



City of Independence

**Historic Preservation Commission
Monday, July 13, 2026 @ 5:30 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 03/26/2026
 - 3.2. Regular Meeting 04-23-2026
4. **Visitors/Public Comment**
5. **Staff Reports/Presentations - Other**
6. **Unfinished Business**
7. **New Business**
 - 7.1. Training about project review in the Independence Historic District
8. **Other Discussion/Information Items**
9. **Adjournment**

Meeting Attendance Information:

The Historic Preservation Commission will hold this meeting in-person in City Hall Council Chambers, via video conference (Zoom) or by phone.

- To attend in person, the City Hall address is 555 S. Main St.
- For Zoom login
visit: <https://us06web.zoom.us/j/89288325955?pwd=3XFIA0WXyOjS2DmX7vNpBDbvXQVzda.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 892 8832 5955** and **Passcode: 641448**

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

**Historic Preservation Commission Meeting
Thursday, March 26, 2026**

1. **Call to Order.** Co-Chair Boisvert called the meeting to order at 5:36 pm

2. **Roll Call.**

Present: Commissioner/Co Chair Liz Boisvert
Commissioner Anne Devane
Commissioner Catherine Underwood-Bush
Commissioner Kevin Kryger

Absent: Commissioner Miranda Garrison
Commissioner/Chair Jennifer Flores
Commissioner Willis Homann, Excused

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

3. **Minutes.**

3.1. **Regular Meeting 02/23/2026.**

Action:

Commissioner Devane moved to approve minutes; Commissioner Kryger seconded. Discussion: None
Roll call vote. Motion 4-0-0

Ayes: Liz Boisvert, Anne Devane, Catherine Underwood-Bush,
Kevin Kryger

Nays: None

Abstentions: None

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

5. **Staff Reports/Presentations - Other.**

5.1. **Continued Training about the Independence Historic District.**

The meeting focused on discussing the historic district, primarily centered around Victorian and bungalow homes. Planner Evander highlighted how the district has evolved over time, with changes visible even in the transition from Victorians to bungalows, and noted the presence of later-era homes, particularly ranch-style homes on the district's periphery. The period of significance for the historic district was established as before 1904 (primary) and 1904-1940 (secondary contributing), with anything after 1940 considered non-contributing

to the historic character. Planner Evander presented findings from the historic homes video series the city put out about a series of identical houses built in the 1940s, including specific houses at 590 and 570 Monmouth Street, and 565 C Street. The houses, described as "minimal traditional" homes, were built with the same floor plan (22 feet deep with 12x30 basements) across multiple properties, with some variations in roof design between hip and gable roofs. Planner Evander noted that while the houses were originally identical, modifications over time, including moved front doors and removed garages, have altered their appearance. The discussion included exploring potential connections between these houses and Camp Adair military housing from World War II, with suggestions to study this further through future historic preservation grants. The group also discussed boundary mapping issues for the historic district, noting that some historically significant homes were not included due to mapping limitations from 1989, and acknowledged the complexity of making boundary changes which would require state approval and legislative action. Commissioner Devane left the meeting around 5:50 PM, which meant there was no longer a quorum. Discussion continued, but no decisions were made.

6. **Unfinished Business.** None.
7. **New Business.** None.
8. **Other Discussion/Information Items.** Prior to the staff report, the commission discussed the meeting date which had been changed at the previous meeting. Two commissioners were absent from that meeting. One had expressed via email to the city recorder that the new date and time didn't work well for him. The city recorder plotted all the dates of other meetings and holidays on a calendar and emailed it to the commissioners prior to this meeting. The three dates that have no other meetings or holidays are the 2nd Monday, 1st Thursday or 2nd Thursday. Commissioner Homann had expressed via email, which was printed out for each commissioner to review, that Thursday does not work well for him, but he could try to make them work if the meetings started at 5:00 PM instead of 5:30 PM. The commissioners present discussed the pros and cons of each date but ultimately decided to leave the date as is for now and table the decision until more commissioners could attend the next meeting on April 23rd to reach a final conclusion. All commissioners are encouraged to attend the next meeting on April 23 to make a final decision.
9. **Adjournment.** Co-Chair Boisvert adjourned the meeting at 6:13 pm.

