

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
September 27, 2022
AGENDA
<https://zoom.us/j/91669060505>**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **LEGISLATIVE HEARING:**
 - A. **PLANNING ACTION:** #PA-L-2021-00013
 - APPLICANT:** City of Ashland
 - ORDINANCE REFERENCES:** **AMC 18.2.3** Special Use Standards
 - AMC 18.2.6** Standards for Non-Residential Zones
 - AMC 18.3.13** Residential Overlay
 - AMC 18.6.1** Definitions
 - REQUEST:** The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones.

- V. **DISCUSSION ITEMS**
 - A. **Food Truck Code Discussion**

- VI. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**LEGISLATIVE
PUBLIC HEARING**

**PA-L-2021-00013
Amendments to Residential Standards
in C-1 and E-1 Zones**

ASHLAND PLANNING DIVISION
STAFF REPORT
ADDENDUM
September 27, 2022

PLANNING ACTION: PA-L-2021-00013

APPLICANT: City of Ashland

ORDINANCE REFERENCES: **AMC 18.2.3** Special Use Standards
 AMC 18.2.6 Standards for Non-Residential Zones
 AMC 18.3.13 Residential Overlay
 AMC 18.6.1 Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones. The draft code amendments are attached.

LEGISLATIVE HISTORY:

The Planning Commission held a public hearing on December 14, 2021, and recommended approval of the prior draft of the ordinance amending AMC Title 18 Land Use. The City Council reviewed the proposed land use code amendments at a public hearing on February 1, 2022 and did not approve first reading of the ordinance at that time. The Council requested potential amendments be considered to allow the entirety of the first floor of developments on E-1 and C-1 lands to be residential provided certain housing affordability conditions were met.

The amended draft ordinance presented for consideration newly incorporates allowances for affordable rental housing within *Commercial Ready Space* within the ground floor area. Commercial Ready Space could be utilized in a flexible manner as either permitted and special permitted commercial uses, or as affordable rental housing restricted to households earning 80% the Area Median Income (AMI) consistent with the Ashland Affordable Housing Program.

The ordinance amendments originally presented to the Planning Commission on December 14, 2021, and to the Council on February 1, 2022, are provided as bold underlined black text or as black strikeouts in draft Ordinance 3205 as attached. The amendments made subsequent to the Commission’s prior review are presented as bold red underlined text.

I. Ordinance Amendments

A. Summary of Proposed Code Amendments

The proposal includes a series of amendments to AMC Title 18 Land Use to the residential standards for mixed-use development located in the Commercial (C-1) and Employment (E-1) zones. Specifically, the proposed code amendments increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay. Additionally, the development of flexible Commercial Ready Space would allow residential uses within the 35% commercially designated floor area provided an agreement is executed with the City, or deed restriction is recorded on the property, demonstrating that the residential use will be in conformance with the Ashland Affordable Housing Program as affordable rental housing for households earning 80% AMI or less.

Buildings located within the Downtown Design Standards overlay, buildings that are one story in height, and properties that are 10 acres in size are larger would be subject to the current code requirement of 35 percent of the ground floor is permitted in residential uses.

Residential development in the E-1 zone is limited to E-1 properties in the Residential overlay (R-overlay). Approximately 42 percent of the E-1 zoned land in the city limits is in the Residential overlay and 58 percent is not in the Residential overlay. Areas such as Washington Street, Jefferson Avenue, Benson Way and Clover Lane are not located in the Residential overlay. Additionally, the Croman Mill District has its own unique zones based on the master plan and does not include any C-1 or E-1 zoned land.

The amendments are intended to provide more flexibility in the employment zones to respond to fluctuations and changes in the economy and demand for housing. The project objectives are to:

- 1) maintain an inventory of employment parcels in a variety of sizes and locations to encourage new business development.
- 2) increase the supply of moderately-priced rental and for-purchase housing; and
- 3) jumpstart redevelopment in areas that have trouble attracting projects and/or are in proximity to public transit and walking distance to daily service needs, such as groceries, shops, parks, etc.
- 4) provide opportunities to utilize vacant commercial floor area as regulated affordable rental housing restricted to households earning 80% AMI or less.

