

IMPORTANT: Any citizen may orally address the Parks Commission on non-agenda items during the Public Forum. Any citizen may submit written comments to the Commission on any item on the Agenda, unless it is the subject of a public hearing and the record is closed. Time permitting, the Presiding Officer may allow oral testimony. If you wish to speak, please out the Speaker Request Form located near the entrance to the Council Chambers. The chair will recognize you and inform you as to the amount of time allotted to you, if any. The time granted will be dependent to some extent on the nature of the item under discussion, the number of people who wish to speak, and the length of the agenda.



AGENDA FOR REGULAR BUSINESS MEETING

ASHLAND PARKS & RECREATION COMMISSION

February 24, 2020

Council Chambers, 1175 E. Main Street

7:00 p.m.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. APRC Special Meeting – January 13, 2020
2. APRC Regular Meeting – January 27, 2020

III. PUBLIC FORUM

IV. ADDITIONS OR DELETIONS TO THE AGENDA

V. CONSENT AGENDA

1. Subcommittee Minutes Acknowledgment
 - Oak Knoll Golf Course Subcommittee, April 25, 2019
 - Oak Knoll Golf Course Subcommittee, October 8, 2019

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. Calle Guanajuato Seating Agreements (Action)

VIII. ITEMS FROM COMMISSIONERS/STAFF

IX. UPCOMING MEETING DATES

1. APRC Study Session—March 4, 2020
 - Council Chambers, 1175 E. Main St.—6:30 p.m.
2. Ashland Senior Advisory Committee – March 9, 2020
 - Ashland Senior Center, 1699 Homes Ave.—2:00 p.m.
3. APRC Regular Meeting—March 11, 2020
 - Council Chambers, 1175 E. Main St.—6:30 p.m.
4. Recreation Division Advisory Committee – March 12, 2020
 - Council Chambers, 1175 E. Main St.—4:00 p.m.
5. Bee City USA – March 18, 2020
 - Nature Center, 620 N. Mountain Ave.—3:00 p.m.
6. Long Range Planning Subcommittee – March 26, 2020
 - Parks Admin Office, 340 S. Pioneer St.—2:00 p.m.

X. ADJOURNMENT

**MINUTES FOR SPECIAL BUSINESS MEETING
ASHLAND PARKS & RECREATION COMMISSION
January 13, 2020
The Grove, 1195 E. Main Street**

Present: Commissioners Gardiner (Chair), Landt (Vice-Chair), Bell (arrived at 5:34 p.m.) Heller, Lewis; Director Black, Recreation Superintendent Dials; Parks Superintendent Oxendine; Senior Services Superintendent Glatt; Assistant Sullivan

Absent: City Council Liaison Mayor Stromberg

I. CALL TO ORDER

The meeting was called to order at 5:30 p.m.

II. PUBLIC FORUM

None

III. ADDITIONS OR DELETIONS TO THE AGENDA

None

IV. UNFINISHED BUSINESS

1. Letter to Council (Discussion/Action)

Black stated that the Commissioners had asked staff to send a letter to the City to renovate the Community Center while undertaking structural repairs, which could be undertaken if a general obligation bond that the City of Ashland is considering is put before the voters. There have been discussions of including funds for the following projects in the bond: Solar Power Resiliency, City Hall, Pioneer Hall, the Ashland Community Center and the Butler Perozzi Fountain.

- A handout was provided that included proposed edits to the letter that was included in the packet (see [Attachment I](#))
- APRC did not have an opportunity to provide input in the projects being proposed
- Landt stated that upgrading Pioneer Hall and the Ashland Community Center at the same time as the structural deficiencies are addressed has the potential of costs savings and would decrease the amount of time that the facilities are closed to the public
- Gardiner provided background on the process that was undertaken to identify projects to include in the bond, which consisted of a small working group organized by the mayor
- Lewis advocated for a structural engineer with historical restoration expertise to be involved in the process
- Black suggested the following change in the third paragraph of the letter :

"And there was not a reason to be focusing on the Fountain because repairing it ~~was~~ **is** not on the current list of priorities established by Commissioners for the current biennium."

Motion: Landt moved to accept the letter distributed in the meeting as written with "was" changed to "is" in the line that says... "focusing on the Fountain because repairing it ~~was~~ **is** not on the current list....Seconded by Lewis.

Discussion: Lewis advocated for prioritizing the projects as follows: The Ashland Community Center, Pioneer Hall and then Perozzi Fountain. Gardiner reiterated that the purpose of the letter is to bring APCR into the decision-making process to identify bond projects.

Vote: The vote was all yes.

2. Alcohol Ordinance Amendment (Informational)

Dials reviewed the staff report included in the [meeting packet](#). This item included the following points:

- If an amendment to ordinance 10.68.090 Intoxicating Liquor Prohibited were to be pursued, staff would seek an amendment where the rules for alcohol in the park and the permitting process would be managed by APRC rather than having it defined within the ordinance itself
- Staff has researched policy from other jurisdictions and developed recommended parameters for the APRC permitting process as a starting point for discussion, which are included in the staff report
- Landt referred to the background section of the staff report and stated that direction from Commissioners was that the costs of running the program should be a financial benefit beyond cost recovery rather than have the potential for cost recovery as stated in the staff report
- Dials is still determining an estimate of costs to administer the program, which will mainly consist of staff time
- Dials stated the Police Department indicated they would be good partners in whatever the Commissioners decide, but would not be in favor of allowing alcohol in the park
 - Black stated that we could ask the Police to come in and provide more info about their position, but there is likely a potential for an increase in police response
- Black stated the opinion that the program must be a financial benefit to APRC. There would be a significant amount of staff hours that would go into the program. Groups who seek a permit would financially benefit from alcohol sales. APRC should also be looking to benefit financially
- APRC receives the following funding from alcohol under the current exemptions in the ordinance
 - Calle Guanajuato: There are no fees directly related to alcohol, but the space that is rented to restaurants, which are able to serve alcohol, more than recover the cost to administer renting spaces on the Calle
 - Oak Knoll Golf Course: A percentage of sales. APRC also no longer has expenses associated with managing food and beverage services now that they are contracted out. Alcohol sales also have the potential to bring more people to the course to play
- Dials reviewed the proposed locations to allow alcohol identified in the staff report:
 - Butler Bandshell, Perozzi Fountain area and Sycamore Grove in Lithia Park
 - Feast of Will Lawn (between lower Duck Pond and Children's Playground)
 - Ice Rink Parking Lot on Winburn Way
 - Dials clarified that the Perozzi Fountain and Sycamore Grove were identified due to close proximity to the bandshell where an event could take place. These outlying areas could be used as a controlled setting for sales and consumption
 - Dials clarified that the parking lot has been identified as a location because of the potential to serve as a controlled setting for events such as the 4th of July Run events
- Dials clarified the purpose of #7 under recommended parameters for permitting process in the staff report that states: "Alcohol must be sold or consumed under a canopy, shelter or within a tent or other enclosure as agreed upon by APRC and the OLCC"
 - It is not required that a canopy is set up where alcohol is sold or consumed as long as some sort of enclosure, such as fencing is utilized
- Dials stated that alcohol consumption could be expanded during Ashland World Music Festival, which has been served within Pioneer Hall in the past. The proposed parameters would allow sales to occur in the areas listed above
- Landt recommended including the parking lot adjacent to the Bandshell as an approved area for alcohol sales and consumption
- Dials stated that staff would like to start with a small scope and only allow non-profit (501-c3 organizations) to secure permits
- Black reiterated that prohibition of alcohol in parks as well as the exemptions are identified in municipal code. Staff is seeking to amend the ordinance to allow rules to be made directly by APRC to govern alcohol use in the park

Public Input

Maggie Lander of the Lions Club in Ashland spoke about the direct support that the Lions Club provides to Parks. Lander stated that OLCC requires the point of sale of alcohol to be fenced off. The Lions would also provide wrist bands with hole punches to regulate drink limits. Landers offered to answer questions about their specific event and made assurances that the type of event they are planning will be controlled and will limit alcohol consumption. Jerry Gomez of the Lions Club of Ashland reiterated that they do not want excess consumption of alcohol at their event.

Commissioner Discussion:

- Lewis recommended that staff consider structuring the policy in a regulated way that may include things that the Lions are considering such as drink limits
- Dials stated that additional comments on the parameters are welcome
- Black stated that one way to move forward would be to approve an ordinance amendment and then work on establishing a set of rules and regulations and clarified the timeline of this process:
 - Once sent to City Council, the amendment process could take three (3) months
 - Staff could work on rules and regulations concurrently
 - Once the ordinance is amended (City Council) and the rules and regulations are in place (APRC), applications could be accepted
- Black stated that staff will bring wording for an ordinance amendment to the Commissioners at the next meeting
- Black stated the Charter indicates that APRC can establish rules for properties that APRC manages. Those rules are then enforced as if they were city ordinance. The ordinance amendment staff is proposing would change it from alcohol being allowed in the specific locations listed in the ordinance to alcohol will be allowed only with the prior approval of the Commissioners. This allowed uses would be established through rules and regulations
- Landt stated that a trial period should be considered to review the rules and regulations once in place

There were no objections to staff continuing working on the Policy and Ordinance Amendment

V. NEW BUSINESS

1. Senior Services Division Fees (Action)

Glatt reviewed the staff report included in the [meeting packet](#). This item included the following points:

- Correction to memo: These fees will go to the City Council on February 4, not January 22
- The following Senior Services Program fees were presented to Commissioners for approval

Senior Services Division Fee Schedule for Programs and Services

Broadway Dance for Boomers and Beyond	\$60/8 classes
Broadway Dance 2	\$65/8 classes
Gentle Hatha Yoga for 60+ (new 2019)	\$6/class drop-in or \$20/4 class pass
Gentle Yoga for 60+	\$5/class drop-in or \$15/4 class pass
Tai Chi for 50+ (fee changed Sept 2019)	\$4-5/class
Senior Archery (new pilot 2020)	\$10/class drop-in, includes all materials
Art Class series for seniors (new pilot 2019)	\$115/6 classes, includes all materials
Low-Income Foot Care Clinic	\$20/visit
TouchPass lost card replacement	\$2/card
Photocopies and printed pages	First 5 pages free, then \$0.10/page

- It is now staff's understanding that the City Miscellaneous Fees & Charges should include all Senior Services Division program fees, which has not been the case in the past
- Many of the programs offered are free to seniors. Some classes require a fee which is typically half of the market rate
- Glatt clarified that some instructors are paid directly by participants and are required to pay to rent the room at the Senior Center. Instructors receive payment at less than market value by choice and are doing this to support healthy living for seniors. Rental fees, \$10 per class, for instructors are significantly lower than the standard fee to rent space at the Ashland Senior Center
 - Landt inquired if these rates need to be reported to the City since instructors directly take the fees
 - Black stated that he thinks they do need to be reported to and adopted by the City to comply with state law

- The \$10 fee for instructors to secure rooms has been evaluated and raised in recent years
- Lewis stated that some may have a perception that APRC is profiting off of seniors and appreciates the transparency of the fee structure and the subsidies provided. Lewis inquired if subsidies are provided for the foot clinic
 - Glatt stated that the market rate for being seen in a private practice foot clinic is \$60. The subsidy offered by the Senior Service Division is provided through donations made by the Soroptimists. Nurses also donate a portion of their time to reduce costs for seniors. Glatt recently secured a sponsorship from Health Net for this program

Motion: Landt moved to approve the Senior Service fees as presented. Seconded by Heller.

Discussion: None

Vote: The vote was all yes.

2. Ashland Creek Park Plan Amendment – Basketball Court Location (Informational/Possible Action)

Oxendine reviewed the staff report included in the [meeting packet](#). This item included the following points:

- Oxendine corrected a misstatement in the memo that states: “the original proposed location was to the East of the existing bike shelter.” This should state that it is West of the existing bike shelter. Oxendine identified an additional change to the memo in the Recommendation section where Commission should be changed to Commissioners
- The proposed location for the basketball court was originally identified for the location of a shelter that would contain educational exhibits. The area is currently used by community gardeners as a parking area composed of compacted gravel
- Landt asked for clarification if significant savings will be achieved by using the gravel area to place the court
 - Oxendine confirmed that this would be the case due to the area already containing compacted gravel, which would reduce the cost of site preparation and material purchases
- Heller requested that additional space between the pickleball courts be included
 - Oxendine stated that there is likely a need to include perimeter fencing along the gravel road that would further limit space for the pickleball courts
 - Black stated there may not be room for two courts in the proposed area
- Lewis stated that Commissioners could approve the placement of the court at the new location and allow staff and user groups to work out the design details

Public Input:

Patrick Marcus of Ashland and a community gardener at Ashland Creek Park stated he has been working on the plan for this park since its inception. Marcus spoke in favor of the basketball court but questioned the change of location. Marcus asked Commissioners to honor the ACP Master Plan and keep the basketball court at the original location. Marcus added that building the court in the gravel area would impact the future construction of the educational structure identified in the park plan.

Discussion:

- Heller stated that pickleball courts are typically surrounded by fencing to keep the ball in the area of play
- Landt inquired if the ACP Master Plan ever identified the gravel area as a parking area for gardeners
 - Black stated this area was never identified as a parking area
- Gardiner advocated to move the courts to the gravel area based on the improvements already made to this area that will make the construction of the court easier and more cost effective. Gardiner also stated that there are other areas in the park where structures could be built to accommodate educational exhibits in the future
- Lewis reiterated the goal in the plan to minimize impervious paving areas and stated that moving the court to the gravel area would help achieve this goal. Lewis stated support for allocating funds in the future for a structure that could house an educational exhibit and locate the structure in another area of the park
- Landt stated the purpose of a vote would be to officially change the ACP Master Plan that was informally done through the goal setting process, where goal 9 stated that the court should be located in the gravel area

Motion: Move to change the Master Plan at ACP to move the basketball/pickleball court to the current gravel area. Lewis Seconded

Discussion: None

Vote: The vote was all yes

Heller and Landt commented about the need for staff to review the site to identify options that could accommodate two pickleball courts.

VI. ITEMS FROM COMMISSIONERS/STAFF

Landt stated an appreciation for the bi-weekly report that staff sends out to Commissioners. Landt stated that the latest report did not include progress on two goals that were not mentioned

- East Main Park: The public meeting that will be held soon
- Mace Property Trail: Staff has begun work on opening up the right of way and clearing brush on this trail

Gardiner reported on the ASAC meeting held earlier in the day. The Ashland Connector, which is a service provided by RTVD for on-call pick up and drop off in certain locations, will be holding a workshop at the Ashland Senior Center on February 5. The Senior Services Division will also hold a Volunteer Fair at the end of January.

Black reported that the RFP for the pool design closed today. There will be a need to review the qualifications of the contractors and staff will bring a contract forward with a recommendation.

VII. UPCOMING MEETING DATES

1. APCR Regular Meeting—January 27, 2020
 - Council Chambers, 1175 E. Main St.—7:00 p.m.
2. Recreation Division Advisory Committee—January 16, 2020
 - Lithia Cabin, 340 S. Pioneer St.—4:00 p.m.
3. Current Parks, Conservation and Maintenance Subcommittee—January 21, 2020
 - Lithia Cabin, 340 S. Pioneer St.—3:30 p.m.
4. Golf Course Subcommittee—January 28, 2020
 - Oak Knoll Golf Course, 3070 Hwy 66—2:00 p.m.

VIII. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Respectfully Submitted,
Executive Assistant

**MINUTES FOR REGULAR BUSINESS MEETING
ASHLAND PARKS & RECREATION COMMISSION
January 27, 2020
Council Chambers, 1175 E. Main Street**

Present: Commissioners Gardiner (Chair), Landt (Vice-Chair), Bell, Heller, Lewis; Director Black, Recreation Superintendent Dials; Parks Superintendent Oxendine; Senior Services Superintendent Glatt; Assistant Sullivan

Absent: City Council Liaison Mayor Stromberg

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. APPROVAL OF MINUTES

APRC Regular Meeting – November 25, 2019

Motion: Landt moved to approve the Minutes from November 25, 2020 as presented. Lewis Seconded.

Vote: The vote was all yes

APRC Regular Meeting – December 9, 2019

Motion: Landt moved to approve the Minutes from December 9, 2020 as presented. Lewis Seconded.

Vote: The vote was all yes

III. PUBLIC FORUM

Dan Van Dyke of Ashland spoke regarding the trail APRC is planning on building on the Mace property. Van Dyke who lives adjacent to the property stated concern with social problems along public paths such as the Bear Creek Greenway. Van Dyke provided a [letter](#) containing concerns and suggestions regarding the management of the trail.

Rosemary Dunn Dalton of Ashland spoke regarding the trail APRC is planning on building on the Mace property. Dunn Dalton expressed concerns regarding fires and homeless issues encountered on public trails in the region. Dunn Dalton supports the letter provided by Van Dyke.

Landt suggested the group contact staff directly to work on issues related this this project.

IV. ADDITIONS OR DELETIONS TO THE AGENDA

None

V. CONSENT AGENDA

1. Subcommittee Minutes Acknowledgment

- Bee City USA, September 25, 2019
- Current Parks, Conservation, and Maintenance Subcommittee, August 12, 2019
- Ashland Senior Advisory Committee, November 4, 2019
- Current Parks, Conservation, and Maintenance Subcommittee, December 10, 2019

Motion: Heller moved to approve the Consent Agenda as presented. Lewis Seconded.

Vote: The vote was all yes

VI. UNFINISHED BUSINESS

1. **Municipal Code Amendment: Alcohol/Park Hours (Action)**

Dials reviewed the staff report included in the [meeting packet](#). The following items were discussed.

- Ordinance amendments would allow APRC to create rules to govern the use of Alcohol in the Park

- Dials read and updated proposed Ordinance Amendment regarding alcohol that differs from what was provided in the meeting packet. The updated proposal is as follows:

No person shall be in any City park, as defined in AMC 10.68.010, between the hours 12:00 AM (midnight) and 5:00 AM, except for City officials or their designees on official business, and as authorized by the Ashland Parks and Recreation Commission consistent with established parks rules and regulations.

- Black stated that the rules for alcohol are not being presented at this time. If the Commissioners move forward with approving an ordinance amendment, staff will begin working on the proposed rules that would be presented to the Commissioners prior to taking the ordinance amendment to the City Council
- Park hours rules would also need to be finalized if Commissioners approve an ordinance amendment regarding park hours
- Heller inquired if the signs would change that state no alcohol allowed. Dials stated that signs could be amended with language referencing permits
- Black stated that use of alcohol would be limited to civic organizations, such as the Lions who hold the Feast of Will event in Lithia Park. Staff is not supporting carte blanc consumption of alcohol in parks. It will be highly regulated through the rule making process
- Police have the authority to enforce APRC rules
- The ability to create rules and regulations is granted to Commissioners through the City Charter, which allows APRC to regulate parks without the need to make legislative amendments to ordinances every time a change is proposed

Public Input:

Eric Navickas of Ashland stated that a women's civic club was responsible for establishing Lithia Park. Navickas stated that temperance was promoted by these this civic groups. Navickas stated that the values establishing the park were rooted in the City Beatification Movement, which sought to reduce social ills and to provide natural spaces for healthy recreation. Navickas stated that allowing alcohol in parks strikes a blow to the principles of those who founded Lithia Park. Navickas also spoke out against commercialization and exclusivity within the Ashland park system.

Park Hours Discussion:

Motion: Landt moved to approve the recommendation for a municipal code change as presented by staff, including the amended language provided by staff in the meeting. The motion includes that this will not go to City Council until the Parks Commission has reviewed and approved the exceptions. Seconded by Heller.

Discussion: Landt stated that the ordinance language references Lithia Park only and this amendment will bring the law up to date. Gardiner stated that law enforcement has been supportive of changing park hours in the past.

Vote: The vote was all yes

Alcohol Discussion:

- Landt stated that the prohibition of alcohol in parks is good for the community as a whole. Landt stated an openness to allow limited uses of alcohol in parks on a trial period that could be reviewed by Commissioners at a later date. Commissioners would have the ability to directly alter the rules if the current ordinance is amended by the City Council. Landt clarified that the issue being discussed is not opening up Lithia Park to alcohol use, rather the topic on the agenda is regarding limited use of alcohol by certain groups and would be required to secure permits from APRC and the OLCC
- Black restated the proposed amendments to the ordinance and stated that this is a small step in creating rules and regulations for limited alcohol use in parks which will be completed prior to sending a request to amend to ordinance to the City Council

It is unlawful for any person to take any intoxicating liquor or beverage into any portion of the public parks of the City, except ~~that~~ as authorized by the Ashland Parks and Recreation Commission, consistent with established parks rules and regulations.

- Landt stated that based on the amount of work this will take to create and administer, the program should have a positive impact on revenue
 - Dials agreed that this program should generate revenue above and beyond cost recovery
 - Black stated that the program has the potential to generate revenue while serving community groups who seek to obtain a permit for events
- Lewis stated that exemptions to complete prohibition of alcohol already exist and reviewing additional exemptions could be undertaken with careful consideration
- Heller requested clarification on eliminating the exemptions that are currently listed in the ordinance
 - Black stated that staff will recommend that the exemptions that are currently listed in the ordinance be adopted into APRC rules and regulations. Additionally, Commissioners would have the direct ability to revise the rules and regulations on an as needed basis without going through the ordinance amendment process
- Bell stated that the initial request to allow alcohol in the park came from a charitable community organization. Bell also stated that the City of Ashland and APRC are facing budget constraints and expanding the use of alcohol could increase revenue for APRC
- Landt stated that if the ordinance amendment request is passed by Commissioners, the rules and regulations will still need to be drafted through a public process

Motion: Landt moved to accept staff's recommendation that 10.68.090 (Intoxicating Liquor Prohibited) be amended as follows: *"It is unlawful for any person to take any intoxicating liquor or beverage into any portion of the public parks of the City, except as authorized by the Ashland Parks and Recreation Commission, consistent with established parks rules and regulations."* Additional changes to the ordinance are as follows:

~~A. Intoxicating liquor or beverages may be transported through the Lithia Park extension area which is located between North Main Street and Winburn Way and between Ashland Creek to the west and the Plaza to the east.~~

~~B. This section and the prohibitions on the possession and use of intoxicating liquor shall not apply to that portion of the park that is leased to the Oregon Shakespeare Festival Association.~~

~~C. This section and the prohibitions on the provision and use of intoxicating liquor shall not apply to the park property commonly known as Calle Guanajuato only when such is served with prepared meals and with the express approval of the Ashland Park and Recreation Commission and the Oregon Liquor Control Commission.~~

~~D. This section and the prohibitions on the provision and use of intoxicating liquor shall not apply to the park property commonly known as Oak Knoll Golf Course only when such is served as part of the City Golf Course operation or approved concession with the approval of the Ashland Park and Recreation Commission and the Oregon Liquor Control Commission.~~

E. Any person who violates any provision of this Chapter is subject to Section [1.08.020](#) of the Ashland Municipal Code. Any violation of this section is a Class II violation. (Ord. 3137, amended, 2017; Ord. 3026, amended, 08/03/2010)

In addition, the motion includes that this does not move forward until such time as the Park Commission has established specific rules for alcohol use and prohibition in the parks system. Seconded by Bell.

Discussion: Lewis stated that this is a recommendation to the Council for the municipal code change and that there will be additional opportunities for public participation.

Gardiner stated that the Lions approached APRC to use alcohol in the park, APRC does not have option to provide a permit. The Lions then approached city staff. City staff then discussed the possibility with APRC of moving forward with amending municipal code to so the Commissioners can directly regulate alcohol use.

Vote: The vote was all yes

Black stated that Dials has drafted rules and will bring them back to Commissioners at the study session in February.

Landt stated support of limiting permits to 501(c)3 organizations and that expanding exemptions be undertaken on a trial basis.

VII. NEW BUSINESS

1. 2020 Subcommittee/Chair and Vice Chair Assignments (Action)

Black reviewed the staff report included in the [meeting packet](#). The following items were discussed.

- Gardiner referenced the list of committee representation on the last page of the packet. Gardiner stated that the only change being made from 2019 to 2020 is Landt taking the place of Gardiner as the representative on the Forest Lands Commission.
- Landt stated that since appointing representatives to committees is in the purview of the Chair, there is no need for an official motion
 - All Commissioners agreed with this assertion

Motion: Landt nominated Gardiner to serve as Chair. Seconded by Heller

Vote: The vote was all yes

Motion: Gardiner nominated Landt to serve as Vice Chair. Seconded by Lewis

Vote: The vote was all yes

Black requested that Gardiner create a working group to advise on development plans being created for East Main Park. Black suggested one Commissioner from Long Range Planning Subcommittee and one from Current Parks, Conservation, and Maintenance Subcommittee. Black stated the workgroup would gather input on a regular basis. Black stated that the two committees identified for participation in the working group could both claim purview on working on the establishment of a new park. Discussion on this item included the following points:

- Black recommended adding stakeholders to the working group from the following areas
 - Mountain Bikers
 - Community Gardeners
 - Neighbors
 - Dog Park Community
- Heller stated Bee City would like to be involved in the planning process
 - Black suggested Bee City work at a higher level across the park system rather than focusing on the development of one park
 - Black stated that a member of the Nature Center staff is likely to participate in the process who could represent Bee City issues
- Landt inquired why staff is recommending a work group rather than an Ad-Hoc Committee
 - Black stated working groups can meet on a more regular basis and are logistically less restrictive
 - They are not charged with bringing back specific recommendations to the Commission, but are valuable to the process by gathering input and by providing suggestions
 - The items that come out of the working group will be presented to the Long-Range Planning and Current Parks, Conservation, and Maintenance Subcommittees prior to being brought to the Commissioners
 - The working group would be Ad-Hoc, disbanding once the project is complete
- Lewis agreed with the inclusion of a member of the Current Parks, Conservation, and Maintenance Subcommittee in the working group. Lewis stated that this park could be used as a model park with 21st century design
- Black stated that the working group could meet a few times in the coming months and then 1-2 times a month or more once a designer has been selected and begins work. Black stated the group would likely need to meet for 6-8 months

Black also stated that he will be inviting individual Commissioners to meetings with himself and the Chair or Vice Chair to provide an opportunity to provide additional input for APRC business.

VIII. ITEMS FROM COMMISSIONERS/STAFF

Bell stated that he sits on the City Climate Policy Committee as an individual and inquired if other Commissioners would like him to seek establishing an official APRC seat for this committee. After discussion, it was determined that Bell will continue his role on this committee as an individual and not seek an established seat held by an APRC representative. Bell will report back on issue relevant to APRC business.

Heller stated with the exception of the pool, the greatest lack in the APRC system is not having an indoor facility for the community to play sports and would like to see the issue addressed at public meetings.

Gardiner requested Commissioners volunteer to write a Parks View article.

IX. UPCOMING MEETING DATES

1. Golf Course Subcommittee – January 28, 2020
 - Oak Knoll Golf Course, 3070 Hwy 66—2:00 p.m.
2. Recreation Division Advisory Committee – January 28, 2020
 - Lithia Cabin, 340 S. Pioneer St.—4:00 p.m.
3. APRC Study Session—February 10, 2020
 - The Grove, 1195 E. Main St.—5:30 p.m.
4. APRC Regular Meeting—February 24, 2020
 - Council Chambers, 1175 E. Main St.—7:00 p.m.

Black stated the Long-Range Planning Committee meeting will be held on January 30 at 2:00 p.m.

X. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

XI. EXECUTIVE SESSION (pursuant to ORS 192.660(2)(a) & ORS 192.660(2)(e))

The meeting went into Executive Session at 8:22 p.m. Executive Session adjourned at 9:00 p.m.

Respectfully Submitted,
Sean Sullivan, Executive Assistant

ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner
Joel Heller
Rick Landt
Jim Lewis
Julian Bell



Michael A. Black, AICP
Director

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PARKS COMMISSIONER STAFF REPORT

TO: Ashland Parks and Recreation Commissioners

FROM: Michael Black, Director

DATE: February 19, 2020

SUBJECT: Consent: Subcommittee Minutes Acknowledgement

The following minutes are being submitted for acknowledgement by the Commission.

- Oak Knoll Golf Course Subcommittee, April 25, 2019
- Oak Knoll Golf Course Subcommittee, October 8, 2019

Possible Motion

I move to acknowledge the subcommittee minutes as submitted

City of Ashland
PARKS AND RECREATION COMMISSION
Oak Knoll Golf Course Subcommittee Meeting Minutes
April 25, 2019

ATTENDEES

Present: Commissioners Lewis; Recreation Superintendent Rachel Dials; Parks Superintendent Mike Oxendine; Oak Knoll Golf Course Manager Patrick Oropallo; Recreation Assistant Haley Fasnacht; Oak Knoll Men's League President Bret DeForest; Oak Knoll Women's League President Amy Lepon,

Absent: Parks Director Michael Black; Commissioner Bell; Golf Course Superintendent Laura Harvey.

CALL TO ORDER

Oak Knoll Golf Course Manager Patrick Oropallo called the meeting to order 2:05p.m.

APPROVAL OF MINUTES

Dials made a motions to approve the minutes and Commissioner Lewis 2nd. All Yes.

PUBLIC PARTICIPATION

None

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

a. Oropallo presented irrigation updates. Putting and chipping greens still need new irrigation valves. All the greens are complete on the golf course.

b. Oropallo discusse Green aerification that will take place Monday April 29. Golf course is expected to be closed most of the day.

c. Oropallo talked about hosting Chamber greeters on Friday April 26. One of his goals is to develop relationships with community businesses. Oropallo will be presenting the Oak Knoll Event calendar and will explain all the upcoming events that will be held at Oak Knoll this summer. Oak Knoll is working with SOU youth program which will include golf and foot golf.

d. Oropallo talked about Oak Knoll becoming a popular wedding/event destination. Several weddings were moved to Oak Knoll this summer due to Community Center closure. He discovered that Oak Knoll was not immediately found when doing google search for Southern Oregon venues and now is working on making Oak Knoll back on top for a search. Has made changes with prices and marketing strategy. Tournament and event/wedding information packets will be available soon for the public. Several meetings with Ashland Hills have taken place to work towards a possible relationship making Oak Knoll the wedding venue site for the hotel nearby.

e. Oropallo presened about player development programs such as Free Friday lesson. Engaging the public, children, parents or the uncomfortable golfer to the game of golf. This will help get more people out to Oak Knoll Golf Course and use the facility more often.

f. Oropallo presented his report about what will be the solution for food and beverage. Currently working with legal to create a contract Request for Proposal (RFP) to seek an outside source to take over the food and beverage. This would be a huge step towards cost recovery.

g. Oropallo presented on Easy Links software. This will be the new POS software as well as website for Oak Knoll. Working with IT and finance to get system up and running. This software is much more aggressive and able to show more detailed inventory and financial reports etc. Easy Link website builder is much needed to give Oak Knoll and new up to date website and also will be easy to use. Website should be showing calendar, lessons, events, venue options, rates, open tournaments and booking tee times for customer. Food and beverage will be listed and also will be able to add other tabs to promote APRC parks and programs.

h. Oropallo reported more about website tied in with items spoken about in (g.)

i. Oropallo presented the Concert Series that will be taking place in the months July thru September. 3 different bands have been booked. Working on different promotion strategies to draw the Ashland community members to join the fun.

j. Oropallo presented the progress with Audubon Cooperative Sanctuary Program. Arbor day tree planting was a success. Laura and Patrick are going further into plans to locate specific areas on the course that be let go and turn back into natural habit.

ii. Historically renovation Oropallo has been researching for Oak Knoll. The findings have been a success learning that Oak Knoll was founded in 1929 and will be turning 92 years old in June. Community members from Ashland built the golf course. With all the findings he has come across he has shared the news with customers and has encouraged them to write letters for us to share with the community. These letters explain what Oak Knoll means to our customers and what the use Oak Knoll Golf Course for. He is hoping that these letters will reach the non-golfers of the community and invites them out to use Oak Knoll for more than just a golf course.

Additional Discussion

Commissioner Lewis reports on the CIP and is trying to find money in the budget to build pickelball courts and also put a playground in for the neighborhood.

SET NEXT MEETING DATE

No Date set. Email will be sent out

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:07p.m.

Respectfully submitted,

Haley Fasnacht, Recreation Assistant, Oak Knoll Golf Course Interim Coordinator
Ashland Parks and Recreation Commission

City of Ashland
PARKS AND RECREATION COMMISSION
Oak Knoll Golf Course Subcommittee Meeting Minutes
October 8, 2019

ATTENDEES

Present: Commissioners Lewis; Commissioner Bell; Recreation Superintendent Rachel Dials; Oak Knoll Golf Course Manager Patrick Oropallo; Recreation Assistant Haley Fasnacht;

Absent: Parks Director Michael Black; Golf Course Superintendent Laura Harvey; Oak Knoll Men's League President Bret DeForest; Oak Knoll Women's League President Amy Lepon; Parks Superintendent Mike Oxendine;

CALL TO ORDER

Oak Knoll Golf Course Manager Patrick Oropallo called the meeting to order 2:01p.m.

APPROVAL OF MINUTES

tabled until next meeting. Quorum not met.

PUBLIC PARTICIPATION

Nancy Appling Ashland Resident Representing Bee City Ashland.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

- a. Oropallo presented on the business plan objectives progress report for OKGC. All development programs were added to the Community Playguide. Every class offered was full and there was an opportunity to add additional classes for waitlist participants. Food and beverage change has been a success so far. Mary's BBQ opened and is already showing a huge benefit. Point of Sale is in process and will be implemented by January 1, 2020. New website will be implemented along with the new point of sale software. Summer concerts were a huge success. Community members including golfers and non- golfers were in attendance , had a large turnout at all 3 concerts and ready to put together a similar experience for 2020.
- b. Oropallo reviewed the financial performance of 2019 and presented financial charts for FY 2016 – FY 2019. Oak Knoll Golf course wants to build events non-golf related and also grow tournaments. Weddings, concerts etc.
- c. Oropallo talked about the history of the golf course and his current findings. Oropallo is on a quest to understand the history and be able to share his findings with Ashland community. Oropallo discovered the original Course Designer and is working with the American Society of Golf Course Architects to find any and all information regarding Oak Knoll Golf Course.
- d. Oropallo presented a brainstorming activity to the group.
- e. Oropallo discussed the Biennium Course Goals.

Additional Discussion

SET NEXT MEETING DATE

No Date set. Email will be sent out

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:10p.m.

Respectfully submitted,

Haley Fasnacht, Recreation Assistant, Oak Knoll Golf Course Interim Coordinator
Ashland Parks and Recreation Commission

These Minutes are not a verbatim record. The narrative has been condensed and paraphrased at times to reflect the discussions and decisions made.

ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner
Joel Heller
Rick Landt
Jim Lewis
Julian Bell



Michael A. Black, AICP
Director

541.488.5340
AshlandParksandRec.org
parksinfo@ashland.or.us

PARKS COMMISSIONER STAFF REPORT

TO: Ashland Parks and Recreation Commissioners
FROM: Rachel Dials, Recreation Superintendent
DATE: February 18, 2020
SUBJECT : 2020 Calle Guanajuato Seating Agreements (Information / Action)

Situation

The following applicants have submitted requests for Commercial Space on the Calle Guanajuato for the 2020 season:

Requests (all are 7-day requests unless noted)

- Sesame 588 sf
- 14 Calle Guanajuato 210.5 sf (5 days)
- Little Tokyo 330 sf
- Louie's Bar and Grill 577.5 sf
- Ostra's 141 sf
- Oberon's 120 sf
- Greenleaf 345.75 sf
- Mix Bake Shop 98 sf
- Lithia Artisans Market 2300 sf (2 days)

Map location

- R-6
- S-2a & S-2b
- R-5
- R-4a
- R-3
- R-3
- R-2
- R-1a & R-1b
- Varies

Background

Each year, restaurants adjacent to the Calle Guanajuato and the Lithia Artisans Market have the ability to request seating. Currently, restaurants are charged \$8 per square foot (7 days per week) or \$5 per square foot (5 days per week) and the Lithia Artisans Market is charged \$5.50 per square foot (2 days per week) upon approval by the Parks and Recreation Commissioners. Staff, restaurant owners and the manager of the Lithia Artisans Market work together to address any issues or concerns to avoid conflicts before submitting requests to the Parks Commissioners.

Staff has included in the packet a draft of the boundary map of the Calle Guanajuato that shows where restaurants and artisans will be located for the 2020 season.

Assessment & Recommendation

Staff does not have any concerns with the requests and would ask the Commission to consider and approve the following:

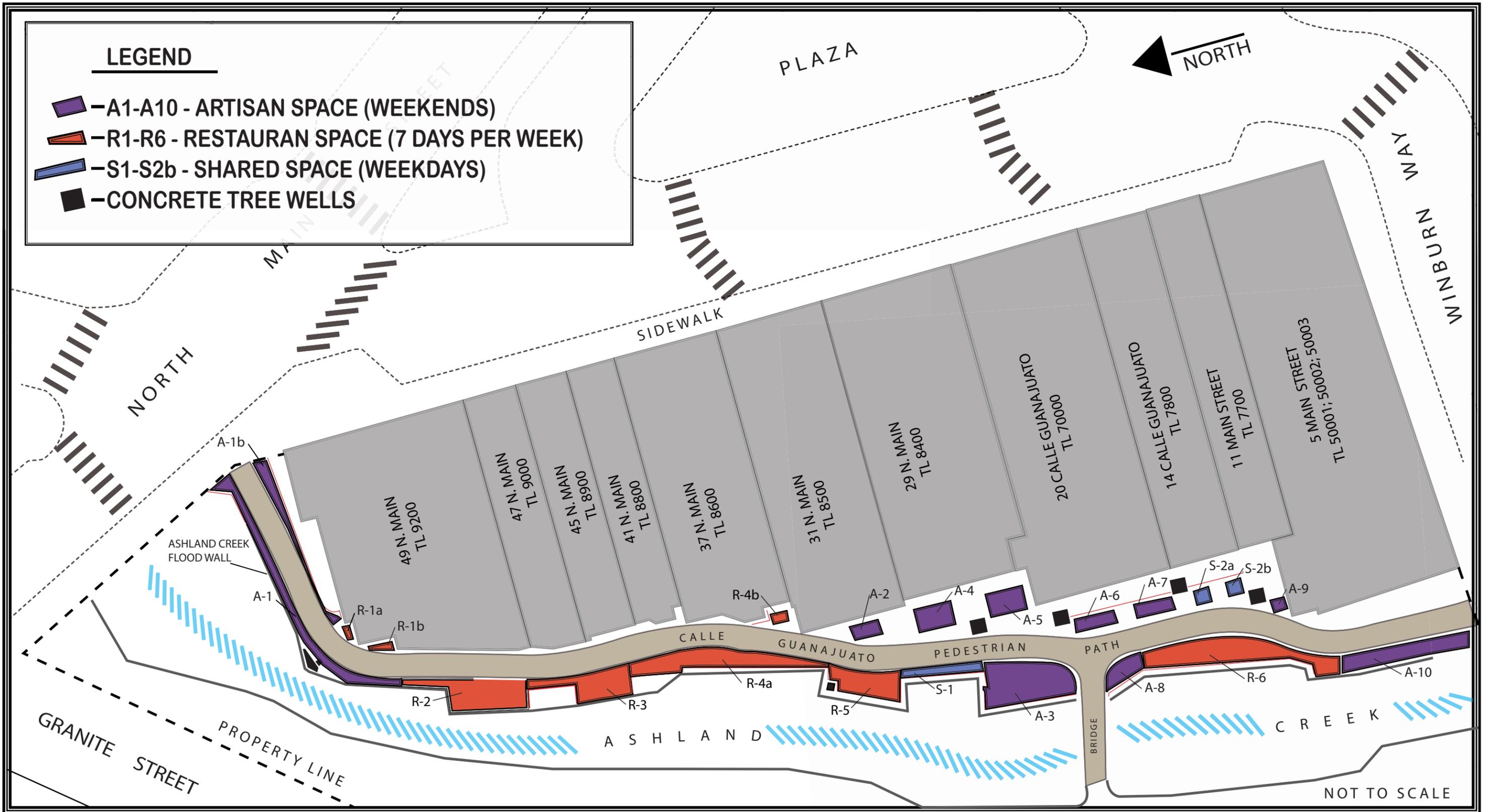
- 1. Determine the “season of operation” for the contracts. Staff recommends March 9- November 8, 2020.** In 2019 the commission approved a season spanning March 11 through November 10 and staff recommends a similar arrangement for the 2020 season.
- 2. Approve or deny the nine seating agreements for the Calle Guanajuato.** Staff recommends approval of all nine seating agreements as proposed.
- 3. Approve the Boundary Map for the 2020 Calle Guanajuato season.** Staff recommends approval of the boundary map. The requests for 2020 are similar to the 2019 requests. The boundary map depicts spaces that are restaurants, spaces that are used by the Artisans and also spaces that can be shared by both parties.

Potential Motion:

I move to approve the nine Calle Guanajuato seating agreements, the season of March 9- November 8, 2020 and the 2020 Boundary Map as presented by staff.

Attachments

- Boundary Map
- Draft Contract for Lithia Artisans Market
- Draft Contract for Restaurants
- Calle Policy
- Seating Applications



CALLE GUANAJUATO OFFICIAL BOUNDARY MAP

ADOPTED FEBRUARY 27, 2017



Calle Guanajuato Lithia Artisans Market Commercial Use Space License Agreement

This **ARTISAN LICENSE** (also referred to herein as "License") is made and entered into this _____ day of _____ **2020**, by and between the **City of Ashland**, a municipal corporation of the State of Oregon, by and through the **Ashland Parks and Recreation Commission**, (hereinafter collectively referred to as "City"), and **Lithia Artisans Market of Ashland** (hereinafter referred to as "Licensee" or "Market").

- 1) **SCOPE OF LICENSE:** Licensee has license to operate and maintain an outdoor marketplace within the described License Area portrayed in Exhibit A.
 - a) This License gives no estate or interest in the License Area, is revocable and not assignable.
 - b) This license does not otherwise waive, modify or grant compliance with federal, state, or local laws applicable to the Licensee or its business.
 - c) City retains all rights to use and maintain the License Area for the purposes for which it holds the property without unreasonably interfering with the license granted to Licensee.
- 2) **TERM / EFFECTIVENESS:** The term of this License shall commence upon approval and execution by both City and Licensee and shall terminate on **November 8, 2020**, unless terminated early as provided for herein.
- 3) **DURATION / MINIMUM INTERVAL OF USE:** The duration and scope of the revocable License granted herein is for one season, beginning **March 9, 2020** and ending **November 8, 2020**.
 - a) Licensee is permitted to prepare, operate, and shall terminate License Area for outdoor marketplace operation between the period beginning Monday **March 9, 2020** at 11 A.M. and ending Sunday **November 8, 2020** at 5:00 P.M. The Market can only operate on Saturdays from 10am-6pm and Sundays from 11am-5pm. The Market can operate on the 4th of July Holiday, regardless of which day of the week it falls upon.
- 4) **PAYMENT OF LICENSE FEES AND REIMBURSABLE EXPENSES:**
 - a) Licensee shall pay a license fee based upon the square footage of the License Area. The square footage awarded shall be determined each year by written order of the Parks Director and shall be set forth precisely in Exhibit A.
 - i) The fee shall be **\$5.50** per square foot for the Lithia Artisans Market, for **2020**.
 - ii) Any payments for fees, taxes or assessments required or in arrears or disputed must be made by Licensee before any new license will be authorized for the Licensee.
 - b) The Licensee will reimburse City for all actual utility and service costs the City provides, including electric power, water, sewer, garbage and cleaning services as applicable.
- 5) **USE OF PREMISES AND OPERATION LIMITS:**
 - a) Licensee will operate the Market independently of the established Plaza

Merchant businesses.

- i) Licensee will assure that all Market vendors and their agents limit their merchandise sales to handcrafted and personally created items.
 - ii) Licensees will further assure that all Market vendors, their agents, and/or their guests and customers do not act, in any manner, to:
 - (1) Damage, conflict or interfere with Plaza Merchant businesses, including operations during permitted access and normal business functions.
 - (2) Sell mass produced items by virtue of this License.
 - (3) Serve any type of prepared or packaged food or edible and/or beverage within the License Area.
 - b) **Compliance with Law.** Licensee must comply with all federal, state and local laws, rules, and regulations applicable to them.
 - i) Licensee is responsible for obtaining a business license in accordance with AMC Chapter 6.04. If Licensee does not pay for a license, for any reason whatsoever, then each vendor shall be required to obtain an individual business license. See, AMC 6.04.085.
 - ii) Any permit, license or other authorization granted by the City, shall not in any way be interpreted as a waiver, modification, grant, or affirmation of any other City, state, county or federal agency permits or authorizations or permission to violate any City, state, county or federal law or regulation.
- 6) Failure to comply with any provision of this section is grounds for immediately revoking Licensee's license. City reserves the right to seek penalties for Licensee's or vendors' violations of law, including enforcement of its own Ashland Municipal Code.
- a) **Maintenance and Safety.** Licensee must maintain all the grounds, improvements, facilities, assets equipment and fixtures contained within the License Area in good repair and in safe, sanitary, clean, and attractive condition that is approved acceptable by City, such approval not to be unreasonably withheld.
 - b) **Temporary Structures.** Except for placement of temporary structures authorized below, this License does not authorize or permit physical improvements or alterations to City property or installation of structures or fixtures within the License Area without the express written authorization of the City Parks Director and the Community Development Director.
 - c) Licensee may allow each Market vendor to construct a temporary structure in accordance with size and safety specifications as found in the Calle Guanajuato Vendor Information Handbook.
 - i) All booths shall be kept neat with tables covered and boxes out of sight.
 - ii) Licensee must pack out all garbage and keep the License Area in a clean and neat order during the Market hours of operation
 - (1) Refuse will be collected as soon as possible consistent with normal

operations of the sanitary service, and each day within two (2) hours after Licensee's close of business.

- (2) Licensee must not use trash receptacles which belong to or are paid for by Plaza business establishments.
 - iii) Licensee will promptly remove and/or correct any structure, fixture, or condition in violation of this License upon the reasonable request by City.
- 7) **FIRE AND LIFE SAFETY.** Licensee shall comply with any and all fire and life safety guidelines, recommendations and requirements issued by the City of Ashland Fire Marshal, including, but not limited to:
- a) Maintain all required fire and emergency access areas;
 - b) Ensure that permitted equipment does not encroach upon or obstruct public walkways or open space areas while maintaining a clear eight (8) foot pathway for emergency vehicles as approved by the City of Ashland Fire Marshal;
 - c) Maintain a clear, unobstructed space around any fire hydrant as required for fire safety;
 - d) Have available and maintain such fire extinguishers as determined by the Fire Marshal;
 - e) Smoking is not permitted on the License Area under any circumstances, and Licensee must so advise its patrons; and
 - f) No use any bottled gas, electrical devices, or hazardous materials or hazardous substances without prior approval by the Ashland Parks Director. [For purposes of this License "Hazardous Substance" or "Hazardous Material" means any hazardous, toxic, infectious, or radioactive substance, waste, or material as defined or listed by any local, state or federal environmental law.]
 - g) Maintain a 24" buffer zone between the building edge and the License Area when adjacent building has outdoor seating.
- 8) **VEHICULAR ACCESS.** Unless otherwise provided herein, Licensee must strictly comply with limitations in AMC 10.68.400 on vehicular access to the Calle Guanajuato.
- a) City, at its sole discretion, may issue revocable access permits to Licensee according to limited purposes and for limited times to facilitate set up, take down, and removal of structures, equipment, supplies, waste, and other materials authorized by this License.
 - b) Vehicles must exclusively ingress and egress from Winburn Way, and will not enter or exit from the north (Plaza) end of Calle Guanajuato; nor will they extend beyond the area designated for the License.
 - c) At no time may the Licensee interfere with the eight (8) foot clear path required for emergency vehicles.
 - d) The Licensee must ensure that appropriate pedestrian safety precautions are maintained while vehicles using the access permits are in the vicinity.
 - e) Licensee must procure and maintain insurance in accordance with the requirements of Exhibit C in full force and effect throughout the term of this License.
- 9) **INSURANCE:** Licensee must, at its sole cost and obligation, procure and

maintain insurance in accordance with the requirements of Exhibit C in full force and effect throughout the term of this License. Licensee must provide the City with copies of said insurance certificates and shall name the City of Ashland as an additional insured.

- 10) **INDEMNITY AND HOLD HARMLESS:** Licensee will defend, indemnify and hold City and/or Parks Commission, their officers, employees and agents harmless from any and all losses, claims, actions, costs, expenses, judgments, subrogations, or other damages resulting from injury to any person (including injury resulting in death,) or damage (including loss or destruction) to property, of whatsoever nature arising out of or incident to this License or the activities that take place on licensed property. Licensee waives the right of subrogation regarding the insurance policy as described in the Insurance Section in this License. Licensee will not be held responsible for damages caused by negligence of City and/or the Parks Commission.
 - a) The obligation to indemnify is expressly understood to survive termination of this License for any reason, and includes reasonable attorneys' fees, including attorneys' fees on appeal, and investigation costs and all other reasonable costs, expenses and liabilities incurred by City or its attorney from the first notice that any claim or demand is to be made or may be made.
- 11) **TERMINATION:** Notwithstanding any other provision herein, the City may terminate this License, in whole or in part, at any time for any reason considered by the City, in the exercise of its sole discretion, to reasonably be in the public interest. The City will provide the Licensee seven (7) days prior written notice of a termination for public convenience.
 - a) Licensee's recourse to contest termination of the license by City is provided in AMC 2.30, Uniform Administrative Appeals Process.
 - b) Notwithstanding any other provision herein, City may order vacation of the License Area or immediately remove the Licensee or any other person who may be occupying the License Area without resort to a Court Order sanctioning such action.
 - c) Upon failure to vacate, City is expressly authorized to remove all Licensee property from the License Area at the Licensee's expense.
 - i) City will reasonably safeguard and maintain the property of the Licensee for at least 30 days and shall leave it reasonably available for Licensee to take possession. City may dispose of any property that remains unclaimed after 30 days. The City may use reasonable discretion to immediately dispose of non-durable or solid waste, including but not limited to food and other putrescible waste.
- 12) **SURRENDER:** Upon the expiration of the original term or terms, as extended by the parties, Licensee shall surrender to the City the License Area in as good or better condition and order as it was originally received, except for reasonable and typical wear and tear.
- 13) **DISPUTE RESOLUTION AND ATTORNEY FEES:** The preferred method of resolving disputes between the parties under this License shall be first by mediation. Mediation shall be conducted by a mediator chosen by mutual agreement of the parties; if there is no agreement, the mediator shall be appointed by an elected Jackson County Municipal Court Judge or Judge pro tem.
 - a) Except for costs associated with building a case, for attorney fees, and for

expert witnesses, any mutually incurred cost of mediation services shall be shared equally between the two parties.

- b) In any administrative appeal or litigation between the parties arising out of this License, the prevailing party shall recover its reasonable attorneys fees incurred at trial and upon appeal. "Attorneys fees" shall include the reasonable value of the services of in-house counsel.

14) MISCELLANEOUS PROVISIONS.

- a) **Notice.** Any notice affecting the rights of the parties under this License shall be delivered in writing either in person or to the following parties by first class mail:

- (a) City: Director, Michael A. Black
Ashland Parks and Recreation Commission
340 South Pioneer Street
Ashland, Oregon 97520
(Telephone 541-488-5340; FAX: 541-488-5314)

- (b) Copy to: City Administrator, Kelly Madding
City of Ashland
20 East Main Street
Ashland, Oregon 97520
(Telephone: 541-552-2100; Fax: 541-488-5311)

- (c) Licensee: Lithia Artisans Market of Ashland
Attn:
Address:
Phone Number:

- b) **Governing Law.** This License, and all matters relating to this License, shall be governed by the laws of the State of Oregon in force at the time any need for interpretation of this License or any decision or holding concerning this License arises. The parties to this License do not intend to confer on any third party any rights under this License.

- c) **Severability.** If any provision of this License is held by a court of competent jurisdiction to be either, invalid, void, or unenforceable, the remaining provisions of this License shall remain in full force and effect.

- d) **Merger.** THIS LICENSE CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES HERETO AND SUPERSEDES ANY AND ALL PRIOR EXPRESS AND/OR IMPLIED STATEMENTS, NEGOTIATIONS AND/OR AGREEMENTS BETWEEN THE PARTIES, EITHER ORAL OR WRITTEN, AND MAY NOT BE AMENDED, CHANGED OR MODIFIED IN ANY WAY, EXCEPT BY WRITTEN AGREEMENT SIGNED BY ALL PARTIES HERETO.

DATED this _____ day of _____, 2020

Licensee:

Licensor/City of Ashland,
Oregon APCR

Printed Name: _____

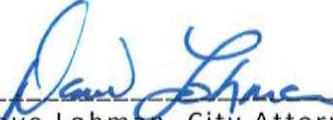
Michael A. Black, Director
Ashland Parks and Recreation

Date: _____

Date: _____

Kelly Madding, City Administrator

Approved as to form:



Dave Lohman, City Attorney

Exhibit A- License Area

A simple site plan must be submitted with the application.

Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT _____ WK PHONE _____

MESSAGE PHONE _____ EMAIL ADDRESS _____

NAME OF AUTHORIZED REPRESENTATIVE _____

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS _____ CITY _____ STATE _____

ZIP CODE: _____

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?
(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

IF YES, WITH WHOM? _____

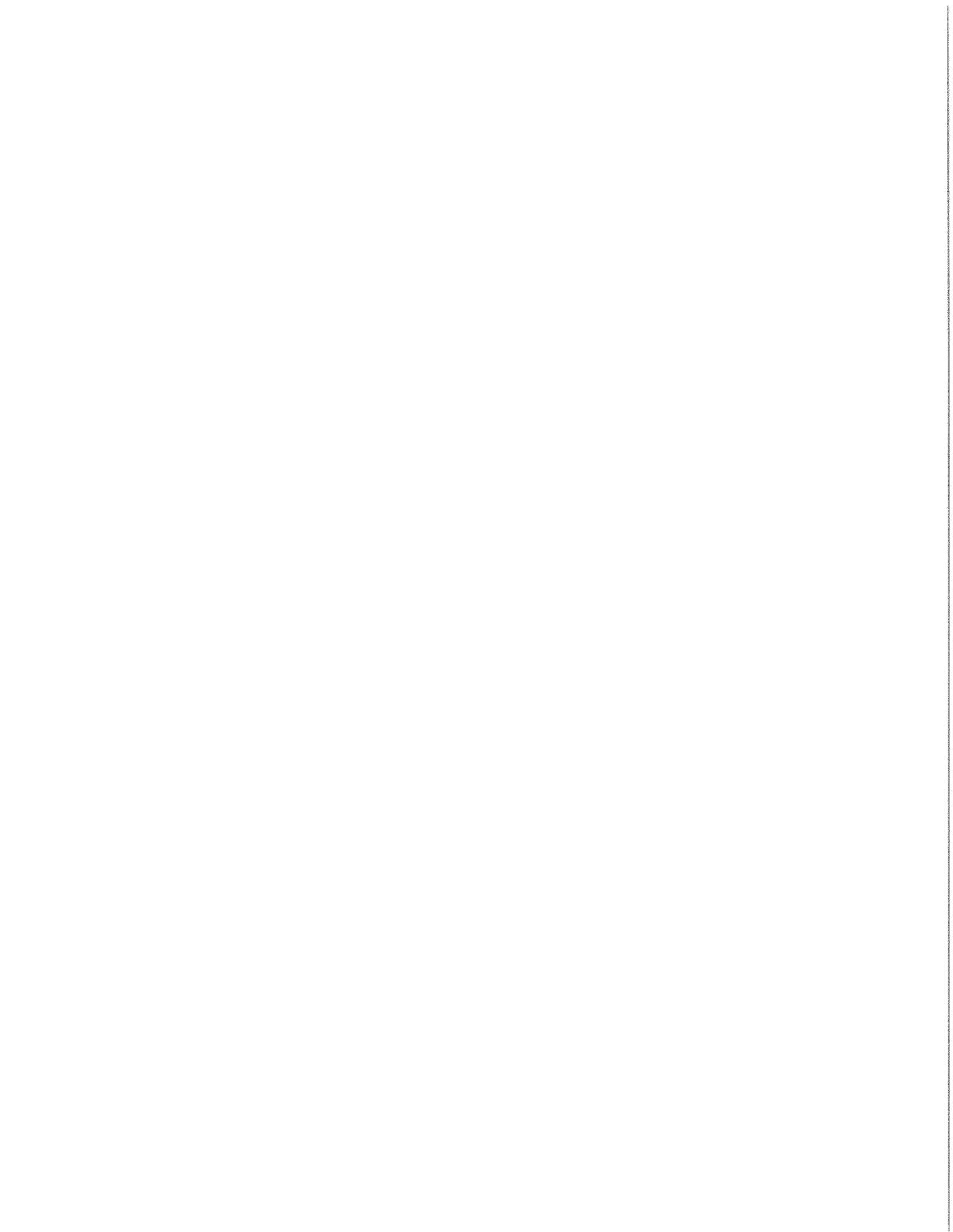
*

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as an additional insured.
- Two copies of the signed Commercial Use Contract





**Ashland Parks and
Recreation Commission**

COMMISSION POLICY

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	PAGE 1 of 7	POLICY No. 101
EFFECTIVE DATE May 1990	REVISED DATE February 25, 2019	

APPROVED BY COMMISSIONER ACTION

*December 19, 2016; Agenda Item: VI.(a.) Calle Guanajuato Amended Policy Approval
February 25, 2019; Agenda Item: VI.(a.) Calle Guanajuato Commercial Use Policy Approval*

The Charter of the City of Ashland, **Article XIX – “Park Commission,”** gives the Ashland Parks and Recreation Commissioners the *“power to formulate and adopt rules and regulations for their government.”* This authority allows Commissioners to adopt rules and policies through a public process in order to provide organization, aide in decision making and to provide consistent regulation for park and facility uses in order to achieve the goals of the Ashland Parks and Recreation Commission (“APRC”) and protect people, the environment and assets and to ensure fair and equal use of parks by all users.

PURPOSE

The Calle Guanajuato is an asset of the APRC that provides, among other public benefits, space for restaurant seating and concessions adjacent to Ashland Creek and within proximity to local restaurants, Ashland Shakespeare Festival, Downtown Ashland and Lithia Park. Permitted commercial activity on the Calle Guanajuato shall be limited to the uses specifically designated in this policy.

Permits may only be issued for concessions by the Lithia Artisans Market and for adjacent restaurants. Permitted sites on the Calle Guanajuato are restricted by the physical limitation of the space, and the potential that the demand for space may be greater than the space available. The APRC has created the Calle Guanajuato Commercial Use Policy (the *“Policy”*) to regulate the allocation of physical space to qualifying permittees, as described herein. Permits may be awarded on an annual basis as described herein.

CALLE GUANAJUATO COMMERCIAL USE POLICY OBJECTIVES

The purpose of the Policy is to assist the APRC in the pursuit of the following equally-important objectives:

- I. To provide a process for the review and approval of applications for

concessionaires of the Lithia Artisans Market and restaurateurs of adjacent businesses;

- II. To ensure that adequate access is achieved through the Calle Guanajuato for pedestrians and emergency vehicles;
- III. To attempt to achieve cost recovery for APRC; and,
- IV. Maintain an appealing extension of Lithia Park into downtown

GENERAL PROVISIONS

Application Process

- I. Any Calle Restaurant or Landlord/Owner desiring a designated site on the Calle Guanajuato must file annually a non-refundable application with APRC staff prior to the stated deadline.
- II. The application process and criteria for submittal shall be as follows:
 - a. Prior to the beginning of the application review process, each applicant seeking a designated site on the Calle must file an application with APRC staff. The application must be submitted prior to the 2nd Friday of January of each calendar year, stating the intent of the applicant to:
 - i. Seek a permit for the same designated site as the previous year; and/or,
 - ii. Seek a permit for a designated site location that differs from the applicant's site for the previous year.
- III. The application material shall include the following:
 - a. A clear identification of the requested designated site as delineated in the official boundary map;
 - b. A simple site plan showing how restaurant equipment and/or concession stands will be organized within the boundary of the designated site;
 - c. A statement detailing how each of the specific approval criteria of the Policy will be met; and,
 - d. An application fee as adopted in the "Fees and Charges Schedule" of APRC.
- IV. Application review requirements:
 - a. Absent a timely-submitted application, APRC will not hold a previously permitted site and seniority shall be forfeited for that site.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 3 of 7	POLICY No. 101
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- b. Notwithstanding the Cancellation section of this ordinance, no late applications will be accepted.
- c. Incomplete applications, or those that do not substantially meet the criteria, will be returned to the applicant without processing.
- d. Permit approvals for each season will be issued no later than February 28th of each year.
- e. The official boundary map of the Calle Guanajuato will delineate the designated site for all concession and restaurant space.
- f. A permit for a restaurant or concession shall be nontransferable between restaurateurs and shall be valid exclusively for one season in a single calendar year. A Landlord/Owner may take over the already issued license if another restaurant will be occupying the space within a 3-month period (during the season). The Landlord/Owner must also pay any outstanding fees for the designated site.
- g. No qualifying Calle Restaurant may hold or be issued more than one permit.

CONDITIONAL USE REVIEW CRITERIA

In considering applications, staff shall review the applicant’s compliance with applicable City ordinances and regulations as well as the following criteria:

- I. Restaurant proximity shall constitute a major determining factor for a designated site on the Calle Guanajuato. Applicants that meet the adjacency standard for a designated site shall have preference during review over those who do not.
- II. When two or more applicants make requests for the same site or overlapping designated sites, restaurant seniority, as defined in the definitions of this policy, shall take precedence in determining which applicant receives priority consideration.
- III. Designated sites shall be used for their permitted use only (either restaurant or concession space). In the event that a site designated for restaurant use remains unused after permit issuance, the site may be made available to the Lithia Artisans Market.
- IV. The applicant must be in good standing with APRC and the City, with no active enforcement actions.
- V. The applicant must demonstrate through a simple site plan that they have the ability to carry out the requested operations without violating the public walkway or open space through the Calle Guanajuato.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 4 of 7	POLICY No. 101
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VI. A Calle restaurant and/or Landlord/Owner with singular access onto the Calle Guanajuato will have the first right of refusal for any seating immediately adjacent to their building as long as it does not interfere with the already established concessionaire areas.

VII. Accessory Regulations:

- a. **FIRE AND LIFE SAFETY.** Concessionaire shall comply with any and all fire and life safety guidelines, recommendations and requirements issued by the City of Ashland Fire Marshal, including, but not limited to the following:
 - i. Maintain all required fire and emergency access areas;
 - ii. Ensure that permitted restaurant equipment does not encroach upon or obstruct public walkways or open space areas while maintaining a clear eight (8) foot pathway for emergency vehicles as approved by the City of Ashland Fire Marshal;
 - iii. Maintain a clear, unobstructed space around any fire hydrant as required for fire safety;
 - iv. Have available and maintain such fire extinguishers as determined by the Fire Marshal;
 - v. Strict adherence to the APRC prohibition on smoking. Smoking is not permitted on the Calle Guanajuato under any circumstances; and
 - vi. No use of any bottled gas, electrical devices, or hazardous materials or hazardous substances without prior approval by the Ashland Fire Marshal. [For purposes of this License "Hazardous Substance" or "Hazardous Material" means any hazardous, toxic, infectious, or radioactive substance, waste, or material as defined or listed by any local, state or federal environmental law.]

PERMIT/CONTRACT AWARD PROCESS

- I. A permittee who meets all of the approval criteria for a conditional commercial use permit will be required to enter into a contract with APRC for the use of the permitted site and will be required to provide the information required for the execution of the contract, as provided by APRC staff:
- II. Contract will be awarded by the Commissioners by the 28th of February each year.

RESTAURANT AND CONCESSION FEE SCHEDULE

- I. The Commissioners shall review and may adjust the seasonal square foot rental rate on the Calle prior to February 28th each year.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 5 of 7	POLICY No. 101
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II. Payment for approved permits must be made in full by the second Friday of May each season, unless otherwise stated by the Commissioners during fee schedule and operating season review.

a. If fees are not received as described above, the permit shall be revoked.

OPERATING SEASON

Due to various considerations, the season of operation for the Calle Guanajuato may vary from year to year. If the Commissioners do not approve a particular period of operation prior to February 28th, the default season of operation shall be from Memorial Day to Labor Day.

RESTAURANT CANCELLATION/REVOICATION.

- I. A permit issued for restaurant use may be canceled at the request of the restaurant owner. In such a case, if the season has not begun, the site permit fee will be refunded if already paid. If the season has already begun, the fee will be pro-rated for the time used.
- II. Should a restaurant abandon, or cancel, a permitted site, the site shall become available immediately, and a time frame for new applications will be delineated by APRC staff. The designated site shall then be awarded consistent with the criteria of the competitive process under Application Review contained in the Policy.
- III. APRC reserves the right to revoke any restaurant's permit for a designated site at any time if that individual restaurant does not conform to applicable law, including but not limited to the rules and regulations established by the Ashland Parks and Recreation Commission, the City of Ashland, Jackson County Health Department and the Oregon Liquor Control Commission.

a. If an application is revoked prior to the start of the season, permit fees shall be refunded.

SITE SHARING

- I. Restaurant applicants who receive a permit for a designated site have the ability to share their space with another restaurant that meets the criteria of this policy.
- II. A restaurateur who shares space may do so without forfeiting seniority.
- III. Site location sharing may take place at any point during the year; however, only one applicant may hold a permit for a particular designated site and that applicant shall be sole beneficiary of any seniority for the season.
- IV. Applicants must note on their applications if they are planning to share the site with another restaurateur.

a. Applicant or permittee shall not sub-lease a designated site without APRC staff approval.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 6 of 7	POLICY No. 101
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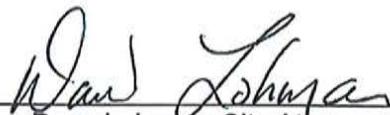
DEFINITIONS

- I. **Adjacency:** is contiguous ground floor access onto the Calle Guanajuato from a Calle restaurant with direct access the Calle Guanajuato.
- II. **Applicant:** a person or entity seeking license from APRC for a concession or restaurant permit.
- III. **Boundary Map:** is the most current map that delineates areas for both restaurant seating and concession operations.
- IV. **Business License:** a certificate issued by the city authorizing the holder to conduct specified business activity within the City of Ashland.
- V. **Calle Guanajuato:** the improved surface area directly behind the plaza businesses and adjacent to Ashland Creek being bounded by the flood wall on the west side, the back of the Calle businesses to the east, Winburn Way to the south and North Main Street to the north.
- VI. **Calle Restaurant:** a restaurant business operated all, or in part, out of a building abutting the Calle Guanajuato.
- VII. **Concession:** any licensed retail sales operation on the Calle Guanajuato conducting sales using a temporary table, stand, cart, or similar equipment.
- VIII. **Concessionaire:** a licensed retail operation on the Calle Guanajuato.
- IX. **Designated Site:** is the useable space or area on Calle Guanajuato which has been allocated for individual concession or restaurant use by the Ashland Parks and Recreation Commission.
- X. **Employee:** all persons, including proprietors, working on the premises of a Calle business.
- XI. **Landlord/Owner:** a person who rents a building to a tenant on the Calle Guanajuato.
- XII. **Owner of Record:** the person, or entity, in which legal or equitable title rests for private properties directly adjacent to the Calle Guanajuato.
- XIII. **Public Walkway:** the 8-foot meandering brick walkway through the Calle Guanajuato.
- XIV. **Restaurant Equipment:** includes but is not limited to any materials, merchandise, tools, carts, tables, chairs, podiums, or other items owned by, in possession of or associated with a restaurant.
- XV. **Restaurant:** a commercial establishment where food and beverages are prepared, served, and consumed primarily within a principal building which abuts the Calle Guanajuato.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 7 of 7	POLICY No. 101
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- XVI. **Restaurateur:** a licensed restaurant operation on the Calle Guanajuato.
- XVII. **Season:** is the term of use for concession and restaurant operation at the Calle Guanajuato each year. Exact operating dates for each season will approved annually during the review period of permits.
- XVIII. **Restaurant Seniority:** shall be established for application review when a restaurateur and/or Landlord/Owner has been granted a permit to a specific designated site for the calendar year immediately before the current calendar year. Seniority shall be forfeited when occupancy of the site has been abandoned by the applicant or Landlord/Owner for any reason for any period of more than 3 months. For a restaurant with singular access onto the Calle, first right of refusal for any seating immediately adjacent to their building will apply as long as it does not interfere with an already established concession area.
- XIX. **Singular Access:** Calle Restaurant has no access from the plaza side. Primary access is on the Calle Guanajuato side. Address may also reflect a Calle Guanajuato street address.

Approved:  Date: 3/1/19
Mike Gardiner, APRC Chair

Approved, as to form:  Date: 2/26/19
Dave Lohman, City Attorney

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 8 of 7	POLICY No. 101
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Calle Guanajuato Restaurant Commercial Use License Agreement

This **RESTAURANT COMMERCIAL USE LICENSE** (also referred to herein as "License") is made and entered into this ____ day of _____ 2020, by and between the **City of Ashland**, a municipal corporation of the State of Oregon, by and through the **Ashland Parks and Recreation Commission** ("Parks"), (hereinafter collectively referred to as "City"), and _____ (hereinafter referred to as "Licensee").

1. **SCOPE OF LICENSE:** Licensee is licensed to operate and maintain an outdoor dining site in the location depicted in Exhibit A (hereinafter "Site").
 - a. This License conveys no estate or interest in the Site, is revocable and not assignable.
 - b. This License does not otherwise waive, modify or grant or affirm compliance with federal, state, or local laws applicable to Licensee or its business.
 - c. Without unreasonably interfering with the license granted to Licensee, City retains all rights to use and maintain the Site for any of the purposes for which it holds the property licensed.
2. **TERM / EFFECTIVENESS:** The term of this License shall commence upon approval and execution by both City and Licensee and shall terminate on **November 8, 2020**, unless terminated early as provided for herein.
3. **DURATION / MINIMUM INTERVAL OF USE:** The duration and scope of this revocable License is for one season, beginning **March 9, 2020** and ending **November 8, 2020**.
 - a. Licensee is permitted to prepare, operate, and shall terminate use of the Site for outdoor dining operation between the period beginning **March 9, 2020** at 7:00 A.M. and ending **November 8, 2020** at 10:00 P.M.
4. **PAYMENT OF LICENSE FEES:** Licensee shall pay a license fee based upon the square footage of the Site. The square footage awarded shall be determined each year by written order of Parks and shall be set forth precisely in Exhibit A.
 - a. The fee shall be **\$8.00** per square foot for 7 days a week and **\$5.00** per square foot for 5 days per week for **2020**.
 - b. Any payments for fees, taxes or assessments required or in arrears or disputed must be made by Licensee before it will be issued a new license.
5. **USE OF PREMISES AND OPERATION LIMITS:**
 - a. **Compliance with Law.** Licensee must comply with all federal, state and local laws, rules, and regulations applicable to public health and safety and licensing related to food and food handling and doing business in the State and City of Ashland;
 - b. **Maintenance and Safety.** Licensee must maintain all the grounds, improvements, facilities, assets equipment and fixtures contained within the Site in good repair and in safe, sanitary, clean, and attractive condition that is approved acceptable by the City, such approval not to be unreasonably withheld.
 - c. **Improvements and Placement of Restaurant Equipment.** Unless otherwise set forth herein, Licensee may make physical improvements or alterations to the site location or install structures or fixtures thereon only after express written authorization of the Parks and Recreation Director, such approval not to be unreasonably withheld.
 - i. Licensee may place tables and chairs, serving tables or host podium stand or other (restaurant equipment) items reasonably related to outdoor dining in the Site.
 - ii. Restaurant equipment must be of sturdy and durable construction, movable by one person, and shall be self-supporting, and at no time attached, tied or locked

to trees, fire hydrants, poles, fences or other fixed features.

- iii. Licensee must not allow its equipment or other materials or restaurant employees to block or in any way impede pedestrian access or fire and emergency vehicle access to the Calle Guanajuato.
- d. No restaurant equipment, supplies or materials and no Licensee employees shall block, impede or in any way hamper vehicular traffic on Calle Guanajuato during the following hours except in compliance with a permit issued pursuant to Ashland Municipal Code 10.68.400

Monday through Friday

Prior to 11:30 a.m.
& after 10:00 p.m.

Saturday and Sunday

Prior to 8:00 a.m.
& after 10:00 p.m.

- e. Licensee must promptly remove any offensive, hazardous or dangerous restaurant equipment, furniture, or solid waste within the Site.
6. **FIRE AND LIFE SAFETY.** Licensee shall comply with any and all fire and life safety guidelines, recommendations and requirements issued by the City of Ashland Fire Marshal, including, but not limited to:
- a. Maintain all required fire and emergency access areas;
 - b. Ensure that permitted restaurant equipment does not encroach upon or obstruct public walkways or open space areas while maintaining a clear eight (8) foot pathway for emergency vehicles as approved by the City of Ashland Fire Marshal;
 - c. Maintain a clear, unobstructed space around any fire hydrant as required for fire safety;
 - d. Have available and maintain such fire extinguishers as determined by the Fire Marshal;
 - e. Patrons and restaurant staff must strictly abide by the Park prohibition on smoking, and Licensee must so advise its patrons and restaurant staff; and
 - f. Not use any bottled gas, electrical devices, or hazardous materials or hazardous substances without prior approval by the Parks and Recreation Director. [For purposes of this License "Hazardous Substance" or "Hazardous Material" means any hazardous, toxic, infectious, or radioactive substance, waste, or material as defined or listed by any local, state or federal environmental law.]
7. **VEHICULAR ACCESS.** Unless otherwise provided herein, Licensee must strictly comply with limitations in AMC 10.68.400 on vehicular access to the Calle Guanajuato.
- a. Parks, at its sole discretion, may issue revocable access permits to Licensee for limited purposes and for limited times to facilitate set up, take down, and removal of restaurant equipment and other materials allowable under this License.
 - b. Vehicles must exclusively ingress and egress from Winburn Way, and must not enter or exit from the plaza end of Calle Guanajuato
 - c. At no time may the Licensee interfere with the eight (8) foot path required for emergency vehicles.
 - d. The Licensee must ensure that appropriate pedestrian safety precautions are maintained while vehicles using the access permits are in the vicinity.
 - e. Licensee must procure and maintain insurance in accordance with the requirements of Exhibit C in full force and effect throughout the term of this License.

8. **SERVICE OF ALCOHOL.** Notwithstanding AMC 10.40.030 prohibiting public consumption of alcoholic beverages, during the term of this License Restaurant is authorized serve alcoholic beverages on the Site under the following conditions:
 - a. Maintain in force a comprehensive liability insurance policy including an endorsement for liquor liability at it's own expense and at all times during the duration of the License; ___(Initial from Licensee)
 - b. Serve alcoholic beverages only in conjunction with prepared meals.
9. **INSURANCE:** Licensee shall, at its sole cost and obligation, procure and maintain insurance in accordance with the requirements of Exhibit C in full force and effect throughout the term of this License. Licensee shall provide the City with copies of said insurance certificates and shall name the City of Ashland as an additional insured.
10. **INDEMNITY AND HOLD HARMLESS:** Licensee will defend, indemnify and hold City and/or Ashland Parks and Recreation Commission, their officers, employees and agents harmless from any and all losses, claims, actions, costs, expenses, judgments, subrogations, or other damages resulting from injury to any person (including injury resulting in death,) or damage (including loss or destruction) to property, of whatsoever nature arising out of or incident to this License or the activities that take place on licensed property. Licensee waives the right of subrogation regarding the insurance policy as described in the Insurance Section in this License. Licensee will not be held responsible for damages caused by negligence of City.
 - a. The obligation to indemnify is expressly understood to survive termination of this License for any reason, and includes reasonable attorneys' fees, including attorneys' fees on appeal, and investigation costs and all other reasonable costs, expenses and liabilities incurred by City or its attorney from the first notice that any claim or demand is to be made or may be made.
11. **TERMINATION:** Notwithstanding any other provision herein, the City may terminate this license, in whole or in part, at any time for any reason considered by the City, in the exercise of its sole discretion, to reasonably be in the public interest. The City will provide Licensee seven (7) days prior written notice of a termination for public convenience.
 - a. Licensee's recourse to contest termination of the license by City is provided in AMC 2.30, Uniform Administrative Appeals Process.
 - b. Notwithstanding any other provision herein, City may order vacation of the Site or immediately remove the Licensee or any other person who may be occupying the Site area with or without a Court Order sanctioning such action.
 - c. Upon failure to vacate, City is expressly authorized to remove all Licensee's property from the Site at the Licensee's expense.
 - i. City will reasonably safeguard and maintain the property of the Licensee for at least 30 days and shall leave it reasonably available for Licensee to take possession. City may dispose of any property that remains unclaimed after 30 days. City may use reasonable discretion to immediately dispose of non-durable or solid waste, including but not limited to food and other putrescible waste.
12. **SURRENDER:** Upon the expiration of the original term or terms, as extended by the parties, Licensee shall surrender to the City the Site in as good or better condition and order as it was originally received, except for reasonable and typical wear and tear.
13. **DISPUTE RESOLUTION AND ATTORNEY FEES:** The preferred method of resolving disputes between the parties under this License shall be first by mediation. Mediation shall be conducted by a mediator chosen by mutual agreement of the parties; if there is no agreement, the mediator shall be appointed by an elected Jackson County Municipal Court Judge or Judge pro tem.

- a. Except for costs associated with building a case, for attorneys' fees, and for expert witnesses, any mutually incurred cost of mediation services shall be shared equally between the two parties.
- b. In any administrative appeal or litigation between the parties arising out of this License, the prevailing party shall recover its reasonable attorneys' fees incurred at trial and upon appeal. "Attorneys' fees" shall include the reasonable value of the services of in-house counsel.

14. MISCELLANEOUS PROVISIONS.

- a. **Notice.** Any notice affecting the rights of the parties under this License shall be delivered in writing either in person or to the following parties by first class mail:

City: Director, Michael A. Black
Ashland Parks and Recreation Commission
340 South Pioneer Street
Ashland, Oregon 97520
(Telephone 541-488-5340; FAX: 541-488-5314)

Copy to: City Administrator, Kelly Madding
City of Ashland
20 East Main Street
Ashland, Oregon 97520
(Telephone: 541-552-2100; Fax: 541-488-5311)

Licensee: Business Name:

Attn:

Address:

Phone Number:

- b. **Governing Law.** This License, and all matters relating to this License, shall be governed by the laws of the State of Oregon in force at the time any need for interpretation of this License or any decision or holding concerning this License arises. The parties to this License do not intend to confer on any third party any rights under this License.
- c. **Severability.** If any provision of this License is held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this License shall remain in full force and effect.
- d. **Merger.** THIS LICENSE CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES HERETO AND SUPERSEDES ANY AND ALL PRIOR EXPRESS AND/OR IMPLIED STATEMENTS, NEGOTIATIONS AND/OR AGREEMENTS BETWEEN THE PARTIES, EITHER ORAL OR WRITTEN, AND MAY NOT BE AMENDED, CHANGED OR MODIFIED IN ANY WAY, EXCEPT BY WRITTEN AGREEMENT SIGNED BY ALL PARTIES HERETO.

DATED this ____ day of _____, 2020

Please provide two originals.

Licensee:

Licensor/ City of Ashland, Oregon:
Parks and Recreation Commission

Name Printed: _____

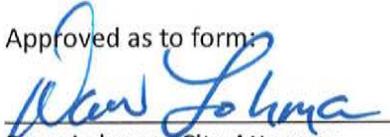
Michael A. Black, Director
Ashland Parks and Recreation Commission

Date: _____

Date: _____

Kelly Madding, City Administrator

Approved as to form:



Dave Lohman, City Attorney

Exhibit A- License Area

A simple site plan must be submitted with the application.

Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT _____ WK PHONE _____

MESSAGE PHONE _____ EMAIL ADDRESS _____

NAME OF AUTHORIZED REPRESENTATIVE _____

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS _____ CITY _____ STATE _____

ZIP CODE: _____

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

IF YES, WITH WHOM? _____

*

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as an additional insured
- Two copies of the signed Commercial Use Contract

Exhibit C
Insurance Requirements

The Concessionaire, at its sole cost and expense, commencing on the effective date of this License, shall procure and maintain insurance acceptable to the City in full force and effect throughout the term of this License. It is agreed that any insurance maintained by City shall apply in excess of, and not contribute with, insurance provided by Concessionaire. Concessionaire's Insurance shall be primary and non-contributory and have a cross-liability clause. During the term of this contract, Licensee shall maintain in full force, all the insurance coverage noted below with the City named as additionally insured:

1. **Comprehensive General Liability** insurance, with a general aggregate limit of not less than \$2,000,000 and \$2,000,000 per occurrence. Each policy shall contain a blanket contractual liability endorsement to cover the Licensee's indemnification and other obligations under this License as well as owners' and contractors' protective insurance, products and completed operations coverage, fire damage, personal and advertising injury coverage. It shall also include, if appropriate for the contract, coverage for Licensee's Site operations, explosion and collapse hazard, underground hazard, products, completed operations, contractual insurance, and independent contractors.
2. **Comprehensive Automobile Liability** insurance, with a general aggregate limit of not less than \$2,000,000 and \$2,000,000 per occurrence, including coverage for owned, hired or non-owned vehicles.
3. **Notice of cancellation or change.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30 days written notice from the Licensee or its insurer(s) to the City.
4. **Certificates of insurance.** As evidence of the insurance coverage's required by this contract, the Licensee shall furnish acceptable insurance certificates to City at the time Licensee returns signed contracts. For general liability insurance and automobile liability insurance the certificate will provide that the City, Parks Commission, its officers, employees and agents are Additional Insureds. The certificate will include the 30-day cancellation clause, and will include the deductible or retention level. Insuring companies or entities are subject to City acceptance. If requested, complete copies of insurance policies shall be provided to the City. The Licensee shall be financially responsible for all pertinent deductibles, self-insured retention's, and/or self-insurance. **Certificates of Insurance shall be forwarded to Ashland Parks & Recreation: The Grove, 1195 E Main St., Ashland OR 97520.**
5. **Workers Compensation** insurance in compliance with Oregon Statutes, [ORS 656.017] which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. (Required of Licensees with one or more employees, unless exempt under ORS 656.027).) Only if Licensee does not employ workers subject to ORS Chapter 656, Licensee shall sign the following affidavit:

EXEMPTION AFFIDAVIT

Licensee declares, under penalty of perjury and false swearing, that Licensee does not currently employ, and will not employ any individuals for work under this contract during the term this License is in force.

_____ Date: _____
Licensee



**Ashland Parks and
Recreation Commission**
COMMISSION POLICY

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	PAGE 1 of 7	POLICY No. 101
EFFECTIVE DATE May 1990	REVISED DATE February 25, 2019	

APPROVED BY COMMISSIONER ACTION

*December 19, 2016; Agenda Item: VI.(a.) Calle Guanajuato Amended Policy Approval
February 25, 2019; Agenda Item: VI.(a.) Calle Guanajuato Commercial Use Policy Approval*

The Charter of the City of Ashland, **Article XIX – “Park Commission,”** gives the Ashland Parks and Recreation Commissioners the “power to formulate and adopt rules and regulations for their government.” This authority allows Commissioners to adopt rules and policies through a public process in order to provide organization, aide in decision making and to provide consistent regulation for park and facility uses in order to achieve the goals of the Ashland Parks and Recreation Commission (“APRC”) and protect people, the environment and assets and to ensure fair and equal use of parks by all users.

PURPOSE

The Calle Guanajuato is an asset of the APRC that provides, among other public benefits, space for restaurant seating and concessions adjacent to Ashland Creek and within proximity to local restaurants, Ashland Shakespeare Festival, Downtown Ashland and Lithia Park. Permitted commercial activity on the Calle Guanajuato shall be limited to the uses specifically designated in this policy.

Permits may only be issued for concessions by the Lithia Artisans Market and for adjacent restaurants. Permitted sites on the Calle Guanajuato are restricted by the physical limitation of the space, and the potential that the demand for space may be greater than the space available. The APRC has created the Calle Guanajuato Commercial Use Policy (the “Policy”) to regulate the allocation of physical space to qualifying permittees, as described herein. Permits may be awarded on an annual basis as described herein.

CALLE GUANAJUATO COMMERCIAL USE POLICY OBJECTIVES

The purpose of the Policy is to assist the APRC in the pursuit of the following equally-important objectives:

- I. To provide a process for the review and approval of applications for

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 2 of 7	POLICY No. 101
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concessionaires of the Lithia Artisans Market and restaurateurs of adjacent businesses;

- II. To ensure that adequate access is achieved through the Calle Guanajuato for pedestrians and emergency vehicles;
- III. To attempt to achieve cost recovery for APRC; and,
- IV. Maintain an appealing extension of Lithia Park into downtown

GENERAL PROVISIONS

Application Process

- I. Any Calle Restaurant or Landlord/Owner desiring a designated site on the Calle Guanajuato must file annually a non-refundable application with APRC staff prior to the stated deadline.
- II. The application process and criteria for submittal shall be as follows:
 - a. Prior to the beginning of the application review process, each applicant seeking a designated site on the Calle must file an application with APRC staff. The application must be submitted prior to the 2nd Friday of January of each calendar year, stating the intent of the applicant to:
 - i. Seek a permit for the same designated site as the previous year; and/or,
 - ii. Seek a permit for a designated site location that differs from the applicant's site for the previous year.
- III. The application material shall include the following:
 - a. A clear identification of the requested designated site as delineated in the official boundary map;
 - b. A simple site plan showing how restaurant equipment and/or concession stands will be organized within the boundary of the designated site;
 - c. A statement detailing how each of the specific approval criteria of the Policy will be met; and,
 - d. An application fee as adopted in the "Fees and Charges Schedule" of APRC.
- IV. Application review requirements:
 - a. Absent a timely-submitted application, APRC will not hold a previously permitted site and seniority shall be forfeited for that site.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 3 of 7	POLICY No. 101
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- b. Notwithstanding the Cancellation section of this ordinance, no late applications will be accepted.
- c. Incomplete applications, or those that do not substantially meet the criteria, will be returned to the applicant without processing.
- d. Permit approvals for each season will be issued no later than February 28th of each year.
- e. The official boundary map of the Calle Guanajuato will delineate the designated site for all concession and restaurant space.
- f. A permit for a restaurant or concession shall be nontransferable between restaurateurs and shall be valid exclusively for one season in a single calendar year. A Landlord/Owner may take over the already issued license if another restaurant will be occupying the space within a 3-month period (during the season). The Landlord/Owner must also pay any outstanding fees for the designated site.
- g. No qualifying Calle Restaurant may hold or be issued more than one permit.

CONDITIONAL USE REVIEW CRITERIA

In considering applications, staff shall review the applicant's compliance with applicable City ordinances and regulations as well as the following criteria:

- I. Restaurant proximity shall constitute a major determining factor for a designated site on the Calle Guanajuato. Applicants that meet the adjacency standard for a designated site shall have preference during review over those who do not.
- II. When two or more applicants make requests for the same site or overlapping designated sites, restaurant seniority, as defined in the definitions of this policy, shall take precedence in determining which applicant receives priority consideration.
- III. Designated sites shall be used for their permitted use only (either restaurant or concession space). In the event that a site designated for restaurant use remains unused after permit issuance, the site may be made available to the Lithia Artisans Market.
- IV. The applicant must be in good standing with APRC and the City, with no active enforcement actions.
- V. The applicant must demonstrate through a simple site plan that they have the ability to carry out the requested operations without violating the public walkway or open space through the Calle Guanajuato.

VI. A Calle restaurant and/or Landlord/Owner with singular access onto the Calle Guanajuato will have the first right of refusal for any seating immediately adjacent to their building as long as it does not interfere with the already established concessionaire areas.

VII. **Accessory Regulations:**

- a. **FIRE AND LIFE SAFETY.** Concessionaire shall comply with any and all fire and life safety guidelines, recommendations and requirements issued by the City of Ashland Fire Marshal, including, but not limited to the following:
- i. Maintain all required fire and emergency access areas;
 - ii. Ensure that permitted restaurant equipment does not encroach upon or obstruct public walkways or open space areas while maintaining a clear eight (8) foot pathway for emergency vehicles as approved by the City of Ashland Fire Marshal;
 - iii. Maintain a clear, unobstructed space around any fire hydrant as required for fire safety;
 - iv. Have available and maintain such fire extinguishers as determined by the Fire Marshal;
 - v. Strict adherence to the APRC prohibition on smoking. Smoking is not permitted on the Calle Guanajuato under any circumstances; and
 - vi. No use of any bottled gas, electrical devices, or hazardous materials or hazardous substances without prior approval by the Ashland Fire Marshal. [For purposes of this License "Hazardous Substance" or "Hazardous Material" means any hazardous, toxic, infectious, or radioactive substance, waste, or material as defined or listed by any local, state or federal environmental law.]

PERMIT/CONTRACT AWARD PROCESS

- I. A permittee who meets all of the approval criteria for a conditional commercial use permit will be required to enter into a contract with APRC for the use of the permitted site and will be required to provide the information required for the execution of the contract, as provided by APRC staff:
- II. Contract will be awarded by the Commissioners by the 28th of February each year.

RESTAURANT AND CONCESSION FEE SCHEDULE

- I. The Commissioners shall review and may adjust the seasonal square foot rental rate on the Calle prior to February 28th each year.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 5 of 7	POLICY No. 101
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- II. A restaurateur who shares space may do so without forfeiting seniority.
- III. Site location sharing may take place at any point during the year; however, only one applicant may hold a permit for a particular designated site and that applicant shall be sole beneficiary of any seniority for the season.
- IV. Applicants must note on their applications if they are planning to share the site with another restaurateur.
 - a. Applicant or permittee shall not sub-lease a designated site without APRC staff approval.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 6 of 7	POLICY No. 101
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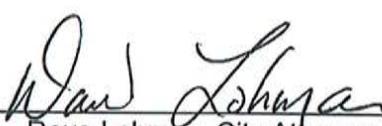
DEFINITIONS

- I. **Adjacency:** is contiguous ground floor access onto the Calle Guanajuato from a Calle restaurant with direct access the Calle Guanajuato.
- II. **Applicant:** a person or entity seeking license from APRC for a concession or restaurant permit.
- III. **Boundary Map:** is the most current map that delineates areas for both restaurant seating and concession operations.
- IV. **Business License:** a certificate issued by the city authorizing the holder to conduct specified business activity within the City of Ashland.
- V. **Calle Guanajuato:** the improved surface area directly behind the plaza businesses and adjacent to Ashland Creek being bounded by the flood wall on the west side, the back of the Calle businesses to the east, Winburn Way to the south and North Main Street to the north.
- VI. **Calle Restaurant:** a restaurant business operated all, or in part, out of a building abutting the Calle Guanajuato.
- VII. **Concession:** any licensed retail sales operation on the Calle Guanajuato conducting sales using a temporary table, stand, cart, or similar equipment.
- VIII. **Concessionaire:** a licensed retail operation on the Calle Guanajuato.
- IX. **Designated Site:** is the useable space or area on Calle Guanajuato which has been allocated for individual concession or restaurant use by the Ashland Parks and Recreation Commission.
- X. **Employee:** all persons, including proprietors, working on the premises of a Calle business.
- XI. **Landlord/Owner:** a person who rents a building to a tenant on the Calle Guanajuato.
- XII. **Owner of Record:** the person, or entity, in which legal or equitable title rests for private properties directly adjacent to the Calle Guanajuato.
- XIII. **Public Walkway:** the 8-foot meandering brick walkway through the Calle Guanajuato.
- XIV. **Restaurant Equipment:** includes but is not limited to any materials, merchandise, tools, carts, tables, chairs, podiums, or other items owned by, in possession of or associated with a restaurant.
- XV. **Restaurant:** a commercial establishment where food and beverages are prepared, served, and consumed primarily within a principal building which abuts the Calle Guanajuato.

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 7 of 7	POLICY No. 101
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- XVI. **Restaurateur:** a licensed restaurant operation on the Calle Guanajuato.
- XVII. **Season:** is the term of use for concession and restaurant operation at the Calle Guanajuato each year. Exact operating dates for each season will approved annually during the review period of permits.
- XVIII. **Restaurant Seniority:** shall be established for application review when a restaurateur and/or Landlord/Owner has been granted a permit to a specific designated site for the calendar year immediately before the current calendar year. Seniority shall be forfeited when occupancy of the site has been abandoned by the applicant or Landlord/Owner for any reason for any period of more than 3 months. For a restaurant with singular access onto the Calle, first right of refusal for any seating immediately adjacent to their building will apply as long as it does not interfere with an already established concession area.
- XIX. **Singular Access:** Calle Restaurant has no access from the plaza side. Primary access is on the Calle Guanajuato side. Address may also reflect a Calle Guanajuato street address.

Approved:  Date: 3/1/19
Mike Gardiner, APRC Chair

Approved, as to form:  Date: 2/26/19
Dave Lohman, City Attorney

TITLE CALLE GUANAJUATO COMMERCIAL USE POLICY	Page 8 of 7	POLICY No. 101
---	-------------	----------------

Greenleaf Restaurant

Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO

NAME OF APPLICANT BFLMGROUP, LLC WK PHONE [REDACTED]

MESSAGE PHONE [REDACTED] EMAIL ADDRESS [REDACTED]

NAME OF AUTHORIZED REPRESENTATIVE Brent Brakebill

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR

ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

LEGEND

- A1-A10 - ARTISAN SPACE (WEEKENDS)
- R1-R6 - RESTAURAN SPACE (7 DAYS PER WEEK)
- S1-S2b - SHARED SPACE (WEEKDAYS)
- CONCRETE TREE WELLS

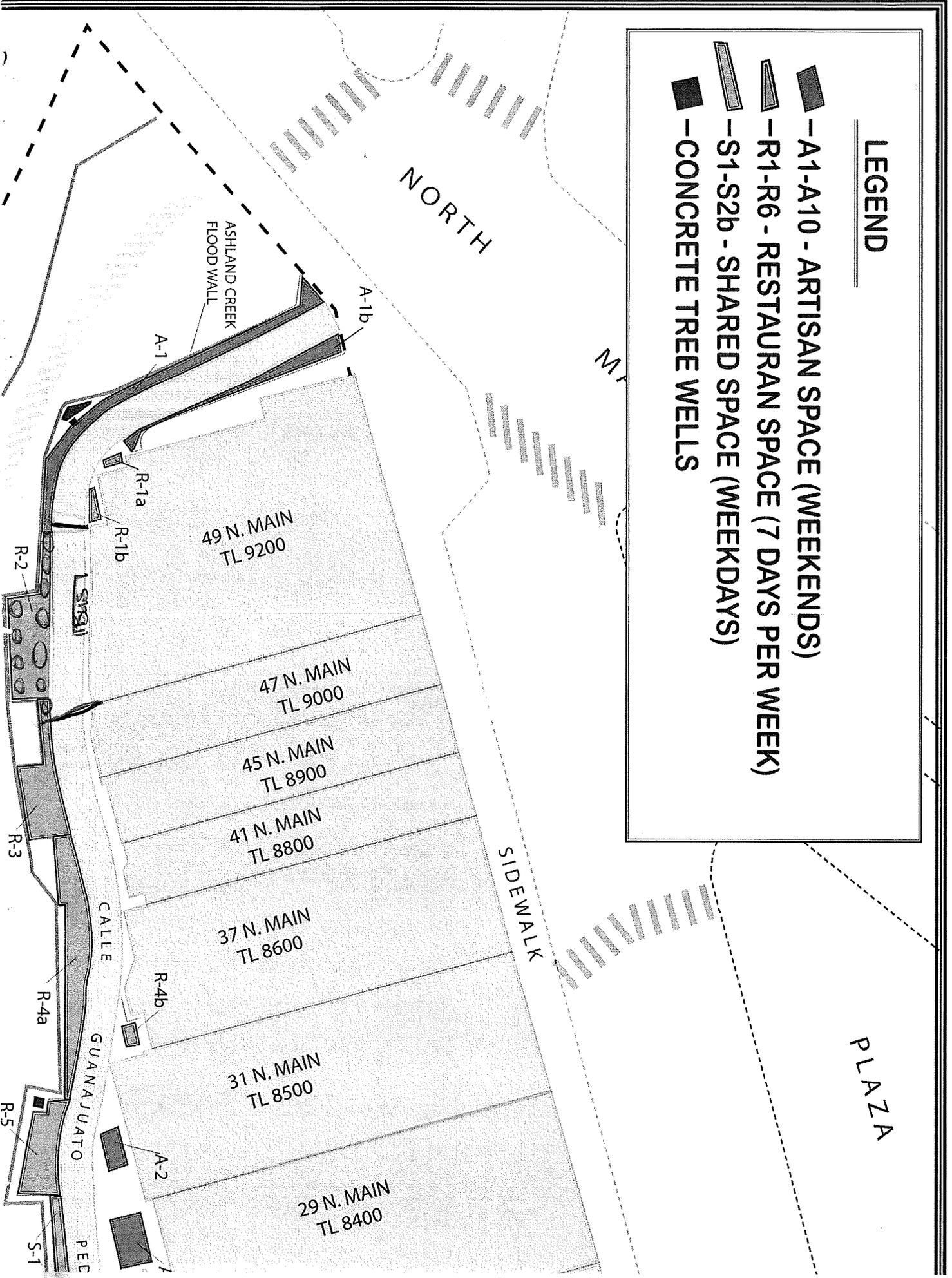


Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT Griffin Creek Coffee WK PHONE [REDACTED]

MESSAGE PHONE _____ EMAIL ADDRESS [REDACTED]

NAME OF AUTHORIZED REPRESENTATIVE DAVID FRENCH

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR
ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE BOUNDARY OF THE SITE LOCATION. S-2a + S-2b

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?
(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO
IF YES, WITH WHOM? Maria A Baker

210.5

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

**Exhibit B
Proposal Documents**

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT MANNA FROM HEAVEN BAKERY, LLC WK PHONE [REDACTED]
MESSAGE PHONE _____ EMAIL ADDRESS [REDACTED]
NAME OF AUTHORIZED REPRESENTATIVE KAY E KRUEGER

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email phone
MAILING ADDRESS [REDACTED] CITY ASHLAND STATE OR
ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE BOUNDARY OF THE SITE LOCATION. S-2a + 5-2b

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?
(Circle One) YES NO
WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO pending olcc permit
IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO
IF YES, WITH WHOM? GRIFFIN CREEK COFFEE

This section to be filled out by APRC Staff

210.5 shared
Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

Exhibit A- License Area

A simple site plan must be submitted with the application.

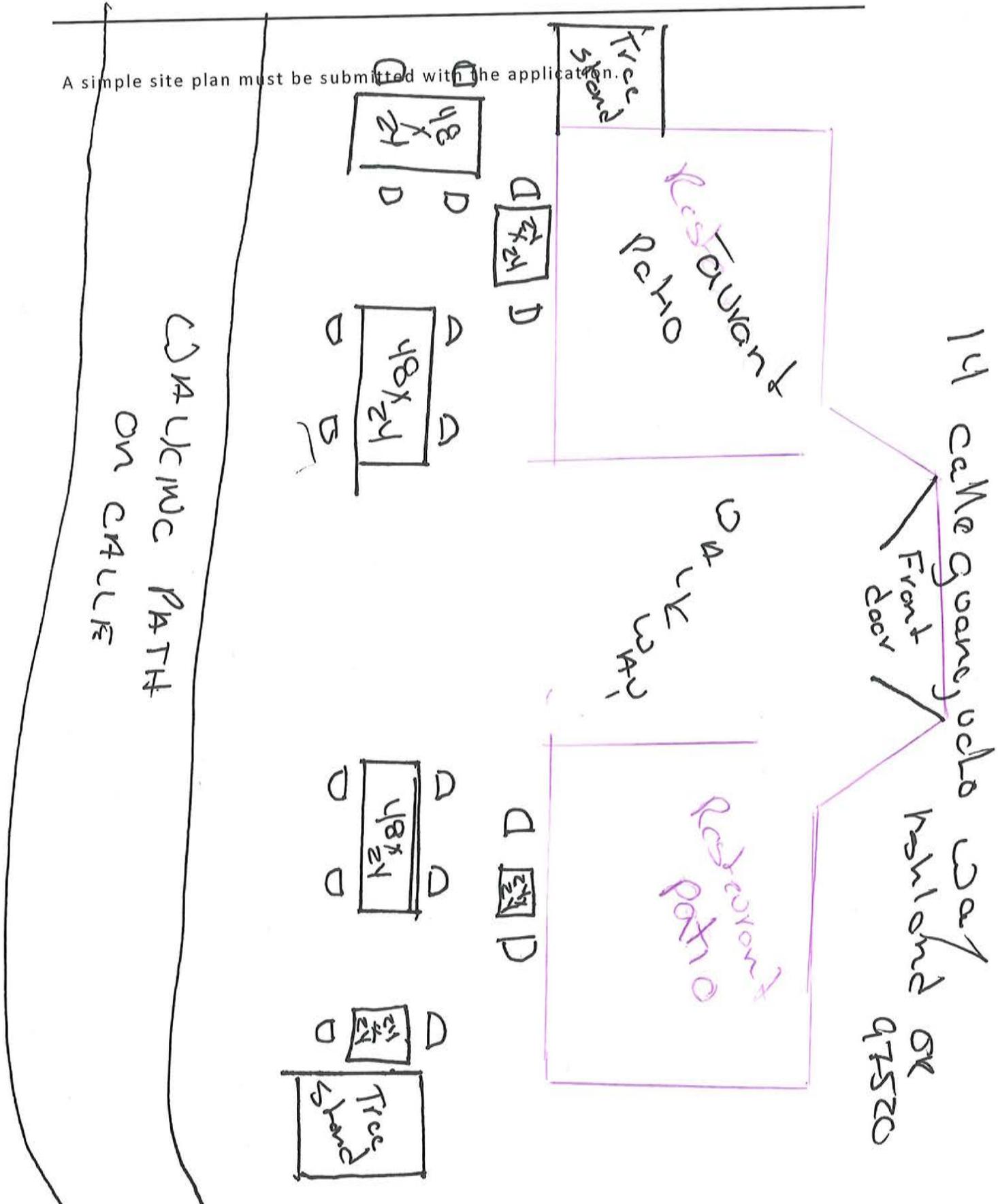


Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO

NAME OF APPLICANT Lithic Artisans Market WK PHONE [REDACTED]
MESSAGE PHONE Same EMAIL ADDRESS [REDACTED] .com
NAME OF AUTHORIZED REPRESENTATIVE Marcus Scott
WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone
MAILING ADDRESS [REDACTED] CITY Ashland STATE OR
ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO We share various
IF YES, WITH WHOM? Flex spaces flex spaces with

This section to be filled out by APRC Staff

Manna from Interview &
Little Tokyo.

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

Exhibit A- License Area

A simple site plan must be submitted with the application.

Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT Little Tokyo (Annie) WK PHONE [REDACTED]

MESSAGE PHONE [REDACTED] EMAIL ADDRESS [REDACTED]

NAME OF AUTHORIZED REPRESENTATIVE Little Tokyo

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR

ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION. R-5

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

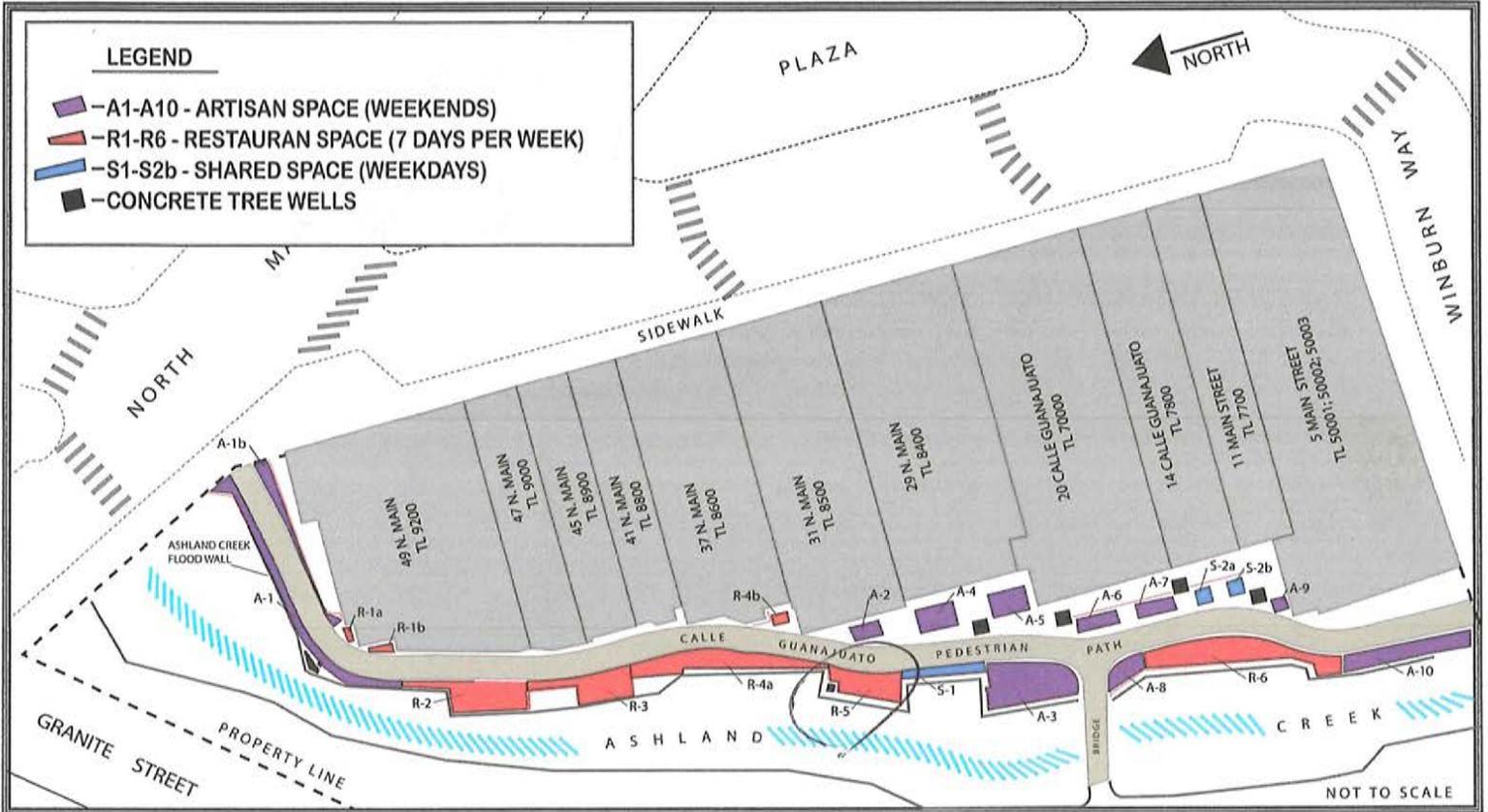
IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract



CALLE GUANAJUATO OFFICIAL BOUNDARY MAP

ADOPTED FEBRUARY 27, 2017



Little Tokyo



OPEN DAILY

11:00am - 9:00pm

29 North Main Street
Ashland, OR 97520

(541) 708-6366

Exhibit A- License Area

A simple site plan must be submitted with the application.

Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT Louie's Restaurant WK PHONE [REDACTED]
MESSAGE PHONE [REDACTED] EMAIL ADDRESS [REDACTED]
NAME OF AUTHORIZED REPRESENTATIVE Melissa Jensen

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email phone

MAILING ADDRESS _____ CITY _____ STATE _____
ZIP CODE: _____

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?
(Circle One) YES NO
WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO
IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO
IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

OREGON LIQUOR CONTROL COMMISSION
LICENSE CERTIFICATE

FULL ON-PREMISES SALES

THIS CERTIFICATE MUST BE MAINTAINED ON THE PREMISES IN FULL PUBLIC VIEW

ISSUED TO: LOUIE'S BAR & GRILL LLC

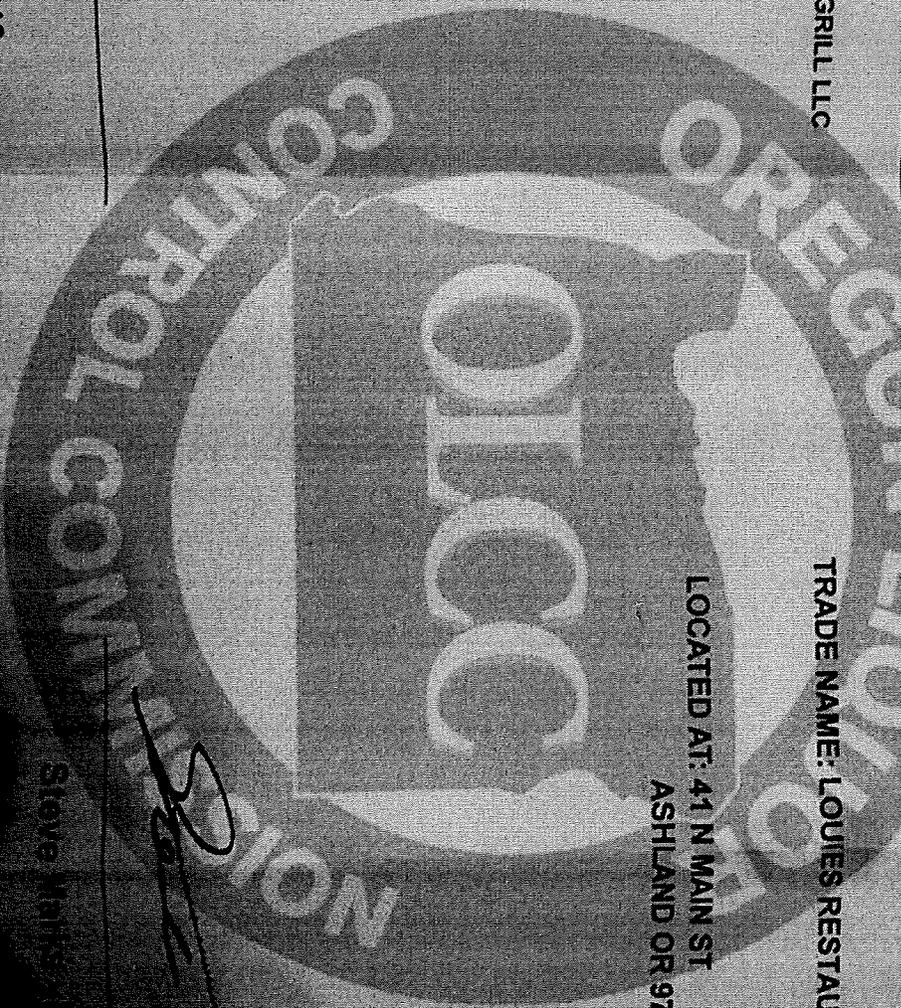
TRADE NAME: LOUIE'S RESTAURANT & BAR

LOCATED AT: 41 N MAIN ST
ASHLAND OR 97520

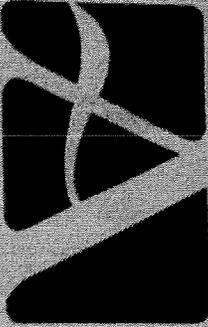
LICENSEE SIGN HERE
[Signature]

ISSUED EFFECTIVE: 10/01/2019

[Signature]
Steve Harris



LICENSE EXPIRES:



City of Ashland
20 E Main St.
Ashland, OR 97520

This is a registration only. It is the sole responsibility of the applicant to ensure compliance with all applicable federal, state, and local laws, ordinances, or regulations. Renewal fees will automatically apply each year on July 1 unless the City is notified that you are no longer doing business in Ashland.

LOUIES BAR & GRILL
LOUIES BAR & GRILL
41 NORTH MAIN ST
ASHLAND, OR 97520

BUSINESS REGISTRATION

Expiration Date
06/30/2020
Business Account ID
005071

Business Location
41 NORTH MAIN ST
ASHLAND, OR 97520

2020

POST IN A CONSPICUOUS PLACE

NON-TRANSFERABLE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/25/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hart Insurance Agency - Medford PO Box 1240 Grants Pass OR 97528	CONTACT NAME: Michael Miller
	PHONE (A/C, No, Ext): (541) 779-4232 FAX (A/C, No): E-MAIL ADDRESS: mmiller@hartinsurance.com
INSURER(S) AFFORDING COVERAGE	
	NAIC #
INSURED Louie's Bar & Grill LLC 41 N Main St Ashland OR 97520	INSURER A: SAIF Corporation 36196
	INSURER B: American Hallmark Insurance Co 43494
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES **CERTIFICATE NUMBER:** Cert ID 13000 **REVISION NUMBER:**

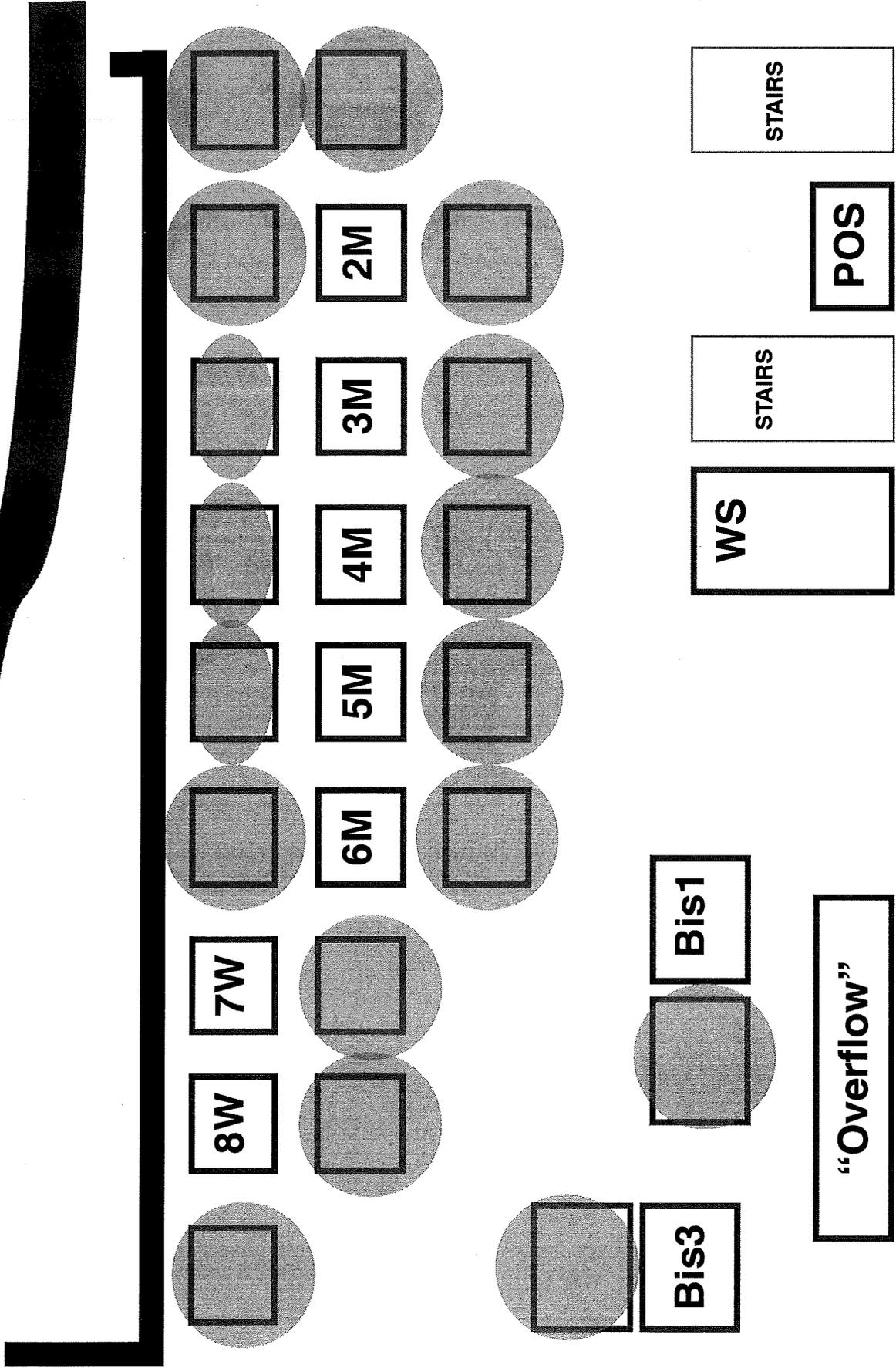
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		44PB500406	09/01/2019	09/01/2020	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							Liquor	\$ 1,000,000
							COMBINED SINGLE LIMIT (Ea accident)	\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	766283	01/01/2019	01/01/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 500,000
							E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
							\$	
							\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 City of Ashland is an Additional Insured per the attached CBP047 03/05 in regards to the outside seating area.

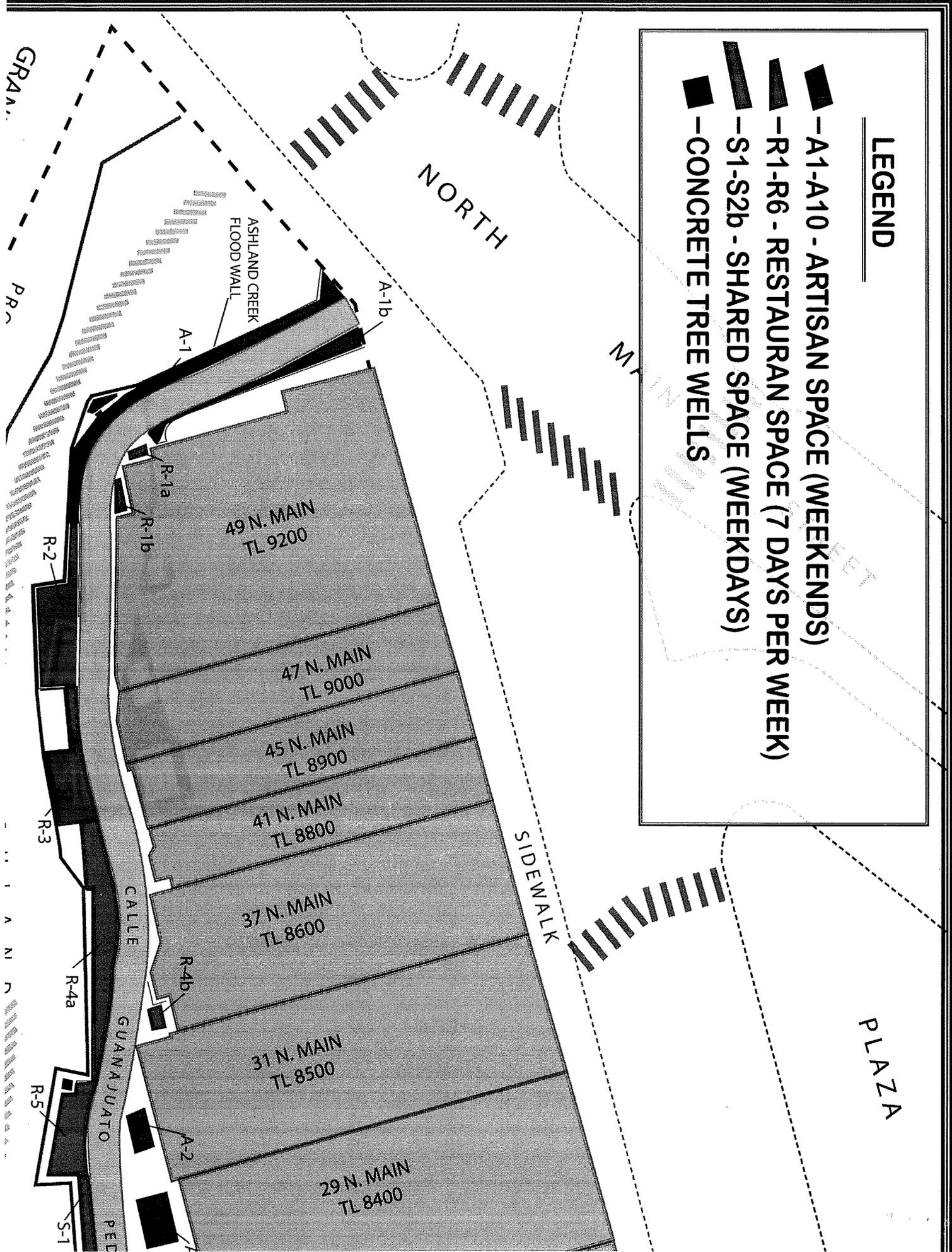
CERTIFICATE HOLDER City of Ashland 20 E Main Street Ashland OR 97520	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

Louie's Outdoor Seating Tables Map



LEGEND

- A1-A10 - ARTISAN SPACE (WEEKENDS)
- R1-R6 - RESTAURAN SPACE (7 DAYS PER WEEK)
- S1-S2b - SHARED SPACE (WEEKDAYS)
- CONCRETE TREE WELLS



**Exhibit B
Proposal Documents**

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT Mix Bakeshop WK PHONE [REDACTED]

MESSAGE PHONE [REDACTED] EMAIL ADDRESS [REDACTED]

NAME OF AUTHORIZED REPRESENTATIVE Jamie North

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR
ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

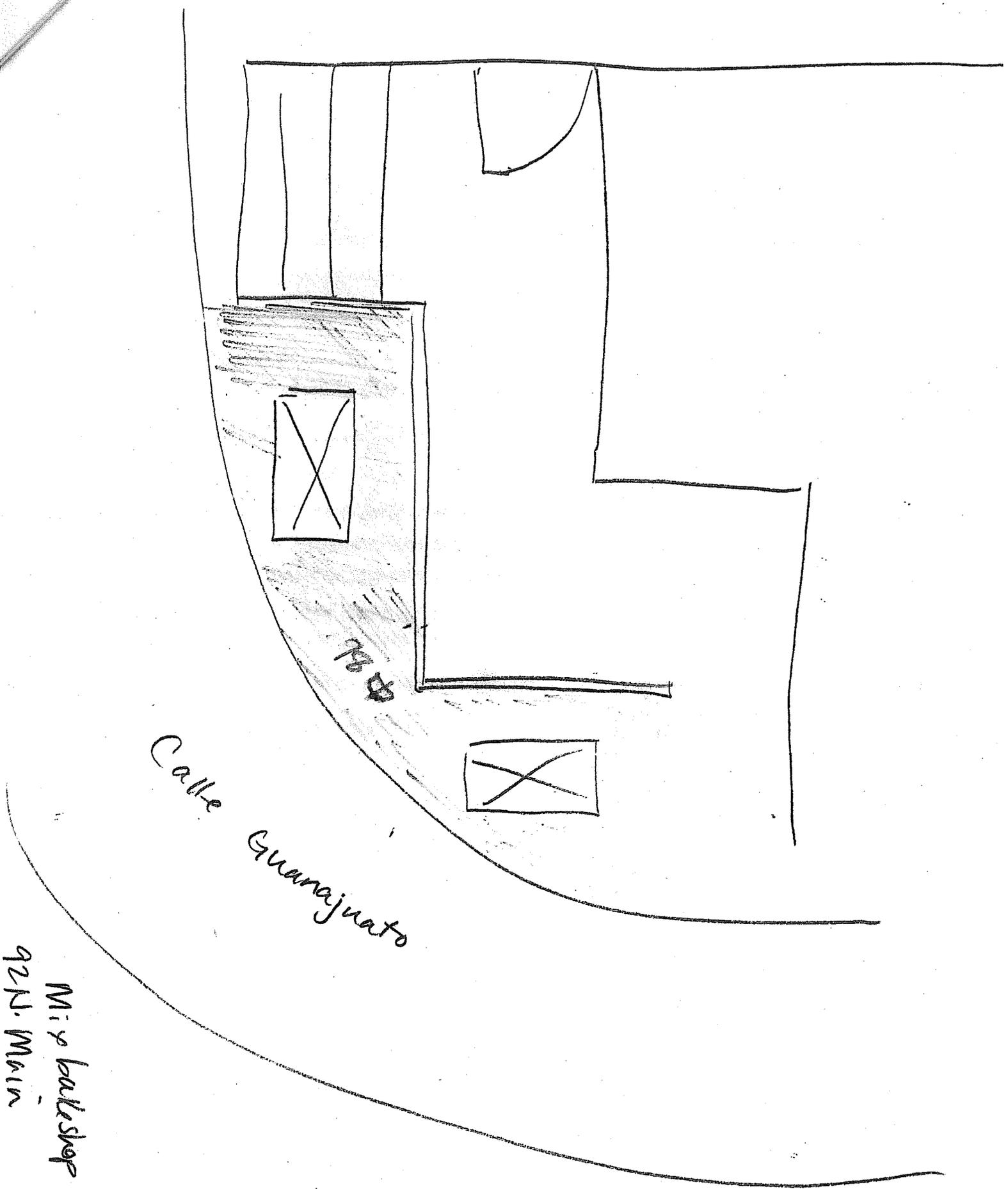
IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract



Calle Guanajuato
78

M: p bakeshop
92 N. Main

OREGON LIQUOR CONTROL COMMISSION
LICENSE CERTIFICATE

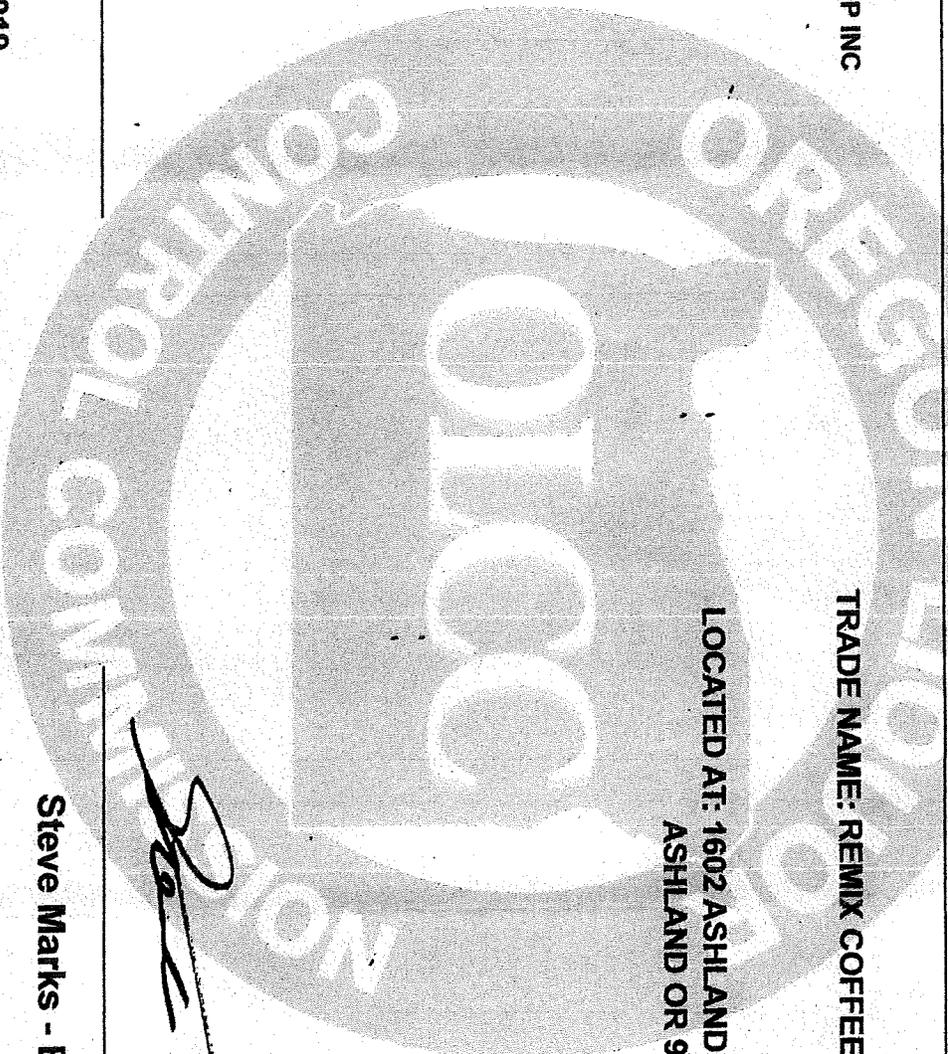
FULL ON-PREMISES SALES

THIS CERTIFICATE MUST BE MAINTAINED ON THE PREMISES IN FULL PUBLIC VIEW

ISSUED TO: MIX SWEET SHOP INC

TRADE NAME: REMIX COFFEE BAR

LOCATED AT: 1602 ASHLAND ST
ASHLAND OR 97520



Steve Marks

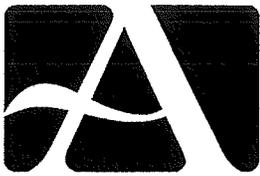
Steve Marks - Executive Director

LICENSEE SIGN HERE

ISSUED EFFECTIVE: 10/01/2019

LICENSE EXPIRES:

09/30/2020



City of Ashland
20 E Main St.
Ashland, OR 97520

BUSINESS REGISTRATION

Expiration Date
06/30/2020

Business Account ID
014525

Business Location
ATTN JAMIE NORTH
57 N MAIN ST
ASHLAND, OR 97520

This is a registration only. It is the sole responsibility of the applicant to ensure compliance with all applicable federal, state, and local laws, ordinances, or regulations. Renewal fees will automatically apply each year on July 1 unless the City is notified that you are no longer doing business in Ashland.

MIX SWEET SHOP
MIX
57 N MAIN ST
ASHLAND, OR 97520

2020

POST IN A CONSPICUOUS PLACE

NON-TRANSFERABLE

Exhibit A- License Area

A simple site plan must be submitted with the application.

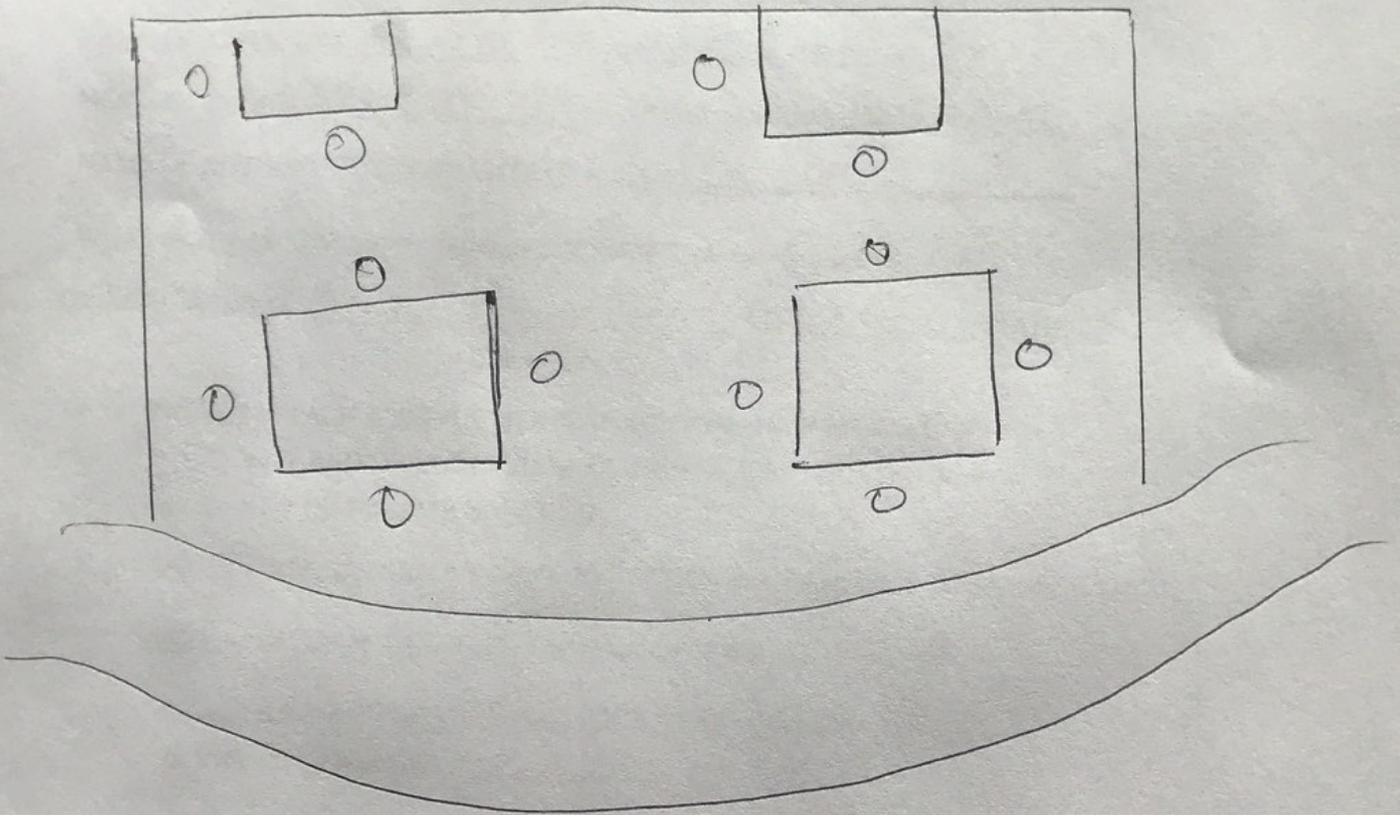


Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO

NAME OF APPLICANT Oberon's Restaurant & Bar WK PHONE [REDACTED]
MESSAGE PHONE [REDACTED] EMAIL ADDRESS [REDACTED]
NAME OF AUTHORIZED REPRESENTATIVE Sachta Card

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) (email/phone)

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR

ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
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- Two copies of the signed Commercial Use Contract

**Exhibit B
Proposal Documents**

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT OLIVER FIX WK PHONE [REDACTED]

MESSAGE PHONE _____ EMAIL ADDRESS [REDACTED]

NAME OF AUTHORIZED REPRESENTATIVE OLIVER FIX

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR

ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?
(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

Exhibit A- License Area

A simple site plan must be submitted with the application.



Exhibit B
Proposal Documents

Ashland Parks & Recreation Commission

**REQUEST FOR COMMERCIAL USE
SPACE
ON CALLE GUANAJUATO**

NAME OF APPLICANT Sesame Asian Kitchen WK PHONE [REDACTED]
MESSAGE PHONE [REDACTED] EMAIL ADDRESS [REDACTED]
NAME OF AUTHORIZED REPRESENTATIVE Lisa Bean

WHAT IS THE BEST WAY TO CONTACT YOU? *(Circle one) email/phone

MAILING ADDRESS [REDACTED] CITY Ashland STATE OR
ZIP CODE: 97520

PLEASE ATTACH A SIMPLE SITE PLAN SHOWING HOW RESTAURANT
EQUIPMENT AND/OR CONCESSION STANDS WILL BE LOCATED WITHIN THE
BOUNDARY OF THE SITE LOCATION.

ARE YOU REQUESTING A NEW SPACE THAT IS NOT CURRENTLY A SEATING AREA?

(Circle One) YES NO

WILL ALCOHOLIC BEVERAGES BE SERVED? (Circle One) YES NO

IS THIS A SHARED SPACE APPLICATION? (Circle One) YES NO

IF YES, WITH WHOM? _____

This section to be filled out by APRC Staff

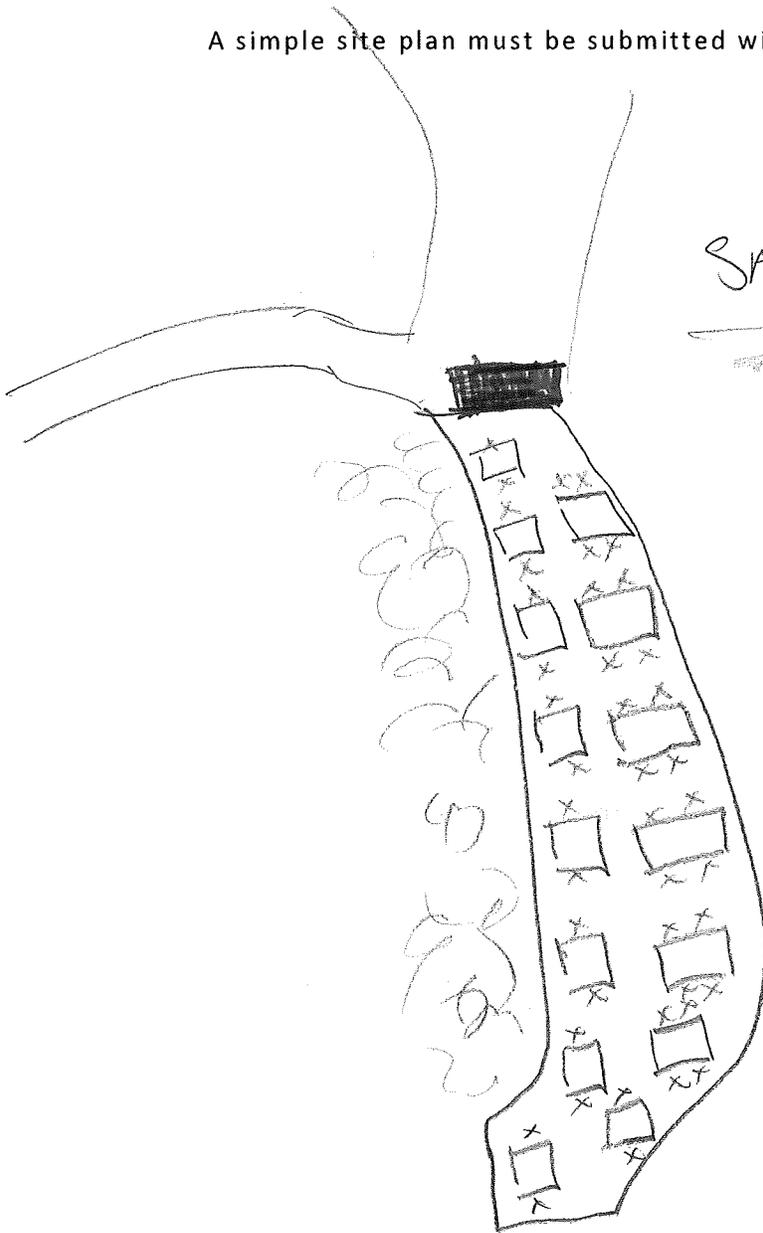
Total Square Footage x \$ _____ = _____ Date Paid _____

The following items must be obtained before permit can be issued:

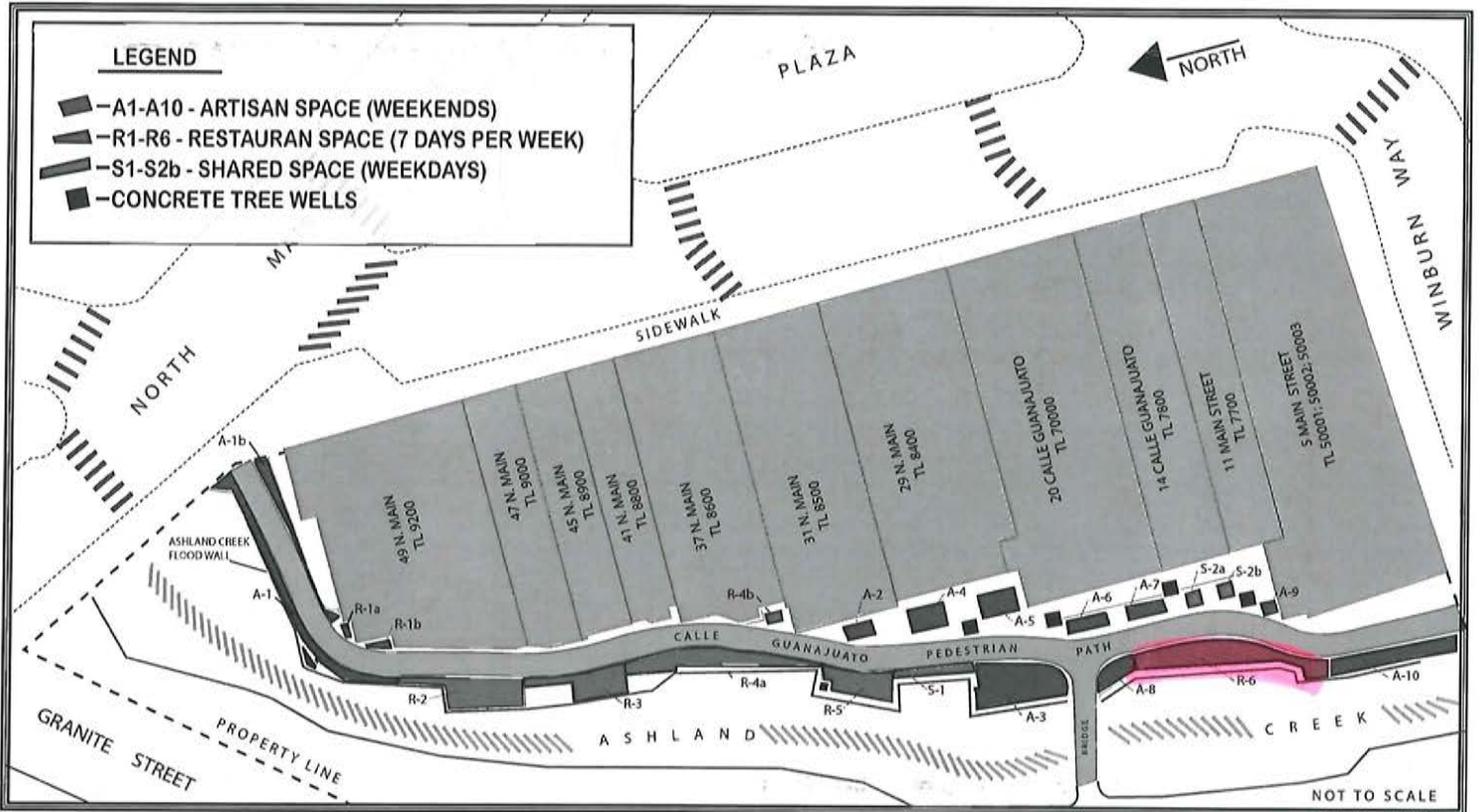
- Copy of current Business License
- Copy of OLCC License for outdoor seating
- Copy of Insurance Certificate naming City of Ashland as additional insureds
- Two copies of the signed Commercial Use Contract

Exhibit A- License Area

A simple site plan must be submitted with the application.



SAME AS YEAR'S PAST



CALLE GUANAJUATO OFFICIAL BOUNDARY MAP

ADOPTED FEBRUARY 27, 2017



