

Council Business Meeting

August 2, 2022

Agenda Item	Initiation of an Ordinance Amendment Relating to Food Trucks & Food Carts	
From	Bill Molnar	Director of Community Development
Contact	bill.molnar@ashland.or.us 541-552-2042	

SUMMARY

Before Council is a request to direct staff and the Planning Commission to evaluate and propose amendments to the Ashland Land Use Ordinance to address greater allowances for food trucks and food carts in Ashland.

POLICIES, PLANS & GOALS SUPPORTED

Comprehensive Plan, The Economy Element Goal 7.07.03 Policy 2.G seeks, “*Clear and objective standards for development reviews that provide for a quick and predictable approval process with a reduced amount of uncertainty.*”

PREVIOUS COUNCIL ACTION

The City Council has not previously reviewed this item.

BACKGROUND AND ADDITIONAL INFORMATION

In addition to serving as an option for restauranteurs to make a more affordable entry into the business without an up-front bricks-and-mortar investment, food trucks can enliven and activate spaces and during the pandemic provided an affordable outdoor dining option in many communities. In Ashland, food trucks are currently allowed as follows:

- **Short-Term Events (AMC 18.2.2.030.H):** Current codes provide for staff approval of short-term temporary uses occurring *no more than once in a calendar year on a property* and lasting not more than 72 hours. There are no public notice requirements for this type of review. This is the process used for the food trucks at the annual Chocolate Festival at the Ashland Hills Hotel and at exhibitions and shows at the Enclave Studios and Galleries (see photo below).
- **Accessory to an Existing Use:** Where food trucks are part of an event that is accessory to an existing, approved use they may occur without a permit. As an example, when the Earth Day celebration is held at ScienceWorks Hands On Museum each year, the celebration including food trucks is accessory to the existing approved use.
- **Conditional Use Permit (AMC 18.5.4):** Where a proposal goes beyond the scope of a short-term event or being accessory to an existing use, food trucks as temporary, seasonal or intermittent uses require Conditional Use Permit approval. This process requires public notices and generally takes approximately 45 days unless an appeal is filed. This is the process used for the Water Street Café, the food truck court at the current Growers Market, at Northwest Nature Shop and on the OSF campus.

The Conditional Use Permit process – which involves a \$200 pre-application conference, a \$1,120.25 application fee, and an extended process if appealed - can pose a barrier to entry to many food truck owners. Planning staff and the Planning Commission would like to look at ways to providing additional options for

food trucks owners interested in operating in Ashland. This might include expanding the allowances for short-term events beyond once per calendar year per property, looking at allowing food trucks outright in approved plaza spaces in Detail Site Review zones where food vendors and space for outdoor eating are already among the menu of required elements for plaza space design, or looking at appropriate allowances for food trucks and space for outdoor eating in some existing commercial parking lots.

FISCAL IMPACTS

Permitting and inspections could be handled through existing, established processes with fees to cover the cost of services. Food vendors would be required to pay Ashland's Food and Beverage Tax which would generate additional revenue.

STAFF RECOMMENDATION

AMC 18.5.1.100 provides that the City Council may initiate a planning action by motion duly adopted and designating the appropriate City department to complete and file the application.

Staff recommends that the City Council direct planning staff to work with the Planning Commission to prepare amendments to the Land Use Ordinance to address greater allowances for food trucks and food carts in Ashland.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move that the City Council ask Planning Staff and the Planning Commission to initiate amendments to the Land Use Ordinance addressing allowances for food trucks and food carts in Ashland.

REFERENCES & ATTACHMENTS

- Jason Eaton/Conscious Construction e-mail
- June 28th Planning Commission Minutes
- Plaza Space Standards (see <https://ashland.municipal.codes/LandUse/18.4.2.040.D.2>)

Daddy Ramen food truck at Enclave Studios & Galleries Spring Exhibition in Ashland.



A food truck court in an unused parking lot in downtown Medford.



FW: Beer Bike and tourism thoughts

Bill Molnar <bill.molnar@ashland.or.us>

Tue 2022-06-28 07:13 AM

To: Brandon Goldman <brandon.goldman@ashland.or.us>; Derek Severson <derek.severson@ashland.or.us>

FYI – Note one of Jason’s suggestions for making the town “different”

From: jason eaton <jason@designbuildashland.com>

Sent: Tuesday, June 28, 2022 6:41 AM

To: City Council <council@ashland.or.us>

Subject: Beer Bike and tourism thoughts

[EXTERNAL SENDER]

Good Morning,

I tend to lurk on the sidelines and complain with like-minded friends about the state of our towns tourist economy and the lack of strategies we employ to diversify it beyond Shakespeare. However, I wanted to reach out as I am feeling optimistic after the recent approval of the Beer Bike and specifically Councilor DuQuennes quote regarding it:

“It sounds like fun; it sounds like something different. We haven’t had something different in a long time,”

Activities and events, large and small, that make our town more fun and inviting to a wider range of tourists need to be embraced. I'd like to see this mentality extended to other areas:

- Closing off the Plaza on weekends in the summer like we did during COVID.
- Having events such as the Cascade Cup Bike Race last weekend and Ashland Hill Climb finish in downtown close to restaurants and bars instead of banished to the upper reaches where only participants are even aware it's happening.
- Adding a beginner mountain bike trail through the upper park area as proposed by RVMBA.
- More diverse events in the under-used bandshell. Movies in the park, concerts, etc.
- Ease Food Truck restrictions

I love our town but feel like for too long our mentality has been that instead of approving activities that the majority of the town would enjoy and embrace, we cater to the vocal minority so that we don't ruffle ANY feathers (Concerts in the park are too loud for the few Granite Street homeowners, Races finishing in downtown could cause a small traffic jamb, a bike trail has never been allowed in Lithia Park, etc).

Lot's of diverse interests can co-exist together and finding a "path to yes" for approvals will help us all economically by inviting more tourists as well as making our town more fun for those who live here.

Let's continue to embrace "Different"!

Thanks for your work,
Jason Eaton

Jason Eaton

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CONSCIOUS
DESIGN BUILD

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
STUDY SESSION
Draft Minutes
June 28, 2022

I. **CALL TO ORDER:** 7:00 PM, via Zoom
Chair Haywood Norton called the meeting to order at 7:03 p.m.

Commissioners Present:

Michael Dawkins
Haywood Norton
Kerry KenCairn
Lynn Thompson
Lisa Verner
Doug Knauer
Eric Herron

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Planning Manager
Michael Sullivan, Administrative Assistant

Absent Members:

Council Liaison:

Paula Hyatt

II. **ANNOUNCEMENTS**

Community Development Director Bill Molnar made the following announcement:

- The appeal of the Commission's denial of PA-T2-2022-00037, 165 Water Street has been postponed at the request of the appellant. An extension for the appeal was granted by the City Council.

III. **PUBLIC FORUM** - None

IV. **DISCUSSION ITEMS**

A. Ashland Characteristics, Demographics and Urban Form Presentation

Mr. Molnar informed the Commission that the City Council had held two special sessions in May, 2022 to discuss the City's general fund and provide information on the biennial budget, and the characteristics of the City. He gave a brief history on the City's growth management, and the physical constraints that define the City's Urban Growth Boundary (UGB).

Staff Presentation

Planning Manager Brandon Goldman gave a presentation on the characteristics, demographics, and urban form of the City. He stated that staff had been working with City Manager Joe Lessard to identify areas of note, such as tourist spots and natural environments, that give character to the City. He added that the City is also known for its schools and vibrant art scene. Mr. Goldman summarized the demographics of the City as: low but steady population growth; an aging population over the national trend; high housing costs; majority of households comprise 1-2 individuals; one-in-five households having children; and an increasing divide between low-income and high-income households and their ability to purchase a house (see attachment #1).

Mr. Goldman summarized the future buildable land within the City Limits. He pointed out that there are 475 buildable acres for potential residential properties within the City Limits and UGB, and that the City is currently at 80% buildout for residential units. He stated that staff identified Limited Capacity Developable Residential Lots as properties with a maximum building potential of one or two additional dwellings. He added that a total of 500 lots were identified to fit this criteria, for a potential total of 597 additional dwelling units on those properties. Mr. Goldman informed the Commission that there were 185 net acres available for Commercial, Employment, and Industrial use, and that the development rate of Commercial lands in the City is 1/5th the estimate provided by the 2007 Economic Opportunity Analysis.

Mr. Goldman pointed out several districts to be considered as Opportunity Districts along the central transit route through the City, which could provide additional business and housing growth. These areas were identified as the Downtown District, for entertainment and cultural buildings; the University District for education and customer service buildings; and the Croman Mill District for future employment and mixed-use residential buildings. Mr. Goldman noted that the Rogue Valley Transportation District has indicated that it would reroute transit lines to include the Croman Mill District once it has been established. Mr. Goldman stated that these Opportunity Districts could have many benefits from a land-use perspective, including promoting mixed-use and economic development, reducing traffic congestion and increasing pedestrian activity, and reducing vehicle emissions and limiting urban sprawl into surrounding farmland. Mr. Goldman stated that staff had identified three potential zones to be used for urban reserve areas and future growth, and included the northside of East Main Street, Tolman Creek Road and Siskiyou Boulevard, and the Billings Farm.

Questions of Staff

Commissioner Thompson commented that the presentation displaying residential land does not factor in the possibility of second units on a property in the form of Accessory Residential Units (ARUs) or duplexes. She added that, with the increase in residents working from home, that the potential for commercial developments only in Commercial Zones or being limited to traditionally commercial buildings. Mr. Goldman agreed, and responded that staff had been conservative in its estimates of future growth. He elaborated that some of the graphs included had been based on a 2019 study of the City's buildable land inventory, which preceded the state's requirement that medium-sized cities allow ARUs or duplexes on any lots that allow a single-family residence. Commissioner Thompson asked how this could affect the results of a study that attempts to quantify the City's potential for additional residential units. Mr. Goldman responded that not all single-family lots could accommodate an ARU or be converted into a duplex, and therefore an exact number is difficult to ascertain.