The draft amendments to the residential standards for mixed-use development are attached and summarized below.

- 18.2.3.130.B.1.a – limits new provisions for residential uses (i.e., up to 65 percent of the ground floor) in the C-1 and E-1 zones to locations outside of the Downtown Design Standards overlay. In addition, to be eligible for the new provisions, the lot size must be less than 10 acres in size and the mixed-use building must be multi-story (i.e., two or more stories in height).

- 18.2.3.B.1.b - increases the allowance for residential uses in multi-story, mixed-use buildings and developments from 35 to 65 percent of the ground floor. Again, this allowance is for locations outside of the Downtown Design Standards overlay. Additionally, the provision is limited to multi-story mixed-use buildings and lots that are less than 10 acres in size.
- 18.2.3.B.1.c.i-iii – Creates a designation for Commercial Ready Space which is developed to accommodate commercial occupancies but may be used flexibly as either a commercial use or as regulated affordable rental housing for households earning 80%AMI or less.
- 18.2.3.130.B.2.a – retains existing standard which allows up to 35 percent of the ground floor to be used for residential uses. The existing standard applies to three situations – properties located inside of the Downtown Design Standards overlay, for lots 10 acres and greater in size and for single-story buildings.
- 18.2.3.130.B.2.b.i – this is the exiting standard allowing up to 35 percent of the ground floor in residential uses, it is simply moved from the existing code section 18.2.3.130. B.1.
- 18.2.3.130.B.1.b.ii – revises the code for situations where a mixed-use development includes more than one building. It requires the equivalent of 65 percent of the ground floor of all the buildings to be provided in permitted or special permitted non-residential uses. This retains the ability in mixed-use developments with more than one building to construct a building that is entirely residential uses as long as the equivalent square footage of 65 percent of the ground floor of the residential building is transferred to another building in the development and is used for permitted and special permitted non-residential uses.
- Table 18.2.6.030 – deletes residential densities in the C-1, C-1-D and E-1 zones.
- 18.3.13.010.C – removes existing language that duplicates the standards in 18.2.3.130 Dwellings in Non-Residential Zones and instead references the requirements in 18.2.3.130 for the Residential overlay or in 18.3.14.040 for the Transit Triangle (TT) overlay. The Residential overlay applies to a portion but not all of the E-1 zone.
- 18.6.1.030 [Definition] - amended to include definition of Commercial Ready Space.

B. Discussion

The 2021-2041 Housing Capacity Analysis (HCA) is a technical study required by state law and was adopted by the City Council on August 17, 2021 as a technical report and supporting document to the *Ashland Comprehensive Plan*. The HCA provides a number of recommended policy changes to address Ashland’s unmet housing needs that are related to the proposed code amendments. The HCA’s recommended policy changes or strategies are presented as guidance for the upcoming Housing Production Strategy.

Strategy 1: Ensure an adequate supply of land is available and serviced

- Strategy 1.3: Identify opportunities to increase allowances for residential uses on the ground floor of buildings within commercial and employment zones.
- Strategy 1.4: Evaluate decreasing multifamily parking requirements.

Strategy 2: Provide opportunities for housing development to meet the City’s identified housing needs

- Strategy 2.2: Evaluate opportunities incentivize smaller units through amendments to allowable densities.

- Strategy 2.4: Evaluate increasing allowances for residential dwellings in commercial and employment zones, such as allowing an increased amount of residential uses in ground floor commercial spaces.

Strategy 5: Align housing planning with the Climate and Energy Action Plan

Strategy 5.4: Evaluate opportunities to develop new housing closer to downtown and commercial centers to reduce dependence on automobiles for transportation.

The Oregon Statewide Planning System requires all cities and counties in Oregon to address Statewide Planning Goal 9 Economic Development. Goal 9 requires cities and counties to provide an adequate land supply for economic development and employment growth. Chapter VII Economy of the *Ashland Comprehensive Plan* and the 2007 Economic Opportunity Analysis (EOA) address the Goal 9 requirements.

