



City of Independence

Planning Commission
Monday, September 8, 2025 @ 7:00 PM
Civic Center - Council Chambers

(see agenda footer for meeting attendance information)

1. Call to Order
2. Roll Call
3. Minutes
 - 3.1. Regular Meeting 08/04/2025
4. Visitors/Public Comment
5. Reports/Presentations
6. Unfinished Business
7. New Business
 - 7.1. Public Hearing: Revisions to Mobile Vending Standards
 - 7.2. Discussion: New Single Room Occupancy Requirements
8. Other Discussion/Information Items
9. Adjournment

Meeting Attendance Information:

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

- To attend in person, the City Hall address is 555 S. Main St.
- For Zoom login
visit: <https://us06web.zoom.us/j/83163865704?pwd=DgVpddmRtyn4PirRhGCe12IGcj3iE2.1>
- To participate in the meeting **by phone, dial US: +1-253-215-8782** and enter **Webinar ID: 831 6386 5704** and **Passcode: 448947**

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

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



City of Independence

Minutes

Planning Commission Meeting Monday, August 4, 2025

1. **Call to Order.** The meeting was called to order at 7:01 pm by Alex Parakevas

2. **Roll Call.**

Planning Commissioners Present:

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

Commissioners Absent: Corby Chappell, excused. Jordan Carpenter, absent

Others Present: Fred Evander, Planning Manager; Myra Russell, City Recorder

3. **Minutes.** The minutes of the July 7, 2025 meeting were submitted in the agenda packet

ACTION:

Commissioner Coen moved to approve the minutes as with corrections; Commissioner Jay seconded. Motion passed 5-0-0:

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

4. **Visitors/Public Comment.**

4.1. Harvey Cummings, Damascus, OR: Gave update on Brandy Meadows/Southwest Independence Concept Plan and SDC issues.

5. **Reports/Presentations.** None

6. **Unfinished Business.** None

7. **New Business**

7.1. Discussion of Walking Tour on July 22 Evander explained the walking tour for commissioners that weren't present and highlighted some of the housing options on the tour. Discussion continued on the concept of middle housing and its potential implementation in the area.

7.2. Discussion of Upcoming Code Changes based on Recent Legislation Evander explained some new legislation that may limit planning commission input. Discussion on changes to land division laws in Oregon and their impact on local planning processes, including new regulations for design standards.

8. **Other Discussion/Information Items**

8.1. Video: The Problem with Public Hearings Commissioners watched about 10 minutes of video which explained what some of the issues are with public hearings.

Discussion on public hearing effectiveness, community engagement strategies and ways to get input earlier in the process.

9. **Adjournment.** Commissioner Jay moved to adjourn, second by Commissioner Paraskevas. Meeting adjourned at 8:19 PM.

Minutes submitted by:
Myra Russell, City Recorder



**PUBLIC HEARING
REVISIONS TO MOBILE VENDING STANDARDS
(FILE NO. LA | 2025-05)
STAFF REPORT**

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- MEETING DATE:** September 8, 2025
- FILE NUMBER:** LA | 2025-05
- RE:** **REVISIONS TO MOBILE VENDING STANDARDS**
- CRITERIA:** Oregon State Planning Goals
Independence Comprehensive Plan
Independence Development Code (IDC)
-Subchapter 10: General Provisions
-Subchapter 11: Administrative Provisions
- CONTENTS:**
- I. Summary
 - II. What is the Problem?
 - III. What is the Proposal?
 - IV. What we have Heard
 - V. Staff Recommendation
 - VI. Staff Findings – Oregon State Planning and Independence Comprehensive Plan Goals
 - VII. Staff Findings – Independence Development Code
- ATTACHMENTS:**
- A. Mobile Vending Locations (8 pages)
 - B. Mobile Vending Devices (3 pages)
 - C. Comment from Chase, August 27, 2025 (2 pages)
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I. SUMMARY

At the meeting of September 8, 2025, the Independence Planning Commission will hold a public hearing on revisions to the Independence mobile vending standards.¹

II. WHAT IS THE PROBLEM?

In recent years, Independence has seen more mobile vendors and food trucks. To operate, each vendor must apply for a permit and work with a property owner to make necessary improvements—like installing pipes to connect to the wastewater treatment system. This process is complicated and puts all the responsibility on the vendor, even though they will only be located on a site temporarily. It also leaves out the property owner, who is directly affected and could benefit from the setup.

¹ This report uses the term mobile vending devices to refer to food trucks as well as other portable devices that may be used to sell merchandise.

The problem is more obvious when multiple vendors use the same site. Under the current code, each vendor applies for a separate permit, and the city does not consider the property as a whole. Issues like wastewater, trash collection, and parking, which would be better handled together at the site level, are reviewed separately for each vendor.

This current piecemeal approach does not create mobile vending/food truck locations that function well as a whole.

III. WHAT IS THE PROPOSAL?

Rather than permitting each vendor separately, the proposed approach would permit the site first, working with the property owner to install needed improvements like water and wastewater. Once the site was ready, vendors could then apply for a simpler permit to operate at the location, making it easier for food trucks to set up and leave without repeating the whole process.²

The changes would:

- Involve property owners from the start.
- Better plan and build sites for multiple vendors.
- Make it easier for vendors to operate from approved locations.

In addition to these changes, the revisions would enhance the existing mobile vending standards (based on lessons learned over several years of permitting mobile vending devices) and:

- Establish two separate types of locations available for mobile vending units – mobile vending pads and mobile vending pods – to better reflect the types of locations where mobile vending occurs (see definitions in IDC 84.030).
- Define the improvements, such as restroom facilities, and wastewater and water connections, that are necessary to accommodate mobile vending at specific locations (see draft standards in IDC 84.040).
- Establish improved standards for lighting, signage and spacing (see provisions IDC 84.040(I), (J) and (K)).

The approach proposed would engage the property owner to install necessary site improvements, encourage the more comprehensive development of mobile vending sites and ensure that standards reflect learning that the City has gained from permitting mobile vending/food truck uses.

IV. WHAT WE HAVE HEARD

To provide notice for the change, the City sent direct mailings to each of the properties that have mobile vending units/food trucks and posted details about the change online.³ Additionally, staff included details about the public hearing in the City of Independence newsletter and on the City Facebook page.

To date, one comment has been received regarding the proposal (see Attachment C). This comment raises concerns about the impact of food trucks on brick-and-mortar restaurants and suggests a limitation on the number of food trucks that could be allowed in town. The comment also raises concerns about the impacts of food trucks on available parking and the appearance of downtown. These comments are addressed in part further below.

V. STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the attached comment and make any changes needed to the proposed code. Following the conversation and the inclusion of any desired changes, staff recommends that the Planning Commission recommend approval of the proposed revisions based on the findings below.

² Please see IDC Subchapter 84 (Attachment A) to see the standards for locations, and IMC Section 8 (Attachment B) for the standards for individual mobile vending devices

³ The City of Independence did not send notice to individual mobile vendors that are currently in operation in the City, as the requirements to continue their operation would remain the same under these code changes. Requirements that apply to current mobile vending operations include the need to annually renew their approval.

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

Updates to the Independence Development Code 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), Economic Development (Goal 9), Transportation (Goal 12), 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 considerations related to future transportation and economic development are made.

These Oregon State Planning Goals are implemented in part in Independence through the goals, policies and standards of the Independence Comprehensive Plan and the Independence Development Code.

The proposed mobile vending standards have been drafted based on this planning framework. Key findings related to the proposed changes are addressed below:

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

To provide notice for the proposed changes, the City has offered notice on its website, newsletter and Facebook page, and posted/mailed notice to:

- Every property that has a mobile vending use.
- The State Department of Land Conservation and Development “PAPA” website.
- The Polk County Itemizer-Observer.

The proposed changes were also discussed by the Independence Planning Commission in a work session on July 7, 2025, and will be heard at a public hearing before the Independence Planning Commission on September 8 (both of which will be posted on YouTube). The Independence City Council additionally will conduct a work session on the code on October 28th and a public hearing on November 25th.

Given these outreach methods, individuals have had and will have several opportunities to learn about the proposed code change and to be involved in the process. This goal will be achieved.

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

The draft mobile vending standards support this framework by seeking to modify the standards for mobile vending devices to best suit the character of Independence.

The amendments look to:

- Better engage with landowners as they develop mobile vending pads and pods.
- Encourage better designed locations for mobile vendors/food trucks in Independence.
- Streamline the mobile vendor/food truck review process for individuals that look to operate on an approved site.

The amendments also fix issues in the current code that have risen over the past few years and create a planning and policy framework that better fits the character of Independence. This goal has been met.

Goal 9: Economic Development. Goal 9 of the Oregon State Planning Goals looks “to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” This goal is implemented in part by the City of Independence Comprehensive Plan Element and its vision “to provide for and maintain a viable and diverse economy while preserving the present sense of community and high level of environmental quality.”

The draft mobile vending standards support these goals. Current rules make it possible for people to start a small business on a trial basis, before investing in a permanent location. The proposed changes go further by encouraging better design for food truck areas—such as requiring shared sites to connect to city water and sewer—and simplifying the permit process for new vendors (once a mobile vending location has been established).

As noted in the public comment received for this proposal (see Attachment C), food truck operations often operate with lower overhead than brick-and-mortar restaurants and compete the businesses. However, the best way to address this concern is complicated. Some food trucks, especially those offering unique food options, don’t directly compete with existing businesses – they provide something new. Similarly, while food trucks may have a smaller overhead, they also lack many of the benefits associated with a permanent restaurant, such as the ability to host events, offer indoor seating, and serve alcohol. These advantages at least in part help explain the higher costs associated with a fixed restaurant. The Planning Commission should weigh these items, among others, when evaluating how best to regulate the number of mobile vendors/food trucks in Independence.

Goal 11: Public Facilities. Goal 11 of the Oregon State Planning Goals looks “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” This goal is implemented in part by the Independence Comprehensive Plan Public Facilities Element and its related capital facilities plans (including Wastewater System Plan and Water Master Plan).

The proposed changes to the mobile vending standards support Goal 11 and adopted city facility goals and plans. The standards clarify how water and wastewater treatment may be provided for mobile vending operations including:

- Requiring a connection to the public water/sewer system when more than one mobile vending device is located on a site.
- Allowing a self-contained water and wastewater system when a site allows a single mobile vendor (see IDC 84.040(D)).

Additionally, the standards clarify the requirements for a bathroom, requiring permanent restroom facilities when multiple vendors are located on a site, and a permanent restroom for employees within 300-feet of the activity when a single mobile vending device is sought (see IDC 84.040(L)).

Goal 12: Transportation. Goal 12 of the Oregon State Planning Goals seeks “to provide and encourage a safe, convenient and economic transportation system.” To address this goal, the City of Independence has prepared a Transportation System Plan and System Development Charges (SDCs) that ensure that new development pays for its share of the necessary transportation infrastructure in the city. The SDCs will not be changed as part of the proposed revisions.

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

The proposed amendments to the mobile vending standards help achieve these goals. The city currently allows mobile vendors/food trucks, and the amendments would:

- Continue to offer the opportunity to start a small business, while simplifying the opportunity for an entrepreneur to locate on an approved site.
- Promote the efficient use of land, better using vacant or underutilized parcels.
- Encourage a high degree of livability, offering of a variety of mobile vending/food options at well-designed sites.

All told, the changes to the mobile vending standards would help to promote the overall livability of Independence. Locations for mobile vending are often positioned in areas that are not otherwise used for either activity or economic benefit, and the units would promote added vitality. Additionally, businesses in food trucks, if successful can spin off into brick-and-mortar buildings – helping to further to enhance community quality of life. While mobile vendors/food trucks can provide competition to existing businesses, the activation of underutilized spaces and provision of more business options is generally beneficial to community livability.

Given these items, Goal 14 will be achieved.

Based on these considerations, the proposed changes effectively balance considerations about land, economic development, public facilities, and transportation. While the Planning Commission may elect to make further changes to the code, this holistic approach generally achieves the Oregon State Planning Goals.

VII. STAFF FINDINGS – INDEPENDENCE DEVELOPMENT CODE

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

Subchapter 10: General Provisions

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10.040 Amendment of Development Code

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

Staff Response: The Independence Planning Commission will hold a public hearing on the changes on September 8, 2025. Following the hearing, the Commission will discuss whether they would like to make any changes and offer a recommendation to the Independence City Council.

The City Council will consider the proposed changes at a public hearing on November 25. At the meeting, the Council will be given a draft of an ordinance to potentially adopt the changes. Given this process, this standard will be met.

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Subchapter 11: Administrative Provisions

11.002 Application Types and Review Procedures

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

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D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Sections 11.025 and 11.030 list the notice and hearing requirements.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

Staff Response: Staff has reviewed the amendment as a Type IV – Legislative Review, which was originally initiated by staff and the Independence Planning Commission. This standard has been met.

11.015 General Provisions

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

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Staff Response: Staff has taken appropriate steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the changes in the Polk County Itemizer-Observer, writing a staff report for the revisions, and keeping a file for the proposal. This standard has been achieved.