Commissioner Thompson inquired about the status of the Imperatrice Ranch that had been considered as a site for affordable housing in the past. Mr. Goldman responded that the 640 acre property had originally been purchased by the City in order to be used as part of a waste-water treatment facility. It has since been identified as a potential surplus property, but no decision has been made. The property is located outside of the UGB, so its development capacity is limited by what is permissible by the County, and is unlikely to be used for affordable housing unless the UGB is expanded to encompass the property. Commissioner Thompson questioned if the property could instead be used as an urban reserve area, to which Mr. Goldman responded that any urban reserve areas would need to be contiguous with the City Limits. Mr. Molnar stated that the Imperatrice Ranch property would be extremely difficult to incorporate into the UGB, and that there are more efficient areas for expansion. He added that staff and City Council are examining zoning amendments to the Railroad District and the Croman Mill Site as areas to expand city services.

Commissioner Dawkins inquired if Interstate 5 (I-5) created the same physical barrier in regards to annexation that railroads have caused. Mr. Molnar responded that he would need to reexamine a decision handed down by the Oregon Land Use Board of Appeals (LUBA), but that railroads are typically privately owned and still pose a barrier to annexation. Mr. Molnar stated that railroads are not considered a public right-of-way, but that he believed a local or state highway would not inhibit the City's contiguous expansion.

B. Food Truck Discussion

Mr. Molnar informed the Commission that there was renewed interest in the City revising its ordinances regarding food trucks and easing their permitting process. He remarked that the Commission had made some changes several years ago to provide flexibility for short-term food trucks, but that any long-term placement of a food truck currently requires a Conditional Use Permit (CUP) which could take up to 45 days to complete.

Staff Presentation

Mr. Goldman began by identifying different types of food trucks, as a different application process will likely be required for each. These included:

1. Food Trucks - placed in surplus parking areas.
2. Food Cart Parks - would provide seating, restrooms, be semi-permanent and could be moved if the property-use changed.

3. Street Trucks - access from the sidewalk for customers and would use the public right-of-way.
4. Private Plaza Areas - for use in large open spaces, such as the Oregon Shakespeare Festival, and could provide seating and host a variety of food truck options.
5. Special Events – temporary use, such as block parties, weddings, and could provide on-site catering.

Mr. Goldman detailed how vacant and underused properties could be used by food trucks without impacting any existing on-site uses. He showed various sites in the city that could accommodate food trucks, such as Russ Johnson Tire, which has been vacant for a number of years, and the Grower's Market, which already hosts food trucks once a week. Mr. Goldman drew attention to several points that required deliberation before approval could be considered, including signage, trash and recycling, fire safety and accessibility, and permit processing.

Questions of Staff

Commissioner Verner inquired if food trucks could operate on Lithia Way across from Plaza West. Mr. Goldman responded that the City's ordinance relating to streets currently prohibits commercial activities in streets and public right-of-way, so it would need to be changed before proceeding. He added that food trucks could be a good opportunity for entrepreneurs to begin their business and eventually transition to a brick and mortar restaurant.

Commissioner KenCairn if the limited application of special event food trucks would be to prevent them from becoming a permanent fixture. Mr. Goldman responded that special event food trucks would only be used for large, temporary events, because a reoccurring events could more heavily impact the area. Commissioner KenCairn stated that the success of a food truck is based on its reliability, and that she supported not assigning permanent locations for food trucks, but instead providing opportunities for them to operate consistently without requiring building space. Mr. Goldman agreed, adding that other cities have instituted term limits before a food truck would need to change locations. This would limit the impact on the area and also allow food truck vendors to reach a variety of markets.

There was general support from the Commission to allow greater flexibility and access for food trucks within the City. Commissioner Knauer commented that food trucks are an important business in Philadelphia and other areas, and that he believes that they are underutilized in the City. Commissioner Thompson emphasized that she appreciated the impacts associated with food trucks and why they currently require a CUP, but endorsed allowing them greater flexibility. Commissioner Thompson expressed concern over food trucks taking up valuable parking, particularly in the downtown area, but generally endorsed the suggestions from staff.

Commissioner Herron recommended that the Commission prioritize allowing greater flexibility for CUP's before addressing permanent food truck permits, as those would take more time to consider. He commented that food trucks could provide additional dining options for areas of the City with fewer restaurants, and added that some restaurant owners might not be in favor of allowing food trucks near their businesses.

Mr. Molnar pointed out that establishing a more flexible permitting process could decrease code compliance issues with unpermitted food trucks, and that an increasing number of cities are making more allowances for food trucks. Mr. Goldman added that the long permitting process will often prohibit food trucks from being used at special events, and a more streamlined process could increase their use for such occasions. Councilor Hyatt agreed with Mr. Goldman and conveyed how food courts have helped create a greater sense of community in Bend. She endorsed the potential change to the ordinance and expressed a desire to see this brought before the City Council.

Chair Norton outlined the advantage of developing a greater permitting system for food trucks is establishing concrete criteria they operate under, such as signage and garbage disposal.

V. ADJOURNMENT

Meeting adjourned at 8:26 p.m.

*Submitted by,
Michael Sullivan, Administrative Assistant*