Oregon Administrative Rule (OAR) 660 Division 9 implements Goal 9 and provides two options for land use code and comprehensive plan amendments. The first option in OAR 660-009-0010(3) allows local jurisdictions to make amendments by relying on existing plans if findings can be made that there are no significant changes in economic development opportunities based on new information about national, state, regional, count and local trends.

The second option in OAR 660-009-0010(4) requires changes to the designation of land in excess of two acres from an employment use designation to any other use designation. Under this provision, a city or county must show the amendment is consistent with the comprehensive plan and existing EOA. If the proposed amendment can't be supported by the adopted comprehensive plan and EOA, OAR 660-009-0010(4) requires an update the comprehensive plan and/or EOA.

After researching the Goal 9 requirements and speaking to the Oregon Department of Land Conservation (DLCD), staff believes the analysis performed by Fregonese Associates can be used to address OAR 660-009-0010(3) for the proposed code amendments to increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay.

With assistance from Fregonese Associates, staff researched and assessed the rate of employment land consumption and the growth rate in number of jobs in Ashland since the adoption of the 2007 EOA. Fregonese and Associates analyzed the buildable lands data, building permits issued, and Ashland's employment data in the last 10 years and found there is sufficient C-1 and E-1 land for future employment needs. Specific items in the data analysis include the following.

- The land consumption rate in the C-1 and E-1 zones is relatively low with an average of 2 acres per year used for the last 8 years.
- Of the 50 building permits that were issued for commercial development in the last 10 years, 26 permits were in located in the C-1 and E-1 zones and the other 24 permits were located in the C-1-D zone (Downtown) or were public projects such as SOU and Ashland School District projects.

- The 2007 Economic Opportunity Analysis (EOA) forecasted more employment growth than has occurred over the last 14 years. The EOA projected 15,220 jobs by 2027, including 10,654 jobs in retail and services. State employment data shows a total of 10,237 jobs in the Ashland Urban Growth Boundary in 2019.
- The EOA determined that 30% of the employment growth would not require consumption of vacant land.
- Currently, approximately 20% of the jobs are in residential zones.

As proposed in the ordinance amendments, at least 35% of the ground floor must be used as a permitted or special permitted (commercial) use, or alternatively as Commercial Ready Space that could be used as income restricted affordable rental housing. In 2021 the Oregon Legislature approved Senate Bill 8 which restricts local governments from denying or limiting the approval of affordable housing applications in a number of circumstances including when the property is zoned for commercial uses. By providing an option for the development of Commercial Ready Space on the ground floor of mixed-use buildings, that can be used as affordable rental housing restricted to households with incomes at 80% AMI, the amendments proposed create a path for the city to approve of the use of vacant commercial floor area as needed affordable housing within the C-1 and E-1 zones.

C. Project Background

The Planning Commission, at the study session meeting on December 22, 2020 evaluated a proposal from members of the private development community that suggested that there is a surplus of commercial space that could be used to provide housing units. The concerns raised included the decreased demand for commercial space due to ecommerce and the pandemic while housing demand continues to increase, particularly after the Alameda fire. The private development representatives suggested amending the land use code to allow the temporary use of ground floor commercial space to be used for housing units and requiring the buildings to be constructed to commercial building code standards so the space could be converted in the future should demand for commercial space return.

The City Council initiated the project at the March 16, 2021 business meeting. Specifically, the Council directed staff to work with the Planning Commission to evaluate the draft code language prepared by private development representatives (KDA Homes), and propose amendments to the land use ordinance which would provide the flexibility to temporarily use the ground floor of commercial buildings for housing.

The Planning Commission reviewed and discussed the proposed code amendment project at the June 22, 2021, August 24, 2021, October 26, 2021 and November 23, 2021 study session meetings. The Planning Commission held a public hearing on December 14, 2021, and recommended approval of the prior draft of the ordinance amending AMC Title 18 Land Use. The City Council reviewed the proposed land use code amendments at a public hearing on February 1, 2022 and did not approve first reading of the ordinance at that time.