Minutes submitted by:
Myra Russell, City Recorder



City of Independence Minutes

**Historic Preservation Commission Meeting
Thursday, April 23, 2026**

1. **Call to Order.** Chair Flores called the meeting to order at 5:32 pm in the museum.
2. **Roll Call.**
 - Present: Commissioner Miranda Garrison
Commissioner/Chair Jennifer Flores
Commissioner/Vice Chair Liz Boisvert
Commissioner Kevin Kryger
 - Absent: Commissioner Anne Devane, attempted to connect via zoom.
Excused
 - City Staff Present: Myra Russell, City Recorder
Fred Evander, City Planner
Amy Christensen, Museum Director
3. **Minutes.**
 - 3.1. **Regular Meeting 03/26/2026.**
Did not approve minutes at this off-site meeting. Will bring forward to next meeting.
4. **Visitors/Public Comment.** None.
5. **Staff Reports/Presentations - Other.**
 - 5.1. **The History of Independence, a presentation by Amy Christensen, Museum Director.**
Christensen, the museum director, presented a detailed history of Independence, covering its origins during the donation land claim era in the 1840s, the impact of the 1861 flood, the importance of the river and later railroad transportation, and the development of the town's downtown area in the 1880s. She shared the history of the Independence Museum and the town itself. The museum, established as an American Bicentennial project in 1976, has been transformed from a disorganized storage space to a meaningful community resource that receives approximately four research requests per week about local ancestry and property history. Christensen explained how the town's original layout was affected by the 1861 flood and subsequent river regulation, noting that the railroad's arrival in 1879 significantly changed the community's development pattern. The participants discussed how the area evolved from an industrial hub with multiple warehouses to its current state, including stories about steam engines and house relocations from the early 1900s. They noted

that house moving was much more common in the past due to fewer zoning restrictions and simpler utilities, with several specific examples shared about houses being moved to different locations.

After Christensen shared this history with the commissioners, she offered a walking tour of the museum which could not be captured by the Owl recording device. The tour included information about the museum's role in preserving local history and personal stories, as well as details about historical building movements and the town's industrial past.

6. Unfinished Business. Change of meeting date

The commission discussed changing their meeting schedule from Thursdays back to Mondays. After reviewing feedback from absent commissioners, they decided to maintain meetings on the second Monday of each month to avoid holiday conflicts.

7. New Business.

8. Other Discussion/Information Items.

9. Adjournment. The meeting adjourned informally around 6:35 pm as the walking tour ended.



INDEPENDENCE

Oregon's Story Begins Here

HISTORIC PRESERVATION COMMISSION MEETING STAFF REPORT

MEETING DATE: July 14, 2026

RE: **HISTORIC PRESERVATION COMMISSION MEETING**

TO: Historic Preservation Commission

FROM: Fred Evander, Community Planner

ATTACHMENTS:

- A. Subchapter 59: Historic Preservation (15 pages)
- B. SB 1537 (2024): Housing Land Use Adjustments and Limited Land Use Decisions (9 pages)

At the meeting of July 14, 2026, the Independence Historic Preservation Commission will discuss the review of projects in the Independence Historic District given recent changes to state law. The Commission will especially discuss “limited land use decisions” and the allowance of “housing land use adjustments” under SB 1537 (2024).

We look forward to the discussion.

SUBCHAPTER 59: HISTORIC PRESERVATION**59.10 Purpose**

The City of Independence establishes this Historic Preservation Code to identify, recognize, and preserve significant properties that showcase the community's history; encourage the rehabilitation and ongoing upkeep of historic resources; strengthen public support for historic preservation efforts; and foster civic pride.

59.20 Applicability

- A. Applicable. This subchapter applies to properties listed on the Independence Local Historic Register.
- B. Exemptions. The standards do not apply to:
 - 1. The ordinary repair and maintenance of historic Resources when such action does not involve a change in design, materials, or appearance.
 - 2. Interior alterations which do not impact the exterior of a Resource.
 - 3. The application of an exterior paint color, unless the exterior paint color is specifically noted in a Resource's Record of Designation or the application seeks to paint currently unpainted masonry on a historic Contributing or Noncontributing Resource.
 - 4. The alteration of a landscape feature that is not specifically identified as historically significant in a Resource's Record of Designation or on the Independence Historic Tree List.

59.30 Relation to Other Codes

The Historic Preservation Code supplements the regulations in the underlying zoning district. Where the regulations and permitted uses for a zoning district conflict with those of the Historic Preservation Code, the more restrictive standards apply.

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.

59.50 Changing the Local Historic Register

A. Purpose. The City uses the Local Historic Register to formally recognize, rate and protect its historic and architectural resources. The register identifies buildings, Sites, objects and districts of historical importance or architectural significance that are considered exemplary of their time and style. The following resources are included on the Local Historic Register:

1. The Independence National Historic District.
2. The Independence Historic Tree List.
3. Other Resources as designated pursuant to this code.

