



# City of Independence

## Agenda

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

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### **Meeting Attendance Information:**

The Planning Commission will hold this meeting in-person at 4803 Airport Rd. Independence, OR 97351, via video conference (Zoom) or by phone. Meetings are also live streamed on the City's YouTube channel at: <https://www.youtube.com/c/CityofIndependenceOR>.

- The public may attend the meeting by coming to City Hall at 555 S. Main St.
- For **Zoom login** visit:  
<https://us06web.zoom.us/j/82077503866?pwd=MixEdajGBhIVZBssGHKTPga3qPIyp4.1>
- To participate in the meeting by **phone**, dial **1-253-215-8782** and enter **Webinar ID: 820 7750 3866** and **Passcode 069358**.

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

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



# City of Independence

**Minutes**  
**Planning Commission Meeting**  
**Monday, May 5, 2025**

1. **CALL TO ORDER.** The meeting was called to order at 7:03 pm by Chair Corby Chappell

2. **ROLL CALL**

Planning Commissioners Present:

Sally Coen	Becky Jay
José Oliveros-7:05PM	Alex Paraskevas
Corby Chappell, Chair	J. Patrick Fugeman

Commissioners Absent: Jordan Carpenter (excused)

Others Present: Fred Evander, Planning Manager; Myra Russell, City Recorder; Kathy Martin-Willis, Council Liaison

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

**ACTION:**

Commissioner Paraskevas moved to approve the minutes as submitted; Commissioner Coen seconded. Motion passed 4-0-0:

AYES: Coen, Jay, Paraskevas, Chappell

NAYS: None

ABSTENTIONS: Fugeman

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

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

6. **UNFINISHED BUSINESS.** None

7. **NEW BUSINESS**

7.1. Request to Extend Approval for SUB 2021-01, Southwest Crossing (67-Lot Subdivision) Evander presented information as submitted in agenda packet.

Commissioners asked about annexation of Talmadge Road and traffic impact. Evander addressed these concerns. Traffic concerns are potentially part of a bigger, regional issue at Stapleton Road/Hwy 99.

**ACTION:**

Commissioner Jay moved to approve the extension of the land use approval granted under SUB 2021-01 with the conditions and findings articulated within the Notice of Decision for the project; Commissioner Paraskevas seconded. No discussion. Motion passed 6-0-0:

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

NAYS: None

ABSTENTIONS: None

7.2. Consideration of Revisions to Floodplain Standards

Irvine presented information in Evander's staff report as submitted agenda packet. Model code added to floodplain ordinance to mitigate three key parts.

8. **OTHER DISCUSSION / INFORMATION ITEMS**

8.1. Video: China's city of the future: utopia or dystopia? Commission watched about 10 minutes of video and discussed differences between building environment showed in video and local building environment.

9. **ADJOURNMENT.** Commissioner Paraskevas moved to adjourn, Commissioner Coen seconded. Unanimous by all members present. Meeting adjourned at 8:00 PM.



# City of Independence

## Minutes

**Planning Commission Meeting**  
**Monday, June 2, 2025 @ 7:00 PM**  
**4803 Airport Rd. Independence, OR 97351**

1. **CALL TO ORDER.** The meeting was called to order by Fred Evander at 7:00 PM

2. **ROLL CALL**

Planning Commissioners Present:

Sally Coen	Becky Jay
José Oliveros-7:05PM	Alex Paraskevas
Corby Chappell, Chair	J. Patrick Fugeman
Jordan Carpenter	

Staff Present: Fred Evander, Planning Manager

3. **STAFF REPORTS / PRESENTATIONS – OTHER**

3.1. Presentation about Independence Airpark. Presentations by Ron Singh, Independence Airpark Homeowners' Association - President -Richard Harrison, Experimental Aircraft Association Chapter 292 - President -Bruce Patton, Independence North Park Annex Addition Homeowners' Association – President. The meeting focused on educating planning commission members and air park residents about the airport's history, design, and current operations, including its various aviation activities and unique traffic separation. EAA Chapter 292, a local branch of the Experimental Aircraft Association, highlighted their educational initiatives and community programs, and community members discussed the airport's economic impact and emergency response capabilities. The discussion concluded with concerns about airport development and expansion, emphasizing the need for proper planning and consultation with aviation experts to ensure safety and functionality.

3.2. Walking Tour of Airpark and Nearby Lands. Following the conversation, the walking tours included a tour of the EAA building, the Musketeer Taxiway and a portion of Stryker Road. In the tour of the EAA building, the EAA discussed a lot of work that they do with teens. The Commission viewed one of their workshops as well as their flight simulation room. After that, the commission walked along the Musketeer Taxiway and homeowners along the route opened hangars to showcase planes and projects. After the trip down the taxiway, the commission continued to Stryker Road to take a look at the Marquis Building, the Western Interlock Site, and Stryker Road.