Currently, at least 65 percent of the ground floor of buildings in the commercial (C-1) and employment (E-1) zones is required to be commercial and light industrial uses. The remaining 35 percent of the ground floor can be used for residential dwellings as well 100 percent of the upper stories in multi-story buildings. The exceptions are:

- 1) in the Transit Triangle (TT) overlay, a minimum of 35 percent of the ground floor is required to be used for commercial and light industrial uses and
- 2) in the commercial area of the North Mountain Neighborhood District, the ground floor can be used entirely for housing but must be built to commercial building code standards so that the space can be converted to commercial uses in the future.

In 1992, the land use code was amended to eliminate entirely residential buildings as an allowed use in the C-1 and E-1 zones (Ord. 2688). The current standard of requiring 65 percent of the ground floor in commercial or light industrial uses was put in place at that time, as well as residential densities for each of the zones. Prior to 1992, residential buildings comprised entirely of housing units could be built in the C-1 and E-1 zones with the approval of a conditional use permit. The 1992 code update was in part due to concern about construction of residential buildings near the downtown and loss of future commercial space.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

Staff recommends the Planning Commission recommend approval of the proposed amendments to the City Council.

The proposed amendments are scheduled for a public hearing and first reading at the City Council on November 15th, and for second reading on December 6, 2022.

DRAFT – 9/27/2022

ORDINANCE NO. 3205

AN ORDINANCE AMENDING CHAPTERS 18.2.3, 18.2.6 AND 18.3.13 OF THE
ASHLAND LAND USE ORDINANCE REGARDING ALLOWANCES FOR
RESIDENTIAL USES IN MIXED-USE BUILDINGS AND DEVELOPMENTS IN THE
COMMERCIAL AND EMPLOYMENT ZONES.

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are in bold underline.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975).; and

WHEREAS, beginning in early 2020, the COVID-19 pandemic resulted in the closure of businesses throughout the United States and a shift to conducting operations remotely and electronically, thereby temporarily resulting in a decreased need for office and commercial space; and

1 **WHEREAS**, less demand for office space is expected to continue as some companies move to
2 smaller offices and use work from home and hybrid arrangements.; and

3
4 **WHEREAS**, prior to 2020, there was a decline in construction of large retail buildings in the
5 U.S. and the e-commerce share of the retail market was increasing nationally. The COVID-19
6 pandemic resulted in an even greater shift to online retail purchases.; and

7
8 **WHEREAS**, the City of Ashland is required to perform a housing capacity analysis every eight
9 years as required by ORS 197.296 and OAR 660-0008-0045. House Bill 2003 passed in the 2019
10 Oregon legislative session and amended the previously mentioned state laws and rules to require
11 cities in Oregon to perform the housing capacity analysis and housing production strategy.; and

12
13 **WHEREAS**, the Ashland City Council adopted the 2021-2041 Housing Capacity Analysis
14 (HCA) on August 17, 2021 as a technical report and supporting document to the Ashland
15 Comprehensive Plan. The HCA provides a number of recommended policy changes to address
16 Ashland's unmet housing needs including increasing the allowance for residential dwellings in
17 commercial and employment zones and developing new housing closer to downtown and
18 commercial centers to reduce dependency on automobiles for transportation.; and

19
20 **WHEREAS**, the Almeda wildfire increased the regional need for affordable housing by
21 destroying about 2,549 dwellings in September 2020. The Almeda fire burned from north
22 Ashland to just south of Medford, with the cities of Phoenix and Talent losing the majority of
23 housing. The HCA recognized that the losses due to the Almeda fire increased regional need for
24 affordable housing and overall pressure on the Ashland housing market.; and

25
26 **WHEREAS**, amendments to the allowances for housing in the commercial and employment
27 zones are needed to provide more flexibility in the commercial and employment zones to
28 respond to fluctuations and changes in the economy and demand for housing.; and