B. Procedure. After review pursuant to the procedures identified below by the Historic Preservation Commission, the City Council will review and

make the final determination of designation or adopt any required legislative amendments to a historic District. For changes affecting Resources on the National Register of Historic Places or to the Independence National Historic District, approval by the State Historic Preservation Office, State Advisory Committee, and National Park Service are required.

1. Designation. Requests to designate historic Landmarks or districts are reviewed using the IDC Subchapter 11, Type III quasi-judicial or Type IV legislative procedures. The process is legislative when it affects a significant number of persons or properties.
 2. Amendment to Existing Historic Districts. Changes or additions to the Period of Significance, the property rating structure, or the boundaries of an existing historic district are reviewed under an IDC Subchapter 11, Type IV legislative procedure.
 3. Individual Property Re-Rating.
 - a. Re-designation or removal of an individual property from the Local Historic Register requires an IDC Subchapter 11, Type III approval. When a property is on the National Register of Historic Places, the Historic Preservation Officer shall consult the State about the appropriateness of the re-designation before the public hearing, and receive state and federal approval of the re-designation after City approval.
 - b. Re-designation of a demolished property. Demolition pursuant to IDC 59.100 also approves removal of the property from the Local Historic Register. Removal from the National Register due to Demolition requires submittal to and approval by the State Historic Preservation Office and the National Park Service.
- C. Decision. All decisions, whether to approve or deny a request, must specify the basis for the decision.

59.60 Designation

- A. Consent. A historic resource that is not currently designated on the Local Historic Register, may not be designated as a local historic resource without the written consent of the owner except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (per ORS 197.772).

B. Application Contents. In addition to complying with IDC 11.005, an application for the designation of a Resource must include the following information:

1. A written description of the boundaries of the proposed district or the location of the proposed landmark or property to be evaluated.
2. A map illustrating the boundaries of the proposed district or the location of the proposed landmark or the property to be evaluated.
3. A statement explaining the following:
 - a. The reason(s) why the proposed district, landmark or property should be designated.
 - b. The reason(s) why the proposed boundaries of the proposed district are appropriate for designation.
 - c. The potential impact, if any, that designation of the proposed district or landmark would have on the owners, surrounding residents or other property owners in the area.

C. Designation Review Criteria. In addition to being at least fifty years of age, one of the following criteria must be met to approve a proposed Resource or District:

1. The proposed Resource or District has historic significance because:
 - a. There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
 - b. There is an association with an event that has made a significant contribution to the city, county, state, or nation; or
 - c. There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation.
2. The proposed Resource or District has architectural significance because:
 - a. It is an example of a particular architectural style, building type and/or convention;
 - b. It has a high quality of composition, detailing and/or craftsmanship;
 - c. It is an example of a particular material and/or method of construction;
 - d. The resource retains its original design features, materials and/or character;

- e. It is the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction; or
 - f. It is a visual landmark.
3. The proposed Resource or District is listed on the National Register of Historic Places.

59.70 Re-Rating or Removal Review

- A. Application Contents. In addition to complying with IDC 11.005, an application for re-rating or removal must include photos and documentation that demonstrates:
- 1. The reason(s) why the District, Resource or property should be re-rated or removed.
 - 2. The reason(s) why the boundaries of the district are appropriate for re-rating or removal.
 - 3. The potential impact, if any, that re-rating or removal of the District or Resource would have on the owners, surrounding residents or other property owners in the area.
- B. Criteria. The review body must find that one of the following criteria is met in order to re-rate or remove a Resource from the Local Historic Registry:
- 1. The inventory was in error.
 - 2. Additional research has uncovered an association with a person, group, organization, institution or events that have made a significant contribution to the city, county, state or nation or additional research has been compiled regarding the architectural significance of a structure or style.
 - 3. Alterations to the structure have caused it to more closely approximate the historical character, appearance, or material composition of the original structure.
 - 4. Alterations to the structure have removed distinguishing features or otherwise altered the exterior such that the existing rating is no longer justified.
 - 5. The reasons for designating the historic Resource no longer apply.