11.025 Notice of Public Hearings

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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 DLCDC 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 July 14, 2025, and included information about the changes on the City of Independence Planning Department website. Staff additionally published a notice of the public hearings in the Polk County Itemizer-Observer on August 20, 2025. This standard has been met.

~~ARTICLE XI - MOBILE VENDING DEVICES~~ LOCATIONS¹

Please Note: These standards would regulate the approval of locations for mobile vending devices. Standards for approved mobile vending devices would be established per the related requirements in IMC Section 8.

~~Sec. 8-41684.010.~~ Purpose.

The purpose of this ~~section-subchapter~~ is to regulate the locations of mobile vending, mobile vending devices and mobile food units.

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

~~Sec. 8-41784.020.~~ Applicability.

This ~~section-subchapter~~ does not apply to:

- A. Lemonade stands and other similar limited sales by minors.
- B. Garage sales.
- C. Car wash fundraisers.
- D. Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- E. Mobile vendors conducting business at a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- F. The sale of agricultural consumables, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

~~Sec. 8-41884.030.~~ Definitions.

The following words, terms and phrases, when used in this ~~articlesubchapter~~, shall have the meanings ascribed to them in this ~~sections~~subchapter, except where the context clearly indicates a different meaning:

Conduct business means carrying, conveying, transporting, selling or offering for sale food or beverage of any type or fresh cut flowers, balloons, souvenirs, other non-food merchandise for immediate delivery, or service either from a mobile vending device or as a pedestrian.

¹Ord. No. 1571, § 1(Exh. A), adopted Aug. 13, 2019, repealed the former Art. XI, §§ 8-416—8-430, and enacted a new article as set out herein. The former Art. XI pertained to similar subject matter and derived from Code 2006, §§ 5.44.1—5.44.15; and Ord. No. 1338.

State law reference(s)—Sanitary regulations for food service establishments, ORS 616.695 et seq.; authority of city to adopt regulations, ORS 616.726.

Mobile food unit is any moveable motor vehicle, trailer or wagon that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service.

Mobile vending device includes devices used to conduct business, such as pushcarts as defined in this section, motorized vehicles, trailers, recreational vehicles, or any device in, upon or by which any person or property is or may be transported, moved or drawn or any structure or enclosure, which because of its size, construction or use of materials is not regulated by the Uniform Building Code. Mobile vending devices include mobile food units, as well as mobile devices that sell items other than food.

Mobile vending location is a location approved by the City to conduct mobile vending. A mobile vending location may be either a mobile vending pad or a mobile vending pod.

Mobile vending pad means a location that allows one mobile vendor and their associated amenities.

Mobile vending pod means a location that allows two or more mobile vendors and their associated amenities under common management on one property.

Mobile vendor is any person(s), entity(ies) or other parties that conduct business either from a mobile vending device, pushcart, table, tent or other temporary device.

Pushcart means a wheeled, non-motorized vehicle of such size and weight that it may be easily moved by no more than two people.

Sidewalk means that portion of the street between the curblines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

Sec. 8-41984.040. Standards.

Mobile vending locations shall be processed using the Site Design Review requirements in Subchapter 80. The following standards shall be used by the City Manager or designee, per section 8-422, to process ~~mobile vendor the~~ permits:

- A. A. — Allowed zones. Mobile ~~vendors-vending locations may operate~~are allowed in all zones except the Low Density Residential (RS), Medium Density Residential (RM), High Density Residential (RH), and Mixed Density Residential (MX) zones.

- B. B. — General location requirements. Mobile ~~vendors may only operate~~vending locations are only allowed in paved parking lots or other hard surface areas.

- C. Use of public right-of-way or city property.
 - 1. Mobile vendors-vending pads are not allowed may not operate or locate within a public right-of-way or on other city property, unless: the applicant demonstrates that
 - a. The applicant demonstrates that the use will not have an negative impact to pedestrian or vehicular travel and
 - b. the city approves such use by permit agrees to the use of the location prior to the submittal of the application.

 - 2. Mobile vending pods are not allowed within a public right-of-way or on city-owned property, unless the city initiates the application. ~~(d) — Use of city property. Mobile vendors may operate on city-owned property, if the location is approved as part of the permit~~

- ~~eD. *Clear travel ways.* Mobile vendors vending locations, including all vehicles, devices and items associated with the operation, shall not obstruct travel lanes, pedestrian pathways, driveways, or drive aisles of any off-street parking area, or pedestrian pathways and shall not be located anywhere except the specific location designated in an approved permit. The City Manager may consider adopted, non-discretionary city standards, including but not limited to city vision clearance standards set in Independence Development Code Section 75.050 and City Public Works Standards, to determine appropriate locations ensure this standard is met.~~
- ~~fE. *Sufficient parking.* Mobile vendors vending locations shall only be allowed in locations areas that have adequate parking to accommodate for the use, and any existing uses other activities on the site. Mobile vendors permitted under this article must maintain adequate parking (per Independence Development Code Subchapter 73) at their locations at all times. A determination of theThe number of needed spaces needed for mobile vending locations shall shall be determined using the Table in Section 73.010, and be calculated based on the amount of seating area that is available for restaurant uses, and the amount of display area that is available for retail and service uses, plus one parking space. If a mobile vendor the location fails to maintain adequate parking at any point during the life of the use, the city may revoke his or her mobile vending the permit pursuant to sSection 8-42384.070.~~
- ~~gF. *Disposal of waste.* Locations approved for mobile vending shall maintain a clean environs, pick up any litter that is deposited by any person on the subject property and dispose of the waste generated by mobile vending activitiesMobile vendors shall account for the waste generated by the proposed use, including solid waste and wastewater. Receipts proving continued wastewater and solid waste disposal service may be requested by the city at any time during the permit term.~~
- ~~(h) *Clean environs.* Mobile vendors shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within 20 feet of the mobile vendor when conducting business.~~

G. *Utilities.*

1. *Mobile Vending Pads.* A mobile vending pad that is intended to accommodate a mobile food unit may connect to City services or utilize self-contained water and graywater tanks. When an applicant seeks to rely on a tank to store graywater, the mobile vendor that utilizes the site shall ensure that the unit is regularly pumped. Receipts that prove continued wastewater service may be requested by the city at any time.
 2. *Mobile Vending Pods.*
 - a. *Water and Sewer Service.* Connection to the City water and sewer systems are required for all mobile vendor pods. Applicable City Public Works Design Standards and/or the Oregon Plumbing Specialty Code standards shall be met.
 - b. *Stormwater.* Stormwater treatment, when required, shall be consistent with the Independence Public Design Standards.
- H. *System development charges.* Applicable System Development Charges shall be paid prior to the issuance of any development permits in accordance with the Independence Municipal Code, Chapter 34, Article VII, Utility System Development Charges.
- I. *Lighting.* Lighting proposed for a mobile vending location shall be shielded and directed downward and shall not spill onto adjacent properties.
- ~~H. *Site obscuring materials.* All mobile food units or mobile vending devices parked in an approved location for more than seven days shall provide sight obscuring materials for all conduit, tanks and storage areas visible to the public and skirting along the perimeter of the mobile food unit or vending~~

~~device. Sight-obscuring materials include screening, fencing or temporary landscaping and must comply with all applicable city ordinances and codes.~~

~~I. Transportable. Mobile vending devices and mobile food units shall remain movable at all times and maintain vehicle licensing for travel upon the road if applicable.~~

J. Signage.

1. Mobile Vending Pads. Signs for a mobile vending pad shall be limited to what may be displayed on the mobile vending unit and a sign that meets the standards for sandwich board or temporary signs in Independence Development Code Section 58.040(N). No feather flags or other signs prohibited in IDC 58.150 are allowed.

2. Mobile Vending Pods. Signs for a mobile vending pod (and any other use on a subject site), ~~other than on the mobile vending device itself,~~ shall meet the size standards in Subchapter 58.190(A). Individual mobile vending devices may be allowed to have additional signage on the mobile vending device and to have ~~a~~ sandwich board or temporary signs set in Independence Development Code Section 58.040(N) so long as the sign is located entirely on the site associated with the mobile vending pod. No feather flags or other signs prohibited in IDC 58.150 are allowed.

K. Drive through not allowed. ~~A mobile vendor shall not~~ No location proposed for mobile vending shall operate as a ~~drive through~~ drive-through facility, as defined in the Independence Development Code, Subchapter 13.

~~L. Consistent with health standards. All mobile food units shall conform to all applicable State and County health codes.~~ K. Spacing requirements. All mobile vending units shall meet the setbacks for the underlying zone and allow five feet of separation between each unit. Potentially flammable and/or explosive items shall additionally meet the setbacks required in the Oregon Fire Code.

L. Restroom Facilities.

1. A mobile vending pad shall be located within a 300-foot walking distance of an available permanent restroom for employees during all anticipated hours of operation. For any property that is not under the control of the applicant, a signed agreement that allows the use of the restroom shall be provided as part of the application.

2. A mobile food unit pod shall provide permanent restroom facilities on the same site and within 300 feet of every mobile vending space.

M. Conditions of Approval. Mobile vending locations shall comply with the applicable conditions of approval for previous land use decisions applicable to the subject property.

N. Violation. The property owner and any representative of the property owner shall be jointly and severably responsible for any violation of this Subchapter or other applicable Subchapters of the Independence Development Code. Any such violation may result in the immediate revocation of a mobile vending location or device permit and may result in the denial of any future mobile vending permit for the site upon which the violation occurred.

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

~~Sec. 8-42084.050.~~ **Application.**

A. No person may ~~establish a new location for mobile vending~~ ~~conduct any mobile vending business (including the operation of a mobile food unit) in the city~~ without first submitting an application and obtaining a permit from the City Manager or his or her designee.

B. Each application shall be accompanied by a nonrefundable fee, as established by Council resolution.

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- C. Applications shall be made in a form approved by the City Manager. ~~A separate application shall be required for each mobile vending business.~~
- D. The application shall include, but not be limited to, the following information:
1. The name and address of the property owner. For the purposes of this code, the property owner will be considered the applicant for the project applicant.
 - ~~(2) A description of the type of merchandise to be sold.~~
 - ~~(3) A valid copy of all necessary permits required by state or local health authorities.~~
 2. A site plan that shows the following information:
 - a. The anticipated types of mobile vending devices that will occupy the location.
 - b. The proposed location of the mobile vending devices vendor, and the distance to the property lines and nearby sidewalks, driveways or structures.
 - b. The location of the hard-surface area where ~~a~~ mobile vending devices will be located.
 - c. The location of any power service to a mobile vending space the unit.
 - d. The location of proposed garbage and recycling receptacles, restrooms, chairs, tables or other temporary furniture and other site features.
 - e. The location of the public water, sanitary sewer and storm drainage lines (if applicable). If the applicant proposes a mobile vending pad, served with self-contained water and/or graywater tanks, the applicant should specify the plan anticipated for the disposal of wastewater and gray water. The location of any utilities that will serve the unit.
 - f. The location of any proposed lighting.
 - ~~gf. A traffic plan, showing the in/out flow of cars; and the parking for customers and employees.~~
 - ~~(5) A project narrative that includes:~~
 - ~~a. The means used to conduct the business including, but not limited to, a photo and description of any mobile vending device or mobile food unit to be used for the transport or display of merchandise.~~
 - ~~b. The proposed hours of operation for the use.~~
 - ~~c. An explanation of how employees will use the restroom during the hours of operation and proximity of the restrooms to the location of the mobile vending unit.~~
 - ~~d. A disposal plan or contract for wastewater and gray water.~~
- E. ~~Written consent from the property owners where the use will be located, if not the applicant.~~ Mobile vending devices may operate on city-owned property provided that the city approve of the location and grant the vendor a site-specific permit, which approval to shall be conspicuously displayed on-site.
- F. ~~If the mobile vendor will be located on city property or right of way, a signed statement that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers, agents and employees for any claims for damage to property or injury to persons occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain public liability, food products liability and property damage insurance to protect the permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from~~

~~operations under the permit or in connections with it. The insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury for each person, \$2,000,000.00 for each occurrence and not less than \$500,000.00 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the mobile vending activity without 30 days written notice to the City Manager.~~

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

~~Sec. 8-42184.060. Form and conditions of permit.~~

A. The City Manager shall grant a Site Design Review permit for a mobile vending location vendor permit if: ~~t~~

~~1. The City Manager or his/her designee finds that that the mobile vendor vending location meets the standards set in 8-420Sections 84.040 (Standards), and 84.050 (Application) and will not detract from the health, safety, and general welfare of the city.~~

~~2. The Fire Marshall certifies that a cooking or heating apparatus is in conformance with the provisions of the Oregon Fire Code and that all other health and life safety requirements have been satisfied.~~

B. Site Design Review approvals Permits issued under this section subchapter shall be in a form prescribed by the City Manager and contain the following conditions:

~~(1) Each permit shall be issued for a one-year period.~~

~~(2) The permit issued shall be personal only and shall not be transferable in any manner.~~

1. The permit approved mobile vending location shall be valid only when used at the location designated on the permit Site Design Review approval.

2. The permit Site Design Review approval shall be subject to the conditions and restrictions of this article subchapter.

~~(5) The permit as it applies to a given location may be suspended by the City Manager for a period up to ten days when Council actions allowing a community event shall so provide.~~

C. Under an approved permit, no mobile vendor vending location shall:

1. Operate in a manner which creates a danger to persons or property.

2. Deliberately hinder or impede pedestrian or vehicular traffic.

3. Obstruct the clear vision of the driver of any vehicle approaching or entering an intersection.

4. Operate in a manner which will hinder emergency or utility services.

5. Operate in violation of any of the city's land use regulations or municipal codes.

~~(d) All mobile vendors that obtain an approved mobile vending permit shall conspicuously display the permit or any written approvals relating to mobile vending under this article during all times that a vendor's mobile vending unit or device occupies the location designated on his or her permit.~~

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

~~Sec. 8-422. Denial or revocation of permit.~~

- ~~(a) The City Manager may deny, revoke or suspend the permit of any person to conduct a mobile vending business if the City Manager finds:~~
- ~~(1) That the person has violated any of the standards or provisions set in this article.~~
 - ~~(2) Any necessary health or other permit has been suspended, revoked or canceled.~~
 - ~~(3) The permittee does not have a currently effective insurance policy in the minimum amount provided in section 8-421(7).~~
 - ~~(4) Criminal conduct in relation to the service provided has been determined.~~
- ~~(b) Upon denial or revocation, the City Manager shall give notice of the action to the permit holder in writing stating the action taken and the reasons for it. The action shall be effective upon giving the notice to the permittee. Any revocation may be appealed to the City Council by filing a written notice of appeal within ten days.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

~~Sec. 8-423. Violation.~~

~~A mobile vendor that violates this article, or the placement of a mobile vending device on any street, sidewalk, or private property in violation of the provisions of this article is declared to be a public nuisance. The offense is an Independence Municipal Code Class A violation, per section 1-22. The City Manager may, after following the nuisance procedures in article II of chapter 14, cause the removal of any vendor, cart or device found on a street, sidewalk or private property in violation of this article and may store the cart or device until the owner redeems it by paying the removal and storage charges established by the Manager. Remedial actions taken by the city are in addition to, not in lieu of any other remedies available to the city.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

~~Sec. 8-424. Appeal.~~

~~Any decision of the City Manager may be appealed to the City Council upon filing a written appeal with the City Recorder. The appeal must specify the grounds where the Manager failed to follow the terms of this article. The appeal must be filed within 30 days of the decision on the permit. The appeal must be filed by a resident of the city or by the applicant. The appeal may be accompanied by any other information the appellant deems appropriate. The Council shall make a decision on the appeal by reviewing the record of the Manager's decision and the appeal. The Council decision shall be provided to the applicant within seven days from the date of the decision.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

~~Sec. 8-425. Prohibited solicitation.~~

~~It is unlawful for any person to solicit or demand any pecuniary benefit from any vendor in return for the vendor locating a mobile device on any public street or sidewalk in front of a particular business.~~

~~(Ord. No. 1571, § 1(Exh. A), 8-13-2019)~~

~~Secs. 8-426—8-440. Reserved.~~

MOBILE VENDING DEVICES

Please Note: These standards would regulate mobile vending devices that are proposed for approved locations. Approved mobile vending locations would be established per the related requirements in the proposed Subchapter 84.

Sec 8-416. - Purpose.

The purpose of this subchapter is to regulate the operation of mobile vending devices and mobile food units at approved mobile vending locations.

Sec 8-417. Applicability.

This section does not apply to:

- A. Lemonade stands and other similar limited sales by minors.
- B. Garage sales.
- C. Car wash fundraisers.
- D. Vendors at farmers' or flea markets while working under the event organizer's city-granted authorization.
- E. Mobile vendors conducting business at a community event or on a temporary street closure while working under the event organizer's city granted authorization.
- F. The sale of agricultural consumables, where the vendor does not prepare, process or convert the item, for no more than seven days within a 30-day period.

(Ord. No. 1571, § 1(Exh. A), 8-13-2019)

Sec. 8-418. Definitions.

The definitions in Independence Development Code Subchapter 84 apply to this section.

Sec. 8-419. Mobile Vending License for Approved Mobile Vending Locations

- A. To receive a mobile vending license for a location approved under Independence Development Code Subchapter 84, an applicant shall apply on the forms prescribed by the City of Independence and meet the standards listed below.
- B. Any permit granted is valid for one year, at which time the City will reinspect the mobile vending device. The City may extend the permit annually so long as the mobile vending device continues to operate in accordance with the original permit and the standards in this Section.

Sec. 8-420. Application

- A. To apply for a mobile vending license, the applicant shall submit:
1. A description of the type of merchandise to be sold.
 2. A project narrative that includes:
 - a. The means used to conduct the business, including but not limited to a photo and description of any mobile vending device to be used for the transport and/or display of merchandise.
 - b. The proposed hours of operation of the use.
 - c. Any flammable materials proposed for the activity, and the location the materials are proposed to be stored.
 - d. The disposal plan or contract for wastewater and gray water.
 - e. If applicable, the specifications for any generator or any other mechanical device proposed to be used.
 - f. If applicable, details associated with any lighting proposed for the activity.
 3. Written consent from the property owners where the use will be located, if the applicant is not the property owner.
- B. Prior to operation of the use, the applicant additionally shall submit a valid copy of all necessary permits required by state or local health authorities.

Sec. 8-421. Standards applicable to Mobile Vending Devices

- A. The following standards apply to mobile vending devices that seek to locate in approved mobile vending locations.
1. Consistency with Standards for an Approved Mobile Vending Location. All mobile vending units shall conform to the approval for the mobile vending location where the activity is proposed.
 2. Transportable. All mobile vending devices shall remain movable at all times and, if applicable, maintain vehicle licensing for travel upon the road.
 3. Minimization of Off-Site Impacts.
 - a. All mobile vending devices and associated mechanical equipment (including any generators) shall generate less than 75 decibels of sound during operation.
 - b. All mobile vending devices shall direct all exterior lighting down and shall not allow the spill of light onto adjacent properties.

4. Site-obscuring materials. Mobile vending devices proposed to be parked in an approved location for more than seven days shall provide sight-obscuring materials for all conduit, tanks and storage areas visible to the public. Sight-obscuring materials include screening, fencing or temporary landscaping and shall comply with all applicable city ordinances and codes.
5. Insurance. If a mobile vendor will be located on city property or right-of-way, the applicant shall provide a signed statement that the applicant shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers, agents and employees for any claims for damage to property or injury to persons occasioned by any activity carried on under the terms of the permit. The applicant shall furnish and maintain public liability, food products liability and property damage insurance to protect the permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connections with it. The insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury for each person, \$2,000,000.00 for each occurrence and not less than \$500,000.00 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the city, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the mobile vending activity without 30 days written notice to the City Manager.

B. The following additional standards apply to mobile food units:

1. Consistent with health standards. All mobile food units shall conform to all applicable State and County health codes.
2. Consistent with Oregon Fire Code. All mobile food units shall be certified by the Fire Marshall to ensure that the cooking or heating apparatus is in conformance with the provisions of the Oregon Fire Code and that all other health and life safety requirements have been satisfied.

Fred Evander

From: Myra Russell
Sent: Wednesday, August 27, 2025 12:37 PM
To: Golden Hop Saloon
Cc: Fred Evander
Subject: RE: Mobile Food Vendors Ordinance

Thank you for sending this. I never saw it as it was sent to Shawn. Would you like this included in the public testimony for the planning commission meeting?

Thank you!

Myra Russell
City Recorder/Executive Assistant to the City Manager

Office 503.837.1174 | Fax 503.606.3282
www.ci.independence.or.us



From: Golden Hop Saloon <thegoldenhopsaloon@gmail.com>
Sent: Wednesday, August 27, 2025 11:37 AM
To: Myra Russell <mrussell@ci.independence.or.us>
Subject: Fwd: Mobile Food Vendors Ordinance

Hi Myra,

This is the original email we sent to Shawn over a year ago regarding our concern for mobile food vendors. Since then, the Mexican restaurant noted in the email, and a subsequent restaurant under new ownership in the same location, have both closed, creating a vacant building on Main St... while the food truck in question remains open.

I understand that the Planning Commission has thrown out the verbiage in the proposed ordinance updates to include a cap on the amount in the city, which is disheartening. My concern remains about there being no limit on the amount of food trucks permitted in the City, as the more you allow in, the more your brick and mortar businesses will suffer.

Thank you,
Heather Chase

----- Forwarded message -----

From: **Golden Hop Saloon** <thegoldenhopsaloon@gmail.com>

Date: Fri, Apr 12, 2024 at 3:53 PM
Subject: Mobile Food Vendors Ordinance
To: <sirvine@ci.independence.or.us>

Hi Shawn,

This is Heather with the Golden Hop Saloon. I spoke with Karin Johnson yesterday and she recommended I reach out to you with my question/suggestion in regard to the City's Ordinance for mobile food vendors (food trucks).

Recently, a new Mexican restaurant opened in an existing building right downtown. It took them months and (I can only assume) thousands, if not tens of thousands of dollars, to remodel the space and prepare it for opening. But within only a couple weeks of opening, a new food truck serving very similar fare unexpectedly showed up less than a block away in the 7 Star parking lot. Now this new brick-and-mortar restaurant is unexpectedly competing for the same customers desiring Mexican food with a food truck with much less overhead cost.

As a fellow downtown restaurant owner, who has also invested a substantial amount of money improving the building and infrastructure for our business, It is disheartening to see more and more food trucks show up unregulated. They have little to no overhead because they have no investment in the community. They do not contribute to any downtown improvement or infrastructure. Most do not have their own utility accounts or connections. Most do not employ anyone other than the owner(s). All of these factors provide an unfair advantage compared to a permanent restaurant.

Having an unregulated amount of mobile food vendors in a town of only 10,000 people, could be disastrous to downtown brick and mortar businesses if the competition is growing faster than the population. If the worst should happen, a mobile food vendor can just pack up and roll to the next community. But a restaurant that goes out of business leaves an empty and expensive store front.

Aside from the concern from a business perspective, these food trucks are also taking valuable downtown parking spaces, not to mention cluttering the downtown with unattractive picnic tables and pop up sun/rain tents.

As it stands now, the ordinance allows an unlimited number of trucks as long as they meet the few requirements outlined in the ordinance. As an owner of a brick-and-mortar restaurant, this gives me pause. A solution that I would propose would be the city modify the ordinance to enact a cap on the number of mobile food vendor licenses allowed (outside of special events - Independence Days, Hop and Heritage, etc.). If all the licenses are taken, a new mobile food vendor wouldn't be able to move in until an existing one moves out.

I'd love to hear your thoughts or ideas on other ways to level the playing field.

Thank you for your time,
Heather Chase
Golden Hop Saloon



SINGLE ROOM OCCUPANCY REQUIREMENTS
STAFF REPORT

FROM: Fred Evander, Community Planner
TO: Planning Commission
MEETING DATE: September 8, 2025
FILE NUMBER: LA | 2025-06
RE: **SINGLE ROOM OCCUPANCY REQUIREMENTS**
ATTACHMENTS: A. Draft Standards for Single Room Occupancies (11 pages)

At the Independence Planning Commission meeting of September 8, 2025, the Commission will discuss proposed revisions to the requirements for single room occupancies.

WHAT IS THE PROBLEM?

In the past two legislative sessions, the state has passed bills that change how a local government may regulate single room occupancies.

Under the requirements, a:

“Single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

With the change to the law, a single-room occupancy with up to six units is allowed on every lot that allows a single-unit (i.e. a single-family) dwelling.

These requirements do not align with current standards in the Independence Development Code

WHAT IS THE PROPOSAL?

To better reflect current state requirements, the attached draft proposes:

- 1. Adding the state definition of single room occupancies to the Independence Development Code and changing or deleting definitions for uses that are similar to single room occupancies within the code.
- 2. Modifying Subchapters 17 and Subchapter 30 of the Independence Development Code to incorporate Single Room Occupancies into the matrices
- 3. Incorporating Single Room Occupancies into the parking requirements in Subchapter 73.

NEXT STEPS

The Planning Commission will discuss the draft code at the meeting of September 8, 2025. If the draft looks okay, staff will work toward having a Public Hearing on the proposal at the Planning Commission meeting in October.

SINGLE ROOM OCCUPANCIES

This document presents an initial draft to integrate new state requirements related to Single Room Occupancies into the Independence Development Code. The draft would:

- Use the definition of Single Room Occupancies from ORS 197A.430 to replace existing city standards related to boarding houses, quad or quint dwellings, and lodging houses.
- Retain the ability for families to take boarders or rent rooms, so long as no more than two rooms are rented.
- Retain the city classifications of fraternities, sororities, and student houses and dormitories, though the uses would continue to only be allowed in the High-Density Residential Zone.¹

We look forward to discussing the draft at the meeting of September 8, 2025.

SUBCHAPTER 13: DEFINITIONS

...

BOARDING HOUSE

~~"Boarding House" means a building or portion thereof used for the purpose of providing meals or meals and lodging for pay or family occupying such dwelling. An establishment where meals are served for compensation to more than five persons shall be considered a restaurant. An establishment with more than five sleeping rooms shall be considered a hotel.~~

...

DORMITORY

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

...

DWELLING UNIT

"Dwelling Unit" means one or more habitable rooms occupied or intended or designed to be occupied by one family and having facilities for living, sleeping, cooking, and eating; such definition shall not include a hotel, motel, single room occupancy, ~~camp ground~~campground or recreational vehicle.

...

DWELLING, QUAD OR QUINT

¹Please note: The existing code does not clearly articulate the parking requirement for classifications fraternities, sororities, and student houses and dormitories

~~"Dwelling, Quad or Quint" means a dwelling unit consisting of four or five rooms used for both living and sleeping, designed around a central kitchen, and intended primarily for occupancy by unrelated individuals. For the purpose of determining residential density, the number of dwelling units in each quad or quint shall be considered to be the number of dwelling rooms surrounding the core kitchen divided by two.~~

...

FRATERNITY, SORORITY, STUDENT HOUSE

"Fraternity, Sorority, Student House" means a residential building in which living accommodations are furnished to the students of an educational institution.

...

ROOMING HOUSE

~~"Rooming House" means a dwelling or portion thereof where sleeping rooms are provided, where no meals are provided, and where lodging for three or more persons is provided for compensation. An establishment having more than five sleeping rooms shall be considered a hotel.~~

...

SINGLE ROOM OCCUPANCY USE

"Single room occupancy use" means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. The number of units allowed on a particular site is articulated in ORS 197A.430.

...

SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES

ALLOWED USES	ZONE			
RESIDENTIAL USES	RS	RM	RH	MX
Single-Family dwelling, with a floor area of not less than 1,000 square feet	P	P	P	P
Two-family dwelling (duplex)	P	P	P	P
Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development	P ¹	P	P	P
Triplex or Quadplex			P	P ²
Multi-family buildings, including apartment houses, courtyard apartments and garden apartments			P	P
Dwelling, quad or quint		CU	P	CU
Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61		CU	CU	
The taking of boarders or renting of rooms by a resident family, provided that that the total number of boarders and roomers does not exceed two in any single-family <u>home or duplex</u> dwelling unit or exceed four in any duplex	P	P	P	P
Rooming house <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	CUP	CUP	PP	CUP
Boarding house	CU	CU	P	CU
Dormitory			P	
Fraternity, sorority, or student house			P	
Residential home, as defined by this ordinance	P	P	P	
Residential facility, as defined in this ordinance	CU	P	P	
Nursing home			P	
Planned unit development	CU	CU	CU	CU
Parking area or structure for a multi-family dwelling		P	P	
Accessory uses and structures ³	P	P	P	P
PUBLIC/QUASI-PUBLIC USE				
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and sidewalks; including any project identified in the Transportation System Plan.	P	P	P	P
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include, but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power.	CU	CU	CU	CU
Church	CU	CU	CU	CU

Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members.	CU	CU	CU	CU
Garden, orchard, or crop cultivation provided that only the occasional sale or trading of plants and produce grown on the premises shall be permitted. No cattle, horses, other livestock, poultry, or farm animals may be maintained in this zone.	P	P	P	P
Playground or park.	P	P	P	P
School (elementary, junior high, high school).	CU	CU	CU	CU
LIMITED BUSINESS				
Child care facility, as defined by this ordinance, complying with ORS 657A.030 and 657A.250 to 657A.460.	P	P	P	P
Day-Care Home, as defined in this ordinance <u>ordinance</u> .		P	P	
Home occupation	P	P	P	P
Barber shop, provided that no assistants are employed.	CU	CU	CU	
Beauty shop, provided that no assistants are employed.	CU	CU	CU	
Bed and breakfast establishment.	CU	CU	P	CU
Medical Marijuana Grow Site.	P	P	P	
Office having a maximum floor area of 2,000 square feet or less				P ⁴
Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less				P ⁴

Notes:

P = Permitted use; CU = Conditional Use

1. Allowance is limited to a maximum of two attached townhouse or rowhouse units.
2. Permitted without a subsequent Site Design Review so long as the lot for the triplex or quadplex was identified, reviewed, and approved by the Planning Commission at the time of the underlying subdivision application.
3. Accessory uses allowed in residential zones include:
 - a. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
 - b. Private garage, as defined in this ordinance;
 - c. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
 - d. Parking or storage area for a boat, camper, trailer, or recreational vehicle of the residents;
 - e. Swimming pool for private use;
 - f. Guest house or quarters not in the main building, when such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and are not used for residential purposes;
 - g. Accessory dwelling units
4. If sought, subject to Neighborhood Commercial Overlay provisions in Subchapter 47.

SUBCHAPTER 30: ALLOWED USES IN COMMERCIAL ZONES

ALLOWED USES	ZONE	
COMMERCIAL USES	MUPC¹	DRZ
A commercial activity involving retail sales and service and which is not listed as a conditional or prohibited use	P	P
A commercial activity involving personal or professional services and which is not listed as a conditional or prohibited use	P	P
Office	P	P
Hotel or Lodging Use	P	P
Bed and breakfast establishment, including Air BnB, VRBO, and other similar uses	P	
Recreational vehicle park	CU ²	
Campground	CU ²	
Vehicle Servicing/Repair	CU ²	
Hospital	CU	CU
Veterinary clinic	CU	CU
Kennel	CU ²	
Crematory	CU ²	
Medical Marijuana Dispensary, subject to the special use limitations in the underlying zone	P	P
Recreational Marijuana Retailer, subject to the special use limitations in the underlying zone	P	P
Marijuana Research Facility, subject to the special use limitations in the underlying zone	P	P
Marijuana Testing Laboratory; subject to the special use limitations in the underlying zone	P	P
Transmitter station, towers, relay stations and similar facilities for electronic communications	CU	CU
MANUFACTURING/INDUSTRIAL USES	MUPC¹	DRZ
Light industrial uses	P	
Freight forwarding facility	CU ²	
Small scale manufacturing and production, including jewelry, candy, wine, beer, spirits, or other similar artisan products, less than 5,000 square feet, where at least 25% of the manufacturing area is dedicated to retail sales		P
PUBLIC/QUASI-PUBLIC USES	MUPC¹	DRZ
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and	P	P

sidewalks including any project identified in the Transportation System Plan.		
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power	CU	CU
Church	CU	CU
Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members	CU	CU
Playground or park	P	P
Child Care Facility	P ³	P ³
School (elementary, junior high, senior high)	CU	CU
Trade or commercial school	CU	CU
Bus terminal or depot	CU	
Heliport	CU ²	
RESIDENTIAL USES	MUPC¹	DRZ
New single-family dwelling, with a floor area of not less than 1,000 square feet	P ^{4, 5, 6}	
Existing single-family dwelling, with a floor area of not less than 1,000 square feet	P ^{5, 6}	
Duplex	P ^{4, 5, 6}	
Attached single family residential dwellings (townhomes, rowhouses)	P ^{4, 5, 6}	P
<u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	<u>P^{4, 5, 6}</u>	
Live/work unit	P	P
Residential use on the second or third-story of a commercial building.	P	P
Triplex or Quadplex	P ^{4, 5, 6}	P
Multiple-family residential dwellings, all floors	P ⁷	P
Residential home, as defined in this ordinance	P	P
Accessory uses to multiple-family or lodging uses such as clubhouses, open roof coverings, decks or patios for gatherings, outdoor pools or spas, or outdoor activity space.	P	P

