

837 MOBILE VENDING UNITS

837.01 EXEMPTIONS

- A. Section 837 does not apply to mobile vending units that are part of a farmers' market approved pursuant to Section 840, *Farmers' Markets*.
- B. Except as set forth in Section 837, mobile vending units are exempt from Sections 1000, *Development Standards*, and 1102, *Design Review*.

837.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C):

- A. An application for a level two mobile vending unit shall include a site plan, drawn to scale, that includes:
 - 1. The lot lines;
 - 2. The location of existing structures and mobile vending units on the subject property;
 - 3. The proposed location of the mobile vending unit and any portable accessory items, such as picnic tables and trash cans;
 - 4. The dimensions of the proposed mobile vending unit;
 - 5. The proposed distance between the mobile vending unit and the lot lines of the subject property, as well as the proposed separation distance between the unit and other onsite structures or mobile vending units;
 - 6. The type and location of any proposed onsite utility connections for the mobile vending unit;
 - 7. The location of existing loading areas, driveways, onsite circulation drives, parking lot aisles, bicycle and motor vehicle parking spaces, and walkways;
 - 8. The location of windows and doors on the mobile vending unit that are proposed to be used for service to customers;
 - 9. The location of existing landscaping; and
 - 10. The dimensions, height, location, and lighting of proposed signs.
- B. An application for a level three mobile vending unit shall include the applicable items identified in Subsection 1102.02.

837.03 LEVEL ONE MOBILE VENDING UNITS

Except as established by Subsection 837.03, level one mobile vending units are exempt from regulation under this Ordinance. No permit to operate a level one mobile vending unit is required under this Ordinance. A level one mobile vending unit is one that complies with the following standards:

- A. The mobile vending unit shall operate on a designated route and not stop at a fixed location for more than two hours during the workday. Storage of such a unit during hours outside the workday is not regulated by Section 837, but remains subject to any other applicable provisions of this Ordinance, which may include compliance with Sections 1000 and 1102.
- B. The mobile vending unit shall be entirely self-contained with no connections to onsite utilities; no outdoor seating; and no storage outside the unit. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground.

837.04 LEVEL TWO MOBILE VENDING UNITS

A level two mobile vending unit requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards:

- A. Qualifying Site: The mobile vending unit shall be located on a developed site. A developed site is one that has previously received design review approval and where that approval has been implemented. Alternatively, if not located on a developed site, the mobile vending unit shall remain on the subject property for no more than 120 days in a calendar year. For the purpose of this standard:
 - 1. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
 - 2. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
- B. Maximum Number: Except as allowed under Subsection 837.03, no more than two mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.
- C. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New structures, such as restroom buildings, trash enclosures, and gazebos, are prohibited, except that a fence may be constructed pursuant to Subsection 837.04(Q).

- D. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
- E. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.
- F. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit, such as awnings or canopies, shall be excluded when calculating the square footage.
- G. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
1. Five feet from any structure or mobile vending unit;
 2. Ten feet from any front lot line, except in the RTC District in Government Camp, where the minimum front setback from a lot line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front setback of 10 feet from the lot line abutting the other road; and
 3. Five feet from any side or rear lot line, except if such lot line abuts a residential zoning district, in which case the minimum shall be 15 feet.
- H. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
 - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
 - b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
 2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.

3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.
- I. Portable Sanitation Facilities: Portable toilets are prohibited. Portable hand-washing facilities are permitted but may not drain to the surface.
- J. On-Site Wastewater Treatment Systems: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, on-site wastewater treatment systems are prohibited unless allowed by Subsection 1006.05(B).
- K. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways. However, occupying existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking.
- L. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
- M. Driveway Access: No new or modified driveway access is permitted.
- N. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.
- O. Surfacing: Inside the UGB, the mobile vending unit shall be placed on an existing hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better.
- P. Drive-Thru Window Service: Drive-thru window service is prohibited.
- Q. Screening: If the mobile vending unit is located less than 20 feet from a residential zoning district, the unit shall be screened from the lot line abutting that zoning district. Required screening:
 1. May be provided by an existing structure, a fence, or a hedge;

2. Shall be sight-obscuring; and
 3. Shall have a minimum height of six feet.
- R. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.02(A)(9).
- S. Signs: Signs are permitted pursuant to Section 1010, *Signs*.
- T. Trash Receptacle: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit.
- U. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

837.05 LEVEL THREE MOBILE VENDING UNITS

A level three mobile vending unit requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards:

- A. Maximum Number: Except as allowed under Subsection 837.03, no more than four mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.
- B. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New accessory structures may be constructed, as follows:
1. A maximum of two restroom structures, provided that the combined square footage does not exceed 200;
 2. A maximum of two storage buildings, provided that the combined square footage does not exceed 200;
 3. One trash enclosure; and
 4. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g. decks, picnic shelters), provided that the combined square footage does not exceed 200 square feet per mobile vending unit and that no single structure exceeds 200 square feet.