59.80 New Construction in Historic District

- A. Procedure. Requests for new construction in a Historic District are reviewed using an IDC Subchapter 11 Type II quasi-judicial procedure.
- B. Application Contents. In addition to complying with IDC 11.005, an application for new construction must include the following information:
 - 1. A site plan that shows:
 - a. The setbacks of the proposed structure and the neighboring buildings.
 - b. The proposed vehicular and pedestrian access to the building.
 - c. The outbuildings for the use.
 - 2. The proposed building elevations and how they relate to the scale of neighboring buildings.
 - 3. Details about the proposed building materials that will be used for the project.
- C. Criteria. To approve a request for new construction within a historic district, the Historic Preservation Commission must find that the request meets the following criteria as applicable:
 - 1. Within Residential Districts or the Historic Residential Overlay Zone, or for Single-Family Residential Development in the MUPC/Downtown Overlay Zone:
 - a. The development meets the Residential Design Standards in Subchapter 19.
 - b. The structure is of similar Mass, size and Scale of surrounding buildings.
 - i. Scale, Mass and Proportion
 - The building includes projections and building articulation that breaks the Mass of the building into smaller components.
 - If a proposal attempts to create a larger structure than is found within the surrounding residential area, the proposal creates distinct building Masses that are similar in Scale to the neighboring single-family homes.

ii. Height

- The primary building façade is within the range of the Height of existing buildings on the block. Additional Height, up to the allowed Height of the underlying zone may be allowed, if the Height is setback at least 10 feet from the primary building facade.
- Where a larger structure is proposed adjacent to a historic single-family home, the structure is stepped down in Height to the Height of the neighboring home.

iii. Yards

- New structures are set within the range of front and side yard setbacks for historic structures found on the same side of the block. If the historic range is less than the required setback for the underlying zone, the historic range of setbacks shall apply.
- If a proposal involves multiple parcels within the historic district, the development articulation must mirror the adjacent side yard setbacks to create the appearance of multiple single-family homes.

THIS

Scale & Proportion	New buildings should relate in scale and proportion to adjacent historic buildings. 
Mass	Break up boxlike forms into smaller, varied masses using porches, windows, roof forms common on historic buildings. 
Height	Building height should be within the range of heights of area buildings. Step larger buildings down to smaller buildings. 

NOT THIS

Scale & Proportion	Avoid buildings that are too large or too small in scale or massing to adjacent buildings. 
Mass	Avoid single, monolithic forms that are not relieved by variations in mass. 
Height	Avoid construction that greatly varies in height from buildings in the same block. 

- c. The development conforms to the existing neighborhood development patterns.
 - i. The front door of the building is oriented toward the street.
 - ii. Vehicular access points are oriented to the side or rear of the lot, unless:
 - No alley exists and the proposal does not occur on a corner lot, or
 - There is a compelling reason, as determined by the Historic Preservation Commission, why the access should not be located on the side or rear of the lot.
2. Within the Downtown Overlay Zone and Other Mixed-Use Pedestrian Friendly Commercial Zoning (Other than for Single-Family Homes):
- a. The development meets the Commercial Design Standards in Section 33.030 and the Downtown Overlay Design Standards and Guidelines in Section 33.040.
 - b. The development aligns horizontal elements on the structure with the horizontal elements of adjacent buildings. Horizontal elements may include the alignment of lintels or other portions of window frames, awnings, sign bands, roof lines, and the transitional band between the first floor and upper floors.
 - c. The development complements surrounding neighborhood development patterns:
 - i. The front door of the building is oriented toward the street.
 - ii. The building is set on the front property line and the side property lines, unless there is a compelling reason, as determined by the Historic Preservation Commission, to not allow the building to be sited in that location.
 - iii. Parking is not placed in front of the building on the project Site.

59.90 Alteration or Addition to Structures

- A. Application Contents. In addition to complying with IDC 11.005, every application for an exterior alteration or addition approval shall include information such as a site plan, building elevations, and photos of the existing structure which clearly show the intended alteration and resulting change to the appearance of the structure.
- B. IDC Subchapter 11, Type I Alterations.

1. Applicability. This section applies to alterations to out-of-period structures or non-historic features of Noncontributing Resources within a historic district, so long as the alterations do not include an addition to the structure.
2. Criteria. To approve an alteration to a historic or out-of-period Noncontributing Resource, the Historic Preservation Officer shall find that the proposal meets the following criteria:
 - a. Subject to the exception set forth below in 59.90.B.2.b, the modified exterior of the Noncontributing Resources meets the applicable commercial or residential design standards.
 - b. If an applicant seeks to better reflect the structure's historical design and materials, and the historic design and materials conflict with an otherwise applicable residential or commercial design standard, the conflicting design standard may be waived.
3. Historic Preservation Review Required. Additions to a historic Noncontributing Resource or modifications that change a historic element of a Historic Non-Contributing Resource require Type II Historic Preservation Commission review under IDC 59.90.C.1. b. and d.