Notes:

1. For the purposes of this code, the Mixed-Use Pedestrian Friendly Commercial (MUPC) zone includes both the standard Mixed-Use Pedestrian Friendly Commercial (MUPC) designation and the Mixed-Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation, unless otherwise specifically noted.
2. This use is allowed within the MUPC Zone as a Conditional Use but is not allowed in the Downtown Overlay Zone.

3. This use is allowed so long as the activity is licensed through the State of Oregon.
4. Only permitted in the Mixed-Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation.
5. The accessory uses and structures allowed for residential uses in Subchapter 17 are allowed for residential uses in the MUPC Zone.
6. Single-family dwellings, duplexes, triplexes, quadplexes, single room occupancy uses and accessory structures for residential uses within the MUPC Zone are subject to the dimension requirements for the High-Density Residential (RH) zone found in Subchapter 18, and the Residential Design Standards in Subchapter 19.
7. Standalone apartment buildings are allowed within the MUPC zone in the Central Talmadge subarea, so long as the subject property does not directly front Monmouth Street and the property is set along a secondary road such as E Street, 16th or 17th Street.

SUBCHAPTER 73: PARKING

73.005 Parking Areas Required

Any building constructed, enlarged, altered or subject to a change of use shall establish and maintain parking areas in accordance with the provisions of this chapter.

73.010 Required Number of Parking Spaces

The number of parking spaces required for any building or land use shall be determined from the following table.

<p>A. RESIDENTIAL USES²:</p> <ol style="list-style-type: none"> 1. All residential zones 2. Multiple-family or attached dwellings 3. Residential unit in a mixed-use building 4. Rooming or boarding house <u>Single room occupancy use</u> 	<p style="text-align: center;"><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per unit (minimum) Three (3) spaces per unit (maximum)</p> <p>One (1) space per unit (minimum) Two (2) spaces per unit (maximum)</p> <p>One (1) space per unit</p> <p>One (1) space for every 3 single room occupancy units <u>Four (4) spaces for every 5-guest facilities,</u> plus one (1) space for the owner or manager.</p>
<p>B. INSTITUTIONS:</p> <ol style="list-style-type: none"> 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged. 3. Hospital 4. Child care facilities 	<p style="text-align: center;"><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per five beds for patients or inmates.</p> <p>One (1) space per two beds for patients or residents.</p> <p>Two (2) spaces per patient bed.</p> <p>Zero (0) spaces</p> <p>No minimum parking requirement.</p>

² For residential uses, off-street parking includes the garage or carport area.

<p>5. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	
<p>C. PLACES OF PUBLIC ASSEMBLY</p> <ol style="list-style-type: none"> 1. Church 2. Library; reading room 3. Elementary or Junior High school 4. High School 5. College; commercial school for adults 6. Other auditoriums; meeting room 7. Place of public assembly without fixed seats 8. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone 	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per four seats or eight (8) feet of bench length in the main auditorium.</p> <p>One (1) space per 400 square feet of floor area, plus one (1) space per two employees.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee, plus one (1) space for each six students.</p> <p>One and one-half (1 1/2) spaces per in classroom, plus one (1) space per five students the school is designed to accommodate.</p> <p>One (1) space per four seats or eight (8) feet of bench length.</p> <p>One (1) space per 100 square feet.</p> <p>No minimum parking requirement.</p>
<p>D. COMMERCIAL</p> <ol style="list-style-type: none"> 1. All retail and service-oriented commercial uses. 	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 500 square feet.</p>

<p>2. Restaurants and bars.</p> <p>3. Lodging</p> <p>4. The uses listed in (D)(1) and (D)(2) in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	<p>One (1) space per 250 square feet.</p> <p>One (1) stall per unit plus two (2) visitor parking stalls</p> <p>No minimum parking requirement.</p>
<p>E. INDUSTRIAL</p> <p>1. Industrial uses, except warehousing.</p> <p>2. Warehousing</p> <p>3. Public utilities (gas, water, telephone, etc.), not including business offices.</p> <p>4. The uses listed above in the Downtown Overlay Zone and Downtown Riverfront Zone</p>	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 700 square feet gross floor area.</p> <p>One (1) space per 1,000 square feet of gross floor area.</p> <p>One (1) space per two employees on the largest shift, plus one (1) space per company vehicle; a minimum of two (2) spaces is required.</p> <p>No minimum parking requirement.</p>
<p>F. OTHER</p> <p>The number of parking spaces required for buildings and uses not specifically listed in this section shall be determined by the Planning Commission.</p>	

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73.025 Parking of Bicycles

A. All parking lots for public or industrial uses shall provide a minimum of one (1) bicycle parking space for every ten (10) vehicle parking spaces. Bicycle parking within the Mixed Use Pedestrian Friendly Commercial (MUPC) zone shall be provided at a minimum rate of two (2) spaces per business.

B. Any apartment, dormitory, fraternity, sorority, student home, or other multiple-family residential structure having more than four (4) dwelling units or more than 12 residents shall provide a parking area for bicycles. ~~-Single room~~

occupancy uses having 12 or more units shall also provide bicycle parking. The parking area shall be adequate to hold and permit the locking of one (1) bicycle for every two (2) dwelling units in the building or one (1) bicycle for every four (4) persons residing in the building, whichever requirement is less.

C. Bicycle parking areas shall include the following:

1. A sheltered area having direct access to an adjacent sidewalk or parking area. The bicycle parking areas need not be fully enclosed, but shall provide shelter from precipitation.
2. A parking surface of asphaltic concrete, Portland cement, or similar hard-surface paving material.
3. Racks, frames, posts, or other devices of metal, concrete, wood, or other durable material.

D. The requirements of Section 73.025 do not apply to single family, two-family, and three-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses, or other developments with less than ten (10) vehicle parking spaces.