- C. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
- D. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.
- E. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit that are supported entirely by the unit and do not touch the ground shall be excluded when calculating the square footage.
- F. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
1. Five feet from any structure or another mobile vending unit;
 2. Ten feet from any front lot line, except in the RTC District in Government Camp, where the minimum front setback from a lot line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front setback of 10 feet from the lot line abutting the other road; and
 3. Five feet from any side or rear lot line, except if such lot line abuts a residential zoning district, in which case the minimum shall be 15 feet.
- G. Structure Setbacks: Structures allowed under Subsection 837.05(B) shall comply with the setback standards of the zoning district in which the subject property is located.
- H. Hillsides, Trees and Wooded Areas, and Mass Movement Hazard Areas: The development shall be subject to Subsections 1002.01, 1002.03, and 1003.02, as applicable.
- I. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
 - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.

- b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
 2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
 3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.
- J. Portable Sanitation Facilities: Portable toilets are prohibited unless they are connected to a sanitary sewer system or an on-site wastewater treatment system. Portable hand-washing facilities are permitted but may not drain to the surface.
- K. On-Site Wastewater Treatment Systems: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, on-site wastewater treatment systems are prohibited unless allowed by Subsection 1006.05(B).
- L. Lighting: Outdoor lighting shall be subject to Subsection 1005.04.
- M. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways.
- N. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
- O. Driveway Access: Approval of driveway access shall be subject to the Clackamas County Roadway Standards.
- P. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items or structures shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.

- Q. Surfacing: Inside the UGB, the mobile vending unit shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be hard-surfaced unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better and shall provide for suitable drainage.
- R. Drive-Thru Window Service: A mobile vending unit may include drive-thru window service only if drive-thru window service is a permitted accessory use in the zoning district in which the subject property is located. Drive-thru window service shall be subject to Section 827, *Drive-Thru Window Services*.
- S. Screening and Buffering: The proposed development shall be subject to the screening and buffering provisions of Subsection 1009.04.
- T. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.02(A)(9).
- U. Landscaping Requirements: If the subject property does not have a previously approved landscape plan, compliance with Subsections 1009.01(A) through (E), 1009.03(B), and 1009.10 shall be required.
- V. Signs: Signs are permitted pursuant to Section 1010, *Signs*.
- W. Off-Street Motor Vehicle Parking Spaces on a Developed Site: On a developed site, the mobile vending unit, attachments to the mobile vending unit, customer queuing areas, and portable accessory items may occupy existing off-street motor vehicle parking spaces, provided that such spaces are not simultaneously used for parking. A developed site is one that has previously received design review approval and where that approval has been implemented. In addition, no new off-street parking spaces are required. However, new structures may be located in existing off-street motor vehicle parking spaces only if such spaces are in excess of the minimum number required for existing development.
- X. Off-Street Motor Vehicle Parking Spaces on an Undeveloped Site: On an undeveloped site, a minimum of two off-street motor vehicle parking spaces per mobile vending unit is required. An undeveloped site is one that does not have an implemented design review approval.
- Y. Motor Vehicle Parking Area Standards: The development of new motor vehicle parking areas shall comply with Section 1015, *Parking and Loading*.

- Z. Solid Waste and Recycling Standards: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit. In addition, compliance with Section 1021, *Solid Waste and Recyclable Material Collection*, shall be required.
- AA. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

837.06 LEVEL FOUR MOBILE VENDING UNITS

If a proposed mobile vending unit exceeds the standards of both a level two and a level three mobile vending unit, it may be approved as a level four mobile vending unit, subject to Sections 1000, *Development Standards*, and 1102, *Design Review*. In addition, compliance with Subsection 837.05 shall be required, except where a more restrictive standard is applicable pursuant to other provisions of this Ordinance.

837.07 APPROVAL PERIOD AND TIME EXTENSION

- A. A level two or three mobile vending unit approval is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary County development permits shall be obtained and maintained for the approved development.
- B. If a level three mobile vending unit approval is not implemented within the initial approval period established by Subsection 837.07(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. A level four mobile vending unit approval is subject to the approval period and time extension provisions of Subsection 1102.05.

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