



City of Independence

Planning Commission
Monday, October 6, 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 09/08/2025
4. **Visitors/Public Comment**
5. **Reports/Presentations**
6. **Unfinished Business**
 - 6.1. Public Hearing Continuation: Revisions to Mobile Vending Standards
7. **New Business**
 - 7.1. Single Room Occupancy Requirements and Related Changes
 - 7.2. Code Changes to Promote More Housing in the Same Neighborhood
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/84611719070?pwd=cvOuZPUpVhQ6OBypv6dCUearwX2nM.1>
- To participate in the meeting **by phone**, dial **US: +1-253-215-8782** and enter **Webinar ID: 846 1171 9070** and **Passcode: 844697**

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, September 8, 2025

1. **Call to Order.** Chair Chappell called the meeting to order at 7:00 pm
2. **Roll Call.**
Present: Commissioner Patrick Fugeman
Commissioner Jose Oliveros
Commissioner Rebecca Jay
Commissioner/Chair Corby Chappell
Commissioner Jordan Carpenter
Commissioner Sally Coen

Absent: Commissioner Alex Paraskevas

City Staff Present: Fred Evander, City Planner
Myra Russell, City Recorder
3. **Minutes.**
 - 3.1. **Regular Meeting 08/04/2025.**
Action:
Chair Chappell noticed that Commissioner Carpenter's name was listed as present and absent on minutes. Recorder Russell will correct. Commissioner Coen moved to approve minutes as corrected; Commissioner Fugeman seconded.
Voice vote. Motion 6-0-0
Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell, Jordan Carpenter, Sally Coen
Nays: None
Abstentions: None
4. **Visitors/Public Comment.** None
5. **Reports/Presentations.** None
6. **Unfinished Business.** None
7. **New Business.**
 - 7.1. **Public Hearing: Revisions to Mobile Vending Standards.**
 - Hearing script read by Chair Corby Chappell. The hearing opened at 7:04 pm.

- Conflicts of Interest/Ex-Parte Contacts/Bias. None declared.
- Staff Report. Evander went over the staff report as presented in the agenda packet. Evander explained that the proposed changes aim to streamline the permitting process by separating site preparation permits from mobile vending device permits and establishing requirements for mobile vending pads and pods. The new standards would also address limitations in the current code, such as bathroom requirements and signage standards, based on the number of vendors on a site. Commissioners asked questions and discussed revisions to the mobile vending standards.
- Testimony: Eric Chase, Independence, OR. Discussed concerns about lack of regulations and limitations on food trucks downtown regarding the threat to brick-and-mortar businesses. Would like to see a limit on the number of food trucks allowed.
- The Commission agreed to continue the public hearing to October 6, 2025. Evander will bring back some revisions that were discussed including limits and bathroom accessibility. Commissioner

Action:

Commissioner Carpenter moved to moved to leave the hearing open until a date certain, October 2, 2025.; Commissioner Oliveros seconded.

Voice vote. Motion 6-0-0

Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell, Jordan Carpenter, Sally Coen

Nays: None

Abstentions: None

- Public hearing recessed at 7:48 PM

7.2. **Discussion: New Single Room Occupancy Requirements.**

Evander presented information as submitted in the agenda packet. Planning Commission had already looked at this code, but standards changed before it went to council, so it's back. The Commission discussed the definition of single-room occupancy (SRO) units in the city code, comparing it to the state's definition. Discussion on changes to be made to the city code based on the state's code, possibly removing some of the city definitions that overlap. SRO code may not be used much in the city, but it is better to be prepared and have it in place for when it's needed.

8. **Other Discussion/Information Items.** 8.1. Video: Social Life of Small Urban Spaces 1980 William H Whyte. Commissioners watched about 13 minutes of this video which analyzes the success and failure of urban spaces. Discussion about how modern cities sometimes unintentionally (or intentionally) discourage public use of spaces, contrasting with the findings from Whyte's research.

9. **Adjournment.** Commissioner Jay moved to adjourn; Commissioner Coen seconded. Voice vote. Motion 6-0-0

Ayes: Patrick Fugeman, Jose Oliveros, Rebecca Jay, Corby Chappell, Jordan Carpenter, Sally Coen

Nays: None

Abstentions: None

Chair Chappell adjourned the meeting at 8:22 pm.