1 **WHEREAS**, the City of Ashland Planning Commission conducted on December 14, 2021 and
2 September 27, 2022, duly advertised public hearings on amendments to the Ashland Land Use
3 Ordinance concerning the standards relating to annexations, and following deliberations
4 recommended approval of the amendments.; and
5

6 **WHEREAS**, the City Council of the City of Ashland conducted duly advertised public hearings
7 on the above-referenced amendments February 1, 2021 and November 15, 2022.; and
8

9 **WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing
10 and record, deliberated and conducted first and second readings approving adoption of the
11 Ordinance in accordance with Article 10 of the Ashland City Charter.; and
12

13 **WHEREAS**, the City Council of the City of Ashland has determined that in order to protect and
14 benefit the health, safety and welfare of existing and future residents of the City, it is necessary to
15 amend the Ashland Municipal Code and Land Use Ordinance in manner proposed, that an adequate
16 factual base exists for the amendments, the amendments are consistent with the comprehensive
17 plan and that such amendments are fully supported by the record of this proceeding.
18

19 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**
20

21 **SECTION 1.** The above recitations are true and correct and are incorporated herein by this
22 reference.
23

24 **SECTION 2.** Section 18.2.3.130 [Dwellings in Non-Residential Zones – Special Use Standards]
25 of the Ashland Land Use Ordinance is hereby amended to read as follows:
26

27 **18.2.3.130 Dwellings in Non-Residential Zones**

28 Where dwellings are allowed in non-residential zones, they are subject to all of the following
29 requirements.
30

- A. Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18.3.13 Residential Overlay.

1 B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards, except that
2 dwellings developed under the Transit Triangle (TT) overlay option are not subject to
3 subsection 18.2.3.130.B, below. See section 18.3.14.040 for the allowed uses in the TT
4 overlay.

5 1. ~~**Mixed-Use Developments Outside of the Downtown Design Standards Overlay.**~~ ~~**If**~~
6 ~~**there is one building on a site, ground floor residential uses shall occupy not**~~
7 ~~**more than 35 percent of the gross floor area of the ground floor. Where more than**~~
8 ~~**one building is located on a site, not more than 50 percent of the total lot area**~~
9 ~~**shall be designated for residential uses. At least 65 percent of the gross floor**~~
10 ~~**area of the ground floor shall be designated for permitted uses and uses**~~
11 ~~**permitted with special use standards, not including residential uses.**~~

12 **a. *Applicability.* This subsection, 18.2.3.130.B.1, applies to mixed-use**
13 **buildings or developments that meet all of the following requirements.**

14 **i. *Location.* The mixed-use building or development shall be located outside**
15 **of the Downtown Design Standards overlay.**

16 **ii. *Lot Size.* The mixed-use building or development shall be located on a lot**
17 **that is less than 10 acres in size. Mixed-use developments located on lots**
18 **10 acres in size and greater shall be subject to the requirements of**
19 **subsection 18.2.3.130.B.2, below.**

20 **ii. *Building Height.* The mixed-use building shall be two or more stories in**
21 **height. Mixed-use buildings that are one story in height are subject to the**
22 **requirements of subsection 18.2.3.130.B.2, below.**

23 **b. *Gross Floor Area.***

24 **i. *One Building.* When a planning application is limited to one building,**
25 **residential uses may occupy up to 65 percent of the gross floor area of the**
26 **ground floor. At least 35 percent of the gross floor area of the ground floor**
27 **shall be designated for permitted uses and uses permitted with special use**
28 **standards not including residential uses, or as *Commercial Ready***
29 ***Residential Space* consistent with 18.2.3.130.B.1.c below.**

30 **ii. *More Than One Building.* When a planning application includes more than**
31 **one building, the equivalent of at least 35 percent of the gross floor area of**
32 **the ground floor shall be designated for permitted uses and uses permitted**
33 **with special use standards not including residential uses, or as**
34 ***Commercial Ready Residential Space* consistent with 18.2.3.130.B.1.c**
35 **below.**