C. IDC Subchapter 11, Type II Alterations and Additions:

1. Applicability. This section applies to:
 - a. Alterations to a Contributing Resource.
 - b. Alterations to historic features of a Noncontributing Resource.
 - c. Additions to individually Listed Resources.
 - d. Additions to Resources within a historic District.
2. Criteria. To approve an application subject to this section, the Historic Preservation Commission must find that one of the following criteria has been met:
 - a. The proposed alteration or addition will cause the Resource to more closely approximate the historical character, appearance or material composition of the original structure than the existing structure, or
 - b. The proposed alteration or addition is compatible with the historic characteristics of the area and with the existing structure in Massing, size, Scale, materials and architectural features. New

additions that are visible from the front of a building shall meet the applicable standards for new construction listed in IDC 59.80.

3. Guidelines for Decision. The Secretary of the Interior's Standards of Rehabilitation, set forth below, shall be applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

59.100 Demolition or Relocation of a Listed Resource, or a Resource that is More than 75 Years Old in a Historic District

- A. Procedure. Requests for the Demolition or Relocation of a Listed Resource or a resource older than 75 years in a historic district are reviewed using IDC Subchapter 11 Type II quasi-judicial procedures.
- B. Application Contents. An application for the Demolition or Relocation of a Listed Resource or a Resource older than 75 years in a historic district must contain the following information:
 - 1. A description of the previous and existing uses of the structure and the intended future use of the property.
 - 2. A drawing showing the location of the building on the property and any other buildings on the property.
 - 3. The overall Height of the building and the general type of construction.
 - 4. A written statement addressing the review criteria and providing findings of fact in support of the request.
- C. Criteria. To approve the Demolition or Relocation of the Resource, the Historic Preservation Commission must find that the request meets the following applicable criteria:
 - 1. The proposal meets one of the following conditions:
 - a. No prudent or feasible alternative to the Demolition or Relocation of the building exists.
 - b. The building or structure is deteriorated beyond repair and cannot be rehabilitated on the Site to provide a reasonable economic return compared to other structures in the general area.
 - c. There is a demonstrated public need for the proposed new use or development on the Site that outweighs any public benefit that might be gained by preserving the subject building(s).
 - 2. If a development is proposed on a lot where the Relocation or Demolition will occur, details about the proposed development shall be submitted. The proposed development shall be compatible with the surrounding area and the standards for new construction in a historic District per IDC 59.80.

3. If a building or structure is proposed to be moved, the movement of the building to a Site within the historic district shall be preferred to the Relocation of the structure outside of the district.
- D. Conditions. In approving an application for the Demolition of a Contributing Resource, the Commission may impose the following conditions:
1. Photographic, video or drawn recordation of the property to be demolished be submitted to the City.
 2. Salvage and curation of significant elements occur.
 3. Other reasonable mitigation measures.
- E. Decisions/Appeals. Following a public hearing, the Commission may either approve the request or invoke a stay to the demolition. During the stay, the Commission will notify the owner of potential rehabilitation programs and benefits and encourage public or private acquisition and restoration of the landmark. The length of the stay will be no more than 180 days from the date of the decision. All decisions to approve, approve with conditions, or stay shall specify the basis for the decision. Decisions of the Commission can be appealed to the City Council.

59.110 Removal of Historic Tree

The City of Independence Historic Tree List has designated historic trees within the community. The location of the trees are mapped, adopted as part of this Code, and available upon request at the Independence Community Development Department.

To approve the removal of a historic tree in the City of Independence via an IDC Subchapter 11 Type II procedure, the Historic Preservation Commission must find that:

- A. A certified arborist has shown that the tree is a hazard, or the tree is causing damage to a commercial or residential structure; or
- B. The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve the tree on the Site, while providing the same overall level of design functionality.