4. **OTHER DISCUSSION / INFORMATION ITEMS.** None

5. **ADJOURNMENT.** Meeting adjourned at 8:35 PM





**PUBLIC HEARING  
REQUIREMENT FOR A PRE-APPLICATION CONFERENCE  
STAFF REPORT**

**FROM:** Fred Evander, Community Planner

**TO:** Planning Commission

**MEETING DATE:** July 7, 2025

**FILE NUMBER:** LA 2025-03

**RE:** **PUBLIC HEARING – REQUIREMENT FOR A PRE-APPLICATION CONFERENCE**

**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. Public Process
- V. Recommendation
- VI. Staff Findings – Oregon State Planning Goals
- VII. Staff Findings – Independence Comprehensive Plan
- VIII. Staff Findings – Independence Development Code

**ATTACHMENTS:** A. Draft Revisions to Pre-Application Requirements (3 pages)

**I. SUMMARY**

At the Independence Planning Commission meeting of July 7, 2025, the Commission will hold a public hearing on a draft code change that would require a pre-application conference for most new development. This change would require applicants to discuss their project with key city staff to ensure that issues anticipated from the development are addressed upfront.

**II. WHAT IS THE PROBLEM?**

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

### **III. WHAT IS THE PROPOSAL?**

To address this situation, the proposed draft (Attachment A) would require a pre-application conference for most new development. The draft would require a pre-application for:

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

This requirement would ensure that applicants were aware of city expectations and the likely costs of their project as early as possible in the development of their project.

With the proposed change, many of the applications that would undergo a pre-application conference would require further land use review under Subchapter 11 of the Independence Development Code. However, some would not. The proposed pre-application process would occur, even for activities that do not require a subsequent Land Use Application, because the activities often trigger other city requirements, such as the payment of System Development Charges or the installation of public improvements.

The proposed code change would allow project proponents to discuss their proposals with the individuals that are typically present at a pre-application conference, including the Fire Marshall of Polk Fire District No. 1, the Independence Building Official, the Independence City Engineer, and the Independence City Planner. Even with the time spent as part of the conversation, the city believes that the pre-application requirement will save staff time overall through the communication of expectations upfront and the minimization of the time that is necessary to respond to issues over the course of development.

### **IV. PUBLIC PROCESS**

To notify individuals about the potential code change, the city posted a notice of the proposal on the Oregon Department of Land Conservation "PAPA" website on May 9, 2025, and published a Notice of the Public Hearing on June 18, 2025. As of the date of this report, no comments have been received about the proposal.

### **V. PUBLIC PROCESS**

Staff recommends approval of the code change based on the findings below. The Planning Commission may recommend that the City Council approve of the change to the code, make further changes to the draft, or hold off on the proposal.

## VI. STAFF FINDINGS - OREGON STATE PLANNING 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), Natural Resources, Scenic and Historic Areas, and Open Spaces (Goal 5), Housing (Goal 10), Transportation (Goal 12) and Urbanization (Goal 14). Combined these goals seek to “ensure efficient use of land” (see Goal 14), while assuring that citizens are involved in the planning process and considerations related to future housing, economic development, transportation, and the natural landscape are weighed.

The proposed change to require a pre-application has been crafted with these provisions in mind. Key findings related to the Oregon State Planning Goals include the following:

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

- Publishing the notice in the Polk County Itemizer-Observer.
- Posting the notice on the State Department of Land Conservation and Development “PAPA” website.
- Posting the notice on the City of Independence Planning Department website.

The Independence Planning Commission also discussed the proposed change at a meeting on May 5, 2025, and will discuss the change during the public hearing on July 7. Pending a recommendation of approval by the Commission, the City Council will additionally hold a public hearing on the proposal (potentially on August 12, 2025). Videos of the meetings will be available via YouTube.

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

**Goal 2. Land Use Planning.** Goal 2 of the Oregon State Planning Goals seeks to ensure that community plans and policies are consistent and have been crafted after the completion of a planning process (that includes the identification of issues and problems, the inventory of existing information, the evaluation of alternative courses of action, and the selection of policy choices). This planning process has been utilized to create the Independence Comprehensive Plan and Development Code – the goals, policies and standards that guide how development occurs within the city.