36 **c. *Commercial Ready Residential Space.* Gross floor area designated as**
37 **commercial ready residential space shall be in compliance with the following:**

38 **i. *Residential uses* provided within the designated commercial ready**
39 **residential space shall be limited to rental units affordable to households**
40 **earning 80% Area Median Income consistent with the requirements of the**
41 ***Ashland Affordable Housing Program* including household income**
42 **verification and maximum rental amounts.**

1 ii. An Agreement shall be executed with the City, or a deed restriction shall be
2 recorded on the property, which stipulates that the Commercial Ready
3 Residential Space shall not be used as market rate rental housing or sold
4 as a residential unit.

5 iii. If residential uses are provided immediately above the ground floor level
6 (i.e., second floor residential), horizontal occupancy separation must be
7 provided to accommodate future commercial occupancies as required by
8 the building code at the time of construction.

9 d. Residential uses shall be subject to the same setback, landscaping, and
10 design standards as for permitted uses in the underlying zone.

11 2. Mixed Use Developments Inside the Downtown Design Standards Overlay, Large
12 Lots and One-Story Mixed-Use Buildings. Residential densities shall not exceed 15
13 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone,
14 and 60 dwelling units per acre in the C-1-D zone. For the purpose of density
15 calculations, units of less than 500 square feet of gross habitable floor area shall
16 count as 0.75 of a unit.

17 a. Applicability. This subsection, 18.2.3.130.B.2, applies to mixed-use buildings
18 and developments located in the Downtown Design Standards Overlay. In
19 addition, this subsection applies to mixed-use buildings and developments
20 located on lots that are 10 acres and greater in size and to one-story mixed-use
21 buildings, whether the lot or building is located inside or outside the
22 Downtown Design Standards overlay.

23 i. Location. Mixed-use buildings and developments located in the Downtown
24 Design Standard overlay shall be subject to the requirements of this
25 subsection.

26 ii. Lot Size. Mixed-use buildings and developments located on lots 10 acres
27 and greater in size shall be subject to the requirements of this subsection.

28 iii. Building Height. Mixed-use buildings that are one story in height shall be
29 subject to this subsection.

30 b. Gross Floor Area.

i. One Building. When a planning application is limited to one building,
residential uses may occupy up to 35 percent of the gross floor area of the
ground floor. At least 65 percent of the gross floor area of the ground floor
shall be designated for permitted uses and uses permitted with special use
standards, not including residential uses.

ii. More Than One Building. When a planning application includes more than
one building, the equivalent of at least 65 percent of the gross floor area of
the ground floor for all buildings shall be designated for permitted uses and
uses permitted with special use standards, not including residential uses.

3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.

4. Off-street parking is not required for residential uses in the C-1-D zone.

5. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.

SECTION 3. Section 18.2.6.030 [Unified Standards for Non-Residential Zones – Standards for Non-Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Table 18.2.6.030 – Standards for Non-Residential Zones (Except as modified under chapter 18.5.5 Variances.)				
Standard	C-1	C-1-D	E-1	M-1
Residential Density ¹ (dwelling units/acre)	30 du/ac <u>No Density Maximum</u>	60 du/ac <u>No Density Maximum</u>	15 du/ac <u>No Density Maximum</u>	<u>NA</u>
¹ where allowed per section 18.2.3.130 ; within E-1 zone, per R-Overlay (see chapter 18.3.13 Residential Overlay). <u>For calculation of the affordable housing requirements provided in 18.5.8.050 the base residential density of C-1 shall be considered 30du/ac, and E-1 shall be considered 15 du/acre.</u>				
Lot Area, Width, Depth Lot Coverage	There is no minimum lot area, width or depth, or maximum lot coverage; or minimum front, side or rear yard, except as required to comply with the special district and overlay zone provisions of part 18.3 or the site development and design standards of part 18.4 .			
Setback Yards (feet)	<p>There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 ft and a rear yard of not less than 10 ft per story is required.</p> <p>The solar setback standards of chapter 18.4.8 do not apply to structures in the C-1-D zone.</p> <p>Except for buildings within 100 feet of a residential zone, the solar setback standards of chapter 18.4.8 do not apply to structures in the C-1 zone.</p> <p>See also section 18.2.4.030 Arterial Street Setback.</p>			There is no minimum front, side, or rear yard, except 20 ft where adjoining a residential zone.
Building Height ^{2&31 & 2} – Maximum (feet)	<p>40 ft, except:</p> <ul style="list-style-type: none"> - Buildings greater than 40 ft and less than 55 ft are permitted in C-1-D zone with approval of a Conditional Use Permit. -Where located more than 100 feet from a residential zone, buildings greater than 40 ft and less than 55 ft are permitted in C-1 zone with approval of a Conditional Use Permit. 			40 ft