59.120 Demolition by Neglect

- A. Purpose. No owner of a Resource shall keep such building or Resource in a manner that promotes or allows deterioration, dilapidation and decay of any portion of the Resource, or that allows entry by unauthorized persons, in the manner described in B of this Subsection.
- B. Standards. An owner violates the standards for the upkeep and preservation of Resources if the owner promotes or allows any of the following to occur to, or exist in, a Resource:
 - 1. Faults, defects, or other conditions which render the building or Resource structurally unsafe or not properly watertight.
 - 2. Deterioration of walls or support members due to failure to paint or otherwise maintain the building or Resource.
 - 3. Failure to maintain parts of the Resource securely attached so as to not fall or injure persons or property.
 - 4. Deterioration of the foundation.
 - 5. Deterioration of floor supports so that they cannot safely carry imposed loads.
 - 6. Deterioration of members of walls, or other vertical supports so that they split, lean, list, buckle, or become incapable of safely carrying imposed loads.
 - 7. Deterioration of members of the ceiling, roofs, ceiling and roof supports, or other horizontal beams to the extent that they sag, split, buckle or otherwise become insufficient to safely carry imposed loads.
 - 8. Deterioration of fireplaces or chimneys so that they list, bulge, or settle.
- C. Abatement.
 - 1. In addition to enforcement under IDC subchapter 100, violation of this subsection is hereby declared to be a public nuisance which may be abated and penalized as provided under IMC Chapter 14, Article II, Divisions 7 and 8, and IMC Chapter 6, Articles III and IV.
 - 2. Nothing in this Section shall be construed to prevent the alteration, Demolition or Relocation of all or part of a Resource, if the Resource is in an unsafe or dangerous condition that constitutes an eminent and serious threat to public safety, and the Building Official certifies such action is required for public safety.

59.130 Economic Hardship

The Commission shall approve an application for a Relocation, Demolition, or alteration, if the applicant can demonstrate that complying with the provisions of

this subchapter creates an economic hardship that deprives the Owner of all economical viable use of the subject property.

- A. Separate standards for demonstrating an economic hardship are established for investment or income-producing and non-income-producing properties:
 - 1. Economic hardship for an income-producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the Resource if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.
 - 2. Economic hardship for a non-income-producing property shall be found when the property owner demonstrates that the Resource has no economically beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
- B. Property owners seeking application approval due to economic hardship must provide sufficient information, as determined by the Historic Preservation Officer, to meet the above standards. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
 - 1. Willful or negligent acts by the owner;
 - 2. Purchase of the property for substantially more than market value;
 - 3. Failure to perform normal maintenance and repairs;
 - 4. Failure to diligently solicit and retain tenants; or
 - 5. Failure to provide normal tenant improvements.

59.140 Enforcement

Violations of this Code may be enforced and abated pursuant to one or more of the following:

- A. IMC Chapter 14, Article II;
- B. IDC Subchapter 100; and
- C. Any applicable remedy available under the City's Building and Construction Code, set forth at IMC Chapter 6.

lating to eligible housing projects within the sponsoring jurisdiction as the department requires.

(3)(a) Not later than November 15 of each year, the department shall submit, in the manner required under ORS 192.245, a report to the interim committees of the Legislative Assembly related to housing.

(b) The report shall set forth in detail:

(A) The information received from sponsoring jurisdictions under subsection (2) of this section;

(B) The status of the repayment of all outstanding loans made under section 28 of this 2024 Act and of the payment of all fees imposed under section 32 of this 2024 Act and all amounts imposed under section 33 of this 2024 Act; and

(C) The cumulative experience of the program developed and implemented under sections 24 to 35 of this 2024 Act.

(c) The report may include recommendations for legislation.

SECTION 35. (1) The Housing Project Revolving Loan Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Housing Project Revolving Loan Fund shall be credited to the fund.

(2) Moneys in the fund may be invested as provided by ORS 293.701 to 293.857, and the earnings from the investments shall be credited to the fund.

(3) Moneys in the Housing Project Revolving Loan Fund shall consist of:

(a) Amounts appropriated or otherwise transferred or credited to the fund by the Legislative Assembly;

(b) Net fee moneys transferred under section 32 of this 2024 Act;

(c) Amounts deposited in the fund under section 33 of this 2024 Act;

(d) Interest and other earnings received on moneys in the fund; and

(e) Other moneys or proceeds of property from any public or private source that are transferred, donated or otherwise credited to the fund.

(4) Moneys in the Housing Project Revolving Loan Fund are continuously appropriated to the Housing and Community Services Department for the purpose of paying amounts determined under section 28 of this 2024 Act.

(5) Moneys in the Housing Project Revolving Loan Fund at the end of a biennium shall be retained in the fund and used for the purposes set forth in subsection (4) of this section.

SECTION 36. (1) The Housing and Community Services Department shall have developed and begun operating the loan program that the department is required to develop under section 28 of this 2024 Act, including regional trainings and outreach for jurisdictional partners, no later than June 30, 2025.

(2) In the first two years in which the loan program is operating, the department may not expend an amount in excess of two-thirds of the moneys appropriated to the department for the purpose under section 62 of this 2024 Act.