Incorporating a required pre-application conference within this framework seeks to ensure that project applicants are alerted to city goals, policies, and standards before the start of a project. The city currently uses a pre-application process for most large projects; however, many smaller projects proceed without applicants being aware of key issues such as the cost of System Development Charges, the cost of permits, or the need for certain public improvements. Requiring a pre-application for most new applications will enable the City to communicate these expectations and allow project applicants to weigh the costs of either continuing the project or walking away from the proposal before the expenditure of significant time or money.

This goal will be achieved.

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

The proposed change to the code furthers this goal by ensuring that project applicants are aware of potential environmental limitations that exist on a project site such as wetlands, floodplains, or riparian habitat before the investment of significant time or money into a development proposal. Providing this information early in the development process will help to ensure this goal is achieved.

**Goal 9: Economic Development.** Goal 9 of the Oregon State Planning Goals seeks “to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” As part of this goal, community “plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those private and governmental bodies which operate in the planning area...” The requirement for a pre-application will further this goal.

Under the current process, applicants often discuss their proposal with a single department or multiple departments sequentially. In these conversations, applicants typically receive a limited understanding of the complexities associated with development and fail to understand the full breadth of expectations and costs associated with a project. Key details such as required land use approval processes, necessary public improvements, or required System Development Charges may be overlooked.

The requirement for a pre-application conference is intended to ensure that all individuals understand the various interests in a proposal and the full breadth of issues and costs anticipated. The approach also seeks to help define “implementation roles and responsibilities to those private and governmental bodies which operate in the planning area.” Given this approach, this goal will be achieved.

Based on these considerations, the proposed changes will help to implement the planning goals and policies of the City of Independence, and will effectively balance considerations about housing, economic development, and the natural environment. The proposed approach will address the Oregon State Planning Goals.

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

Changes to the Independence Development Code must additionally conform with the goals and policies of the Independence Comprehensive Plan. Key goals and policies of the Comprehensive Plan are noted below:

### *Land Use*

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

**Staff Response:** The proposed change to require a pre-application conference for most new development is intended to better communicate city goals, policies and standards to project applicants. This communication is meant to ensure that future developers understand city standards, which have been crafted to ensure development is “appropriate to the character of Independence” and meets “future land use needs.”

Pre-application conferences cover the full breadth of issues associated with a project application including but not limited discussions of:

- Fire and life safety.
- Right-of-way improvements or easements.
- System Development Charges.
- Land use approval processes.

Addressing these items upfront helps the city to clearly communicate expectations about future land use needs and gives the applicant an ability to choose whether they want to proceed with a project given city expectations.

Given these items, this goal will be achieved.

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### *Natural Resources*

**GOAL:** To preserve and encourage wise use of available natural resources. In order to preserve and encourage wise use of available natural resources, all development within the City of Independence shall comply with all applicable state environmental rules, regulations and standards. Zoning ordinance regulations will be coordinated with state environmental regulations.

**Staff Response:** The proposed amendment is intended to better communicate city goals, policies and standards, including for natural resources, to project applicants. This communication is meant to ensure that future developers understand city, state and federal environmental regulations, including for features such as floodplains and wetlands, prior to the submittal of a development permit. Given these considerations, this goal will be achieved.

### *Citizen Involvement*

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

**Staff Response:** The proposed amendment is meant to ensure that new development reflects the will of citizens (as recorded in the Independence Comprehensive Plan and codified within the Independence Development Code), while providing applicants with clear information to guide their decisions about whether to proceed with a project. Having a pre-application before the submittal of an application is meant to ensure that city expectations about future development are effectively communicated and anticipated costs are explicit.

The review and adoption process for the code change has proceeded (and will continue to proceed) consistent with the Citizen Involvement element of the Independence Comprehensive Plan. The city published notice of the proposed changes in the Polk County Itemizer-Observer, posted the changes on the Department of Land Conservation and Development "PAPA" website, and posted details about the changes on the city website. Opportunities for members of the public to weigh in on the code update have additionally been provided. This standard is met.

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

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

### *Subchapter 10: General Provisions*

#### 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:** Changes to the Independence Development Code require a public hearing before both the Independence Planning Commission and the Independence City Council. The City Council must also approve an ordinance for the proposal.

The following timeline summarizes the code amendment process as it relates to this proposal:

- Staff posted notice of the public hearings, along with a draft of the proposed changes on the Oregon Department of Land Conservation and Development PAPA site on May 9, 2025 (in accordance with the planning requirements of the State of Oregon).
- The Planning Commission will consider the proposed amendments at a public hearing on July 7, 2025.
- If the Commission recommends approval of the changes, the City Council will hold a public hearing on the proposal (tentatively scheduled for August 13<sup>th</sup>).
- If the changes are approved, the Council will adopt the changes by ordinance.