Table 18.2.6.030 – Standards for Non-Residential Zones
 (Except as modified under chapter 18.5.5 Variances.)

<i>Standard</i>	<i>C-1</i>	<i>C-1-D</i>	<i>E-1</i>	<i>M-1</i>
²¹ See definition of “height of building” in section 18.6.1.030 . ³² Parapets may be erected up to five feet above the maximum building height; see also, 18.4.4.030 .G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.				
Landscape Area – Minimum (% of developed lot area)	15%	None, except parking areas and service stations shall meet the standards of chapters 18.4.3 Parking, Access, and Circulation, and 18.4.4 Landscaping, Lighting, and Screening.	15%	10%

SECTION 4. Section 18.3.13.010 [Residential Overlay Regulations – Residential Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.13.010 Residential Overlay Regulations

- A. Purpose.** The Residential overlay is intended to encourage a concentration and mix of businesses and housing that provides a variety of housing types, supports resource and energy conservation, and promotes walking, bicycling, and transit use.
- B. Applicability.** The Residential overlay applies to all property where ‘Residential Overlay’ (R) is indicated on the Zoning map.
- C. Requirements.** ~~The Dwellings in the Residential overlay requirements are as follows shall meet the applicable standards in section 18.2.3.130, except that dwellings developed under the Transit Triangle (TT) overlay option are not subject to subsection 18.3.13.010 C, below. See section 18.3.14.040 for the allowed uses in the TT overlay or 18.3.14.040 for the TT overlay.~~
 - ~~1. Mixed-Use Developments. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.~~
 - ~~2. Residential densities shall not exceed 15 dwelling units per acre. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.~~

1 ~~3. Residential uses shall be subject to the same setback, landscaping, and design~~
2 ~~standards as for permitted uses in the E-1 District.~~

3
4 **SECTION 5.** Section 18.6.1 [Definitions] of the Ashland Land Use Ordinance is hereby
5 amended to include the following definition which reads as follows:

6 **18.6.1.030 - Definitions**

7 **Commercial Ready Space. Ground floor area within a mixed-use building that is**
8 **designed to accommodate commercial uses in compliance with applicable design**
9 **and building code standards. Commercial Ready Space provides the flexibility of**
10 **occupying a space with commercial uses and allowing the use in such space to**
11 **change to affordable rental housing in accordance with the Ashland Affordable**
12 **Housing Program.**

13 **SECTION 6. Codification.** In preparing this ordinance for publication and distribution, the City
14 Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such
15 limitations, may:

- 16 (a) Renumber sections and parts of sections of the ordinance;
17 (b) Rearrange sections;
18 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
19 (d) Delete references to repealed sections;
20 (e) Substitute the proper subsection, section, or chapter numbers;
21 (f) Change capitalization and spelling for the purpose of uniformity;
22 (g) Add headings for purposes of grouping like sections together for ease of reference; and
23 (h) Correct manifest clerical, grammatical, or typographical errors.