HOUSING LAND USE ADJUSTMENTS

SECTION 37. Sections 38 to 41 of this 2024 Act are added to and made a part of ORS chapter 197A.

SECTION 38. Mandatory adjustment to housing development standards. (1) As used in sections 38 to 41 of this 2024 Act:

(a) "Adjustment" means a deviation from an existing land use regulation.

(b) "Adjustment" does not include:

(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site

clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act;

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

(e) The development is of net new housing units in new construction projects, including:

(A) Single-family or multifamily;

(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;

(C) Manufactured dwelling parks;

(D) Accessory dwelling units; or

(E) Middle housing as defined in ORS 197A.420;

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A “distinct adjustment” means:

(A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or

(B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and

(g) The application states how at least one of the following criteria apply:

(A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;

(B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;

(C) The adjustments will increase the number of housing units within the application;

(D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;

(E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;

(F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or

(G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land

trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.

(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:

(a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or

(b) Directly apply the process set forth in this subsection.

(4) A local government shall grant an adjustment to the following development standards:

(a) Side or rear setbacks, for an adjustment of not more than 10 percent.

(b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.

(c) Parking minimums.

(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.

(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:

(A) More dwelling units than would be allowed without the adjustment; and

(B) No reduction in density below the minimum applicable density.

(f) Building lot coverage requirements for up to a 10 percent adjustment.

(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential housing:

(A) Requirements for bicycle parking that establish:

(i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or

(ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;

(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:

(i) Are in addition to existing applicable height bonuses, if any; and

(ii) Are not more than an increase of the greater of:

(I) One story; or

(II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;

(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and

(D) Prohibitions, for the ground floor of a mixed-use building, against:

(i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and

(ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

(5) A local government shall grant an adjustment to design standards that regulate:

(a) Facade materials, color or pattern.

(b) Facade articulation.

(c) Roof forms and materials.

(d) Entry and garage door materials.

(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.

- (f) Window materials, except for bird-safe glazing requirements.
- (g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.
- (h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential:
 - (A) Building orientation requirements, not including transit street orientation requirements.
 - (B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.
 - (C) Requirements for balconies and porches.
 - (D) Requirements for recesses and offsets.

SECTION 39. Mandatory adjustments exemption process. (1) A local government may apply to the Housing Accountability and Production Office for an exemption to section 38 of this 2024 Act only as provided in this section. After the application is made, section 38 of this 2024 Act does not apply to the applicant until the office denies the application or revokes the exemption.

(2) To qualify for an exemption under this section, the local government must demonstrate that:

- (a) The local government reviews requested design and development adjustments for all applications for the development of housing that are under the jurisdiction of that local government;
- (b) All listed development and design adjustments under section 38 (4) and (5) of this 2024 Act are eligible for an adjustment under the local government's process; and
- (c)(A) Within the previous 5 years the city has approved 90 percent of received adjustment requests; or
- (B) The adjustment process is flexible and accommodates project needs as demonstrated by testimonials of housing developers who have utilized the adjustment process within the previous five years.

(3) Upon receipt of an application under this section, the office shall allow for public comment on the application for a period of no less than 45 days. The office shall enter a final order on the adjustment exemption within 120 days of receiving the application. The approval of an application may not be appealed.

(4) In approving an exemption, the office may establish conditions of approval requiring that the city demonstrate that it continues to meet the criteria under subsection (2) of this section.

(5) Local governments with an approved or pending exemption under this section shall clearly and consistently notify applicants, including prospective applicants seeking to request an adjustment, that are engaged in housing development:

- (a) That the local government is employing a local process in lieu of section 38 of this 2024 Act;
- (b) Of the development and design standards for which an applicant may request an adjustment in a housing development application; and
- (c) Of the applicable criteria for the adjustment application.

(6) In response to a complaint and following an investigation, the office may issue an order revoking an exemption issued under this section if the office determines that the local government is:

- (a) Not approving adjustments as required by the local process or the terms of the exemption;
- (b) Engaging in a pattern or practice of violating housing-related statutes or implementing policies that create unreasonable cost or delays to housing production under ORS 197.320 (13)(a); or

(c) Failing to comply with conditions of approval adopted under subsection (4) of this section.

SECTION 40. Temporary exemption authority. Before January 1, 2025, notwithstanding section 39 of this 2024 Act:

(1) Cities may deliver applications for exemption under section 39 of this 2024 Act to the Department of Land Conservation and Development; and

(2) The Department of Land Conservation and Development may perform any action that the Housing Accountability and Production Office may take under section 39 of this 2024 Act. Decisions and actions of the department under this section are binding on the office.