Given this process, these standards are met.

## *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:** This Legislative Amendment is a Type IV action. The action was initiated by the Planning Commission, based on a recommendation from city staff regarding a method to improve the permitting process. This standard is 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 the necessary steps to ensure compliance with the standards in Independence Development Code Section 11.015, including publishing a notice of the code change in the Polk County Itemizer-Observer, writing a staff report for the amendment, and keeping a file related to the proposal. This standard is met.

11.025 Notice of Public Hearings

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

**Staff Response:** The city utilized the following methods to provide notice for the Legislative Amendment:

- Published notice of public hearings regarding the proposed changes in the June 18, 2025 Polk County Itemizer-Observer.
- Posted notice of the proposed changes on the City of Independence website.
- Sent notice to the Oregon Department of Land Conservation and Development.

Given these procedures, this standard is met.



## DRAFT REQUIREMENT FOR A PRE-APPLICATION CONFERENCE

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

### SUBCHAPTER 11: ADMINISTRATIVE PROVISIONS

#### 11.001 Pre-Applications Required

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

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

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

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

C. Divisions of land.

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

#### 11.002 Applications and Review Procedures

For developments that require a land use approval under this chapter, aAll development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

A. Type I Action

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

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

8. Home Occupation.

B. Type II Action

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

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

C. Type III Action

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

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

D. Type IV Action

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

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

11.005 Applications for Land Use Actions

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

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

11.010 Persons Who May Apply for a Land Use Action

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

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

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## REVISIONS TO STANDARDS FOR MOBILE VENDING DEVICES STAFF REPORT

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**FROM:** Fred Evander, Community Planner

**TO:** Planning Commission

**MEETING DATE:** July 7, 2025

**FILE NUMBER:** LA 2025-05

**RE:** **REVISIONS TO STANDARDS FOR MOBILE VENDING DEVICES**

**ATTACHMENTS:** A. Draft Standards for Mobile Vending Locations (8 pages)  
B. Draft Revised Standards for Mobile Vending Devices (3 pages)

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At the Independence Planning Commission meeting of July 7, 2025, the Commission will discuss proposed revisions to the standards for mobile vending devices. The revisions would create a new process to permit mobile vending locations, which would occur prior to the allowance of a mobile vending device on a site.

The proposed process would make the existing process two separate steps:

1. Application for a Mobile Vending Location – Which would require a property owner to apply for and install the needed improvements to accommodate a mobile vendor on a property.
2. Application for a Mobile Vending Device – Which would be a subsequent smaller permit, submitted by the mobile vendor, that would detail the proposed use and provide copies of any required state/county permits.

### WHAT IS THE PROBLEM?

Over the past few years, the City of Independence has seen several new mobile vending units. To be approved, a food truck operator applies for a permit and then coordinates with a property owner to conduct the various improvements that are necessary, including the installation of pipes that are needed to connect to a wastewater system. This process is often somewhat complicated and puts the onus for approval on the food cart operator, who by nature will only be occupying the site for a limited time. The process also encourages the City to coordinate entirely with the food truck operator, and fails to engage the property owner, who is impacted and potentially is a beneficiary of the project.

The limitations of the approach are particularly apparent when multiple mobile vendors seek to locate on the same site. When this occurs, the city requires a permit for each vendor and does not consider the property as a whole. Details related to wastewater treatment, methods of trash collection, and approaches regarding parking, which are more appropriately considered together at a site level, are evaluated on a permit-by-permit basis.

This piecemeal approach does not create mobile vending pods that function well as a whole.

### **WHAT IS THE PROPOSAL?**

To better organize the process and encourage the development of well-designed mobile vending locations, the proposed drafts (see Attachments A and B) would require the permitting of a mobile vending location and then a subsequent permit for each mobile vending device. This approach is intended to define the improvements, such as wastewater and water connections, that are necessary to accommodate both mobile vending pods and pads at a specific location and to coordinate with the property owner to install the improvements. Once the improvements are available, mobile vendors may then submit a simpler permit and operate consistent with the installed improvements.

This approach would make the property owner subject to the improvements that are applicable at a site scale and ensure that sites are developed in a more comprehensive manner.

### **NEXT STEPS**

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

## ~~ARTICLE XI. MOBILE VENDING DEVICES~~ LOCATIONS<sup>1</sup>

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.

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<sup>1</sup>Ord. 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.

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

- 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 accommodatefor 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 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 ~~s~~Section 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.
- 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 ~~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.~~

~~KJ. 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.
    - 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. 8-421~~84.060. 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)

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### **~~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)~~

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~~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.