Minutes submitted by:
Myra Russell, City Recorder

DRAFT



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

MEETING DATE: October 6, 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. Background
III. Staff Recommendation

ATTACHMENTS: A. Mobile Vending Locations (8 pages)
B. Mobile Vending Devices (3 pages)

I. SUMMARY

At the meeting of October 6, 2025, the Independence Planning Commission will continue the public hearing on revisions to the Independence mobile vending standards.

II. BACKGROUND

During the first portion of the public hearing, at the meeting on September 8, the Commission identified several issues to address before passing the document to the Council.

- At the hearing, the Commission received a comment that sought to limit the number of mobile food units in downtown. The Commission directed staff to include the limitation in the draft, though with a note that the Planning Commission had not determined the number of units allowed. The attached draft includes the proposed limitation and suggests an initial maximum of 8 units (see IDC 84.040(B)).
- The Commission questioned whether the bathroom requirements in IDC 84.040(N)(2) were clear and appropriate, given the circumstances at existing mobile vending locations. Staff considered the standards and made a slight revision to better reflect existing practices.
- The Commission questioned whether the draft was clear enough to ensure that mobile vending devices received a separate permit for every location where they operated. Staff considered the draft and found that the existing language adequately addressed the issue. As written, the standards specifically tie the approval of a mobile vendor to a set location.

III. STAFF RECOMMENDATION

With these considerations, staff recommends that the Planning Commission make any further changes necessary and send the proposed revisions to the City Council for approval (based on the findings of the Staff Report for the meeting of the September 8 meeting).

~~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. 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. Limitations on the Number of Spaces for Mobile Food Units in Downtown Overlay Zone. No more than 8 spaces are allowed for mobile food units in the Downtown Overlay Zone.²
- C. ~~B.~~ General location requirements. Mobile ~~vendors may only operate~~ vending locations are only allowed in paved parking lots or other hard surface areas.
- D. 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 a negative impact to pedestrian or vehicular travel and

² The number "8" is only a placeholder. The City Council can consider whether to include the limitation and the appropriate number of food trucks in downtown.

~~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.~~
- ~~eE. 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.~~
- ~~fF. 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 the The 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.~~
- ~~gG. 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 activities. Mobile 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.~~

H. 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.
- i. 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.

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- J. *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.~~
- KJ. *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 ~~or 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.
- LK. *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.~~
- M. *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.
- N. *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 vending pod shall have a permanent restroom that is available for employees during all anticipated hours of operation. The restroom shall be located on the same site as the mobile vending pod and be within 300 feet of every mobile vending space.*
- O. *Conditions of Approval.* A mobile vending location shall comply with applicable conditions of approval for previous land use decisions for the subject property.
- P. *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.
- 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.
 - g. 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 8-420 Sections 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.



SINGLE ROOM OCCUPANCY REQUIREMENTS AND RELATED CHANGES

STAFF REPORT

FROM: Fred Evander, Community Planner

TO: Planning Commission

MEETING DATE: October 6, 2025

FILE NUMBER: LA | 2025-06

RE: **SINGLE ROOM OCCUPANCY REQUIREMENTS AND RELATED CHANGES**

ATTACHMENTS: A. Draft Standards for Single Room Occupancies (11 pages)

At the Independence Planning Commission meeting of October 6, 2025, the Commission will continue to discuss proposed revisions to the requirements for single room occupancies. As you will note, the attached draft reflects the conversation from the September meeting, as well as added language to address another provision from HB 3395 – the allowance of residential buildings with affordable units in commercial zones. The Planning Commission recommended approval of this affordable residential allowance as part of LA 2023-05, the code revision to address HB 3395, but City Council never considered the code change.

WHAT IS THE PROBLEM?

During the 2023 legislative session, the State of Oregon passed HB 3395 – a housing omnibus bill. The bill required a variety of code changes for communities throughout the state.

Among the changes that affected the City of Independence include:

- The requirement to allow Single Room Occupancies.
- The requirement to allow ground-floor housing units, affordable to households making 60% of area median income, in areas that allow ground-floor commercial development.

The State of Oregon adopted further changes to the standards for Single Room Occupancies as part of HB 2138 in 2025.

WHAT IS PROPOSED?