SECTION 41. Reporting. (1) A city required to provide a report under ORS 197A.110 shall include as part of that report information reasonably requested from the Department of Land Conservation and Development on residential development produced through approvals of adjustments granted under section 38 of this 2024 Act. The department may not develop a separate process for collecting this data or otherwise place an undue burden on local governments.

(2) On or before September 15 of each even-numbered year, the department shall provide a report to an interim committee of the Legislative Assembly related to housing in the manner provided in ORS 192.245 on the data collected under subsection (1) of this section. The committee shall invite the League of Oregon Cities to provide feedback on the report and the efficacy of section 38 of this 2024 Act.

SECTION 42. Operative date. Sections 38 to 41 of this 2024 Act become operative on January 1, 2025.

SECTION 43. Sunset. Sections 38 to 41 of this 2024 Act are repealed on January 2, 2032.

LIMITED LAND USE DECISIONS

SECTION 44. ORS 197.015 is amended to read:

197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

(1) “Acknowledgment” means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals.

(2) “Board” means the Land Use Board of Appeals.

(3) “Carport” means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(4) “Commission” means the Land Conservation and Development Commission.

(5) “Comprehensive plan” means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. “General nature” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

(6) “Department” means the Department of Land Conservation and Development.

(7) “Director” means the Director of the Department of Land Conservation and Development.

(8) “Goals” means the mandatory statewide land use planning standards adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(E) That is an expedited land division as described in ORS 197.360;

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(G) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:

(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;

(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or

(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;

(c) Does not include a decision by a school district to close a school;

(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

(C) A state agency action subject to ORS 197.180 (1), if:

(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or

(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

(12)(a) "Limited land use decision"[:]

[(a)] means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(C) The approval or denial of an application for a replat.

(D) The approval or denial of an application for a property line adjustment.

(E) The approval or denial of an application for an extension, alteration or expansion of a nonconforming use.

(b) "**Limited land use decision**" does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

(13) "Local government" means any city, county or Metro or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that Metro may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.251.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195, 197 and 197A.

(19) "Special district" means any unit of local government, other than a city, county, Metro or an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

(21) "Urban unincorporated community" means an area designated in a county's acknowledged comprehensive plan as an urban unincorporated community after December 5, 1994.

(22) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(23) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 45. ORS 197.195 is amended to read:

197.195. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction

of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by city staff using a ministerial process.

SECTION 45a. Section 46 of this 2024 Act is added to and made a part of ORS chapter 197.

SECTION 46. Applicability of limited land use decision to housing development. (1) The Housing Accountability and Production Office may approve a hardship exemption or time extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions by a local government.

(2) The office may grant an exemption or time extension only if the local government demonstrates that a substantial hardship would result from the increased costs or staff capacity needed to implement procedures as required under ORS 197.195 (6).

(3) The office shall review exemption or time extension requests under the deadlines provided in section 39 (3) of this 2024 Act.

SECTION 47. Sunset. Section 46 of this 2024 Act is repealed on January 2, 2032.

SECTION 47a. Operative date. Section 46 of this 2024 Act and the amendments to ORS 197.015 and 197.195 by sections 44 and 45 of this 2024 Act become operative on January 1, 2025.

ONE-TIME SITE ADDITIONS TO URBAN GROWTH BOUNDARIES

SECTION 48. Sections 49 to 59 of this 2024 Act are added to and made a part of ORS chapter 197A.

SECTION 49. Definitions. As used in sections 49 to 59 of this 2024 Act:

(1) “Net residential acre” means an acre of residentially designated buildable land, not including rights of way for streets, roads or utilities or areas not designated for development due to natural resource protections or environmental constraints.

(2) “Site” means a lot or parcel or contiguous lots or parcels, or both, with or without common ownership.

SECTION 50. City addition of sites outside of Metro. (1) Notwithstanding any other provision of ORS chapter 197A, a city outside of Metro may add a site to the city’s urban growth boundary under sections 49 to 59 of this 2024 Act, if:

(a) The site is adjacent to the existing urban growth boundary of the city or is separated from the existing urban growth boundary by only a street or road;

(b) The site is:

(A) Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658;

(B) Designated as nonresource land; or

(C) Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland;

(c) The city has not previously adopted an urban growth boundary amendment or exchange under sections 49 to 59 of this 2024 Act;

(d) The city has demonstrated a need for the addition under section 52 of this 2024 Act;

(e) The city has requested and received an application as required under sections 53 and 54 of this 2024 Act;

(f) The total acreage of the site: