward having a Public Hearing on the proposal at the Planning Commission meeting of June 2, 2025.

## DRAFT REQUIREMENT FOR A PRE-APPLICATION CONFERENCE

At the Independence Planning Commission meeting of April 7, 2025, the Commission will discuss a draft code change that would require a pre-application conference for most new development. This requirement would allow applicants to discuss their project with key city staff, who would likely review the project or interface with the proposal during development, to ensure that anticipated issues are addressed upfront.

### SUBCHAPTER 11: ADMINISTRATIVE PROVISIONS

#### 11.001 Pre-Applications Required

To determine whether an application is subject to this chapter, and the requirements of the Independence Municipal Code, Independence Development Code, and Public Works Design Standards that apply, the following types of development require a pre-application conference:

A. Development on an existing lot of record except for:

- a. A lot within a subdivision that has been approved within the previous five years; or
- b. An accessory structure that is under 400 square feet in size.

B. Changes of occupancy or additions to industrial, commercial, or public uses.

C. Divisions of land.

The pre-application conference is intended to communicate the standards that apply to a proposal and the approvals that are necessary.

#### 11.002 Applications and Review Procedures

For developments that require a land use approval under this chapter, aAll 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.

A. Type I Action

A Type I action is a ministerial action reviewed by staff based on clear and objective standards. Clear and objective conditions may be placed on the decision, and notice of the decision is sent to the applicant and any interested party who requests a copy of the decision. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

1. Lot Line Adjustment
2. Floodplain Permit
3. Site Design Review
4. Minor Partition
5. Administrative Variance
6. Willamette Greenway Administrative Review
7. Downtown Overlay Design Standards Review

8. Home Occupation.

B. Type II Action

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice is provided pursuant to Section 11.025. A public hearing is required for Type II actions unless otherwise specified. Appeal of a Type II decision is to the City Council. The following actions are processed under the Type II procedure:

1. Variance, including Floodplain Variances
2. Conditional Use Permit
3. Major Partition
4. Subdivision
5. Planned Unit Development
6. Similar Use Determination
7. Downtown Overlay Design Guidelines Review
8. Site Design Review applications for commercial/industrial developments with more than 40,000 square feet of total gross floor area.

C. Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission plays an advisory role. Public notice is provided and, except as noted in subsection (4), public hearings are held before both the Planning Commission and City Council. Sections 11.025 and 11.030 list the notice and hearing requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Zone Change
2. Comprehensive Plan Map Amendment
3. Annexation and Zone Change when requested concurrent with one another. The City Council reviews such a request without review or recommendation by the Planning Commission.

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

11.005 Applications for Land Use Actions

Applications for all land-use actions as defined in this ordinance shall be filed with the City Manager or designee. An application shall be submitted in writing on the form provided by the City Manager and shall include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address, and telephone number of the owner of record of the subject property;
- C. Name, address, and telephone number of any agent acting on behalf of the applicant;
- D. Township, range, section and tax lot number of the subject property;
- E. A legal description of the property;
- F. A list of all property owners of record within the notification area of the subject property;
- G. A map showing all properties within the notification area and any other information pertinent to the request;
- H. The fee for the land-use action, as determined by resolution of the City Council;
- I. Other information required by this ordinance or deemed necessary by the City Manager or Planning Commission.

11.010 Persons Who May Apply for a Land Use Action

An application for a land-use action may be filed by any of the following:

- A. The owner of record of the property that is the subject of the request;
- B. A contract purchaser of the subject property, provided that a written statement of the owner of record's consent to the request accompanies the application;
- C. A lessee of the subject property, provided that a written statement of the owner of record's consent to the request accompanies the applications; or
- D. The agent of any of the above persons. A written statement of the owner of record's consent to the request and a written statement that the agent is authorized to act on behalf of the applicant must accompany any application made by an agent.

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