The proposed code (see Attachment A) incorporates a variety of changes related to Single Room Occupancies to address the bills' requirements, as well as a relatively simple change to allow ground-floor housing units in commercial zones under certain circumstances.

The attached draft would:

1. Add the state definition of single room occupancies to the Independence Development Code and change or remove definitions for uses that are like single room occupancies.
2. Modify Subchapters 17 and Subchapter 30 of the Independence Development Code to incorporate Single Room Occupancies into the matrices.
3. Incorporate Single Room Occupancies into the parking requirements in Subchapter 73.

The proposal would also add certain affordable residential units as an outright allowed use in commercial zones (to address the requirement in HB 3395).

NEXT STEPS

The Planning Commission will review the draft code at the meeting of October 6, 2025. The Commission will have a Public Hearing on the proposal at the meeting in November.

SINGLE ROOM OCCUPANCIES AND OTHER STANDARDS TO ADDRESS HB 3395 (2023)

This document integrates new state requirements related to Single Room Occupancies (as passed under HB 3395 (2023) and HB 2138 (2025)) into the Independence Development Code. The draft:

- Uses the definition of Single Room Occupancies from ORS 197A.430 to replace existing city standards related to boarding houses, quad or quint dwellings, and lodging houses.
- Removes the taking of boarders and renting of rooms as a separate use type. The taking of boarders is considered a normal activity in a residential home.
- Retains the city classifications of dormitories and fraternities, sororities, and student houses, though the uses are only allowed in the High-Density Residential Zone.¹

Additionally, the draft adds a new use in commercial zones for “residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income” (as required under HB 3395).

The draft will be considered at a Public Hearing on November 3, 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

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

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

...

~~DWELLING, QUAD OR QUINT~~

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

...

FRATERNITY, SORORITY, STUDENT HOUSE

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

...

ROOMING HOUSE

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

...

SINGLE ROOM OCCUPANCY USE

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

...

SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES

ALLOWED USES	ZONE			
RESIDENTIAL USES	RS	RM	RH	MX
Single-Family dwelling, with a floor area of not less than 1,000 square feet	P	P	P	P
Two-family dwelling (duplex)	P	P	P	P
Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development	P 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 the total number of boarders and roomers does not exceed two in any single-family dwelling or exceed four in any duplex	P	P		
Rooming house <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	CU <u>P</u>	CU <u>P</u>	PP <u>PP</u>	CU <u>CU</u>
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>	<u>P</u>
Live/work unit	P	P
Residential use on the second or third-story of a commercial building.	P	P
Triplex or Quadplex	P ^{4, 5, 6}	P
Multiple-family residential dwellings, all floors	P ⁷	P
<u>Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income</u>	<u>P</u>	<u>P</u>
Residential home, as defined in this ordinance	P	P
Accessory uses to multiple-family or lodging uses such as clubhouses, open roof coverings, decks or patios for gatherings, outdoor pools or spas, or outdoor activity space.	P	P

Notes:

1. For the purposes of this code, the Mixed-Use Pedestrian Friendly Commercial (MUPC) zone includes both the standard Mixed-Use Pedestrian Friendly Commercial (MUPC) designation and the Mixed-

Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation, unless otherwise specifically noted.

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

SUBCHAPTER 73: PARKING

73.005 Parking Areas Required

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

73.010 Required Number of Parking Spaces

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

<p>A. RESIDENTIAL 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><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><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> <p>1. Church</p> <p>2. Library; reading room</p> <p>3. Elementary or Junior High school</p> <p>4. High School</p> <p>5. College; commercial school for adults</p> <p>6. Other auditoriums; meeting room</p> <p>7. Place of public assembly without fixed seats</p> <p>8. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per four seats or eight (8) feet of bench length in the main auditorium.</p> <p>One (1) space per 400 square feet of floor area, plus one (1) space per two employees.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee, plus one (1) space for each six students.</p> <p>One and one-half (1 1/2) spaces per in classroom, plus one (1) space per five students the school is designed to accommodate.</p> <p>One (1) space per four seats or eight (8) feet of bench length.</p> <p>One (1) space per 100 square feet.</p> <p>No minimum parking requirement.</p>
<p>D. COMMERCIAL</p> <p>1. All retail and service-oriented commercial uses.</p>	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 500 square feet.</p>

<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>	

...

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.