24
25 **SECTION 7. Severability.** Each section of this ordinance, and any part thereof, is severable,
26 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
27 remainder of this ordinance shall remain in full force and effect.
28
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

The foregoing ordinance was first read by title only in accordance with Article X,
Section 2(C) of the City Charter on the ____th day of _____, 2022,
and duly PASSED and ADOPTED this ____th day of _____, 2022,

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2022.

Julie Akins, Mayor

Reviewed as to form:

Douglas McGeary, Acting City Attorney

DISCUSSION ITEM

Food Truck Code Discussion

Memo

DATE: September 27, 2022
TO: Ashland Planning Commission
FROM: Derek Severson, *Senior Planner*
RE: Study Session Discussion of Food Truck and Food Cart Code Language

At the September 13, 2022 regular meeting, the Planning Commission initiated a land use ordinance amendment related to food trucks and food carts.

As has been previously discussed, despite food vendors and space for outdoor eating being requisite elements in the Detail Site Review Zone's Plaza Space Standards in AMC 18.4.2.040.D.2.c.vi, food trucks have typically been looked at either in terms of the short-term event allowances or as temporary seasonal uses requiring a Type I Conditional Use Permit. In addition to serving as an incubator for restauranteurs to make a more affordable entry into the business without a bricks-and-mortar investment, food trucks can enliven and activate a space and during the pandemic provided an affordable outdoor dining option in many communities. The current treatment of food trucks in Ashland as a Type I Conditional Use Permit results in an application process that in terms of both fees and timeframe can pose a barrier to many food truck owners.

Initial draft code language is included below which would provide more options for food truck owners interested in operating in Ashland. The code language proposed would:

1. Change the allowances for temporary uses under a short-term event permit from no more than once *per year* to no more than once *per month*.
2. Food vendors and space for outdoor eating are requisite elements where plaza space is required in the Detail Site Review zone. As such, it could be made an administrative policy that any property in the Detail Site Review Zone that can accommodate food vendors and outdoor eating spaces in their existing plaza space without physical alteration of the space (other than extension of utilities) could do so without separate land use approval. The basis for this change is in not requiring a Conditional Use Permit for something that is already a required element for plaza space within the Detail Site Review zone. As an example, the OSF Bricks could accommodate a food truck or cart without alteration and would be allowed under the proposed amended language.
2. Staff are also proposing to allow food trucks and/or outdoor eating space in existing parking lots in commercial zones with over five spaces, except in cases where the parking lot is already subject to a mixed use or joint use credit. Up to 20 percent of required parking spaces could be used for food trucks as an outright permitted use without a requirement for land use approval.

In both cases, signage could be limited to what was on the truck itself and one portable A-frame sign that could be placed outside of the right-of-way while the food truck was operation, and the food truck operator



would need to obtain a ministerial food truck permit as well as a business license, register for and pay food and beverage tax, and obtain any required inspections from the Building, Fire and the Health Departments.

As written, no more than three food trucks or carts could be approved on a property through a ministerial permit. Four or more trucks (a “pod”) on a single property or the operation of food trucks and food carts on private property outside of existing parking areas or plaza space would require Site Design Review approval. The proposed language would not permit food trucks within public rights-of-way, public parking lots or parks. As proposed, ministerially-approved food trucks or carts could not remain in place for more than five consecutive days and could not be connected to utilities other than electric, and as such would not be subject to system development charges.

Staff are looking for any feedback on these proposed amendments, or any further suggestions from the Commission, before scheduling a hearing on this item.



Food Trucks & Food Carts

18.2.2.030.E. Food Trucks and Food Carts. Special Permitted Use in C-1, C-1-D, E-1 and M-1 subject to standards in 18.2.3.145

18.2.2.030.H. Temporary Uses. Temporary uses require a conditional use permit under chapter [18.5.4](#), except as follows:

1. Short-Term Events. The Staff Advisor may approve through ministerial review short-term temporary uses occurring **once in a calendar year not more than once per month** and lasting not more than 72 hours including set-up and take-down. Activities such as races, parades, and festivals that occur on public property (e.g., street rights-of-way, parks, sidewalks, or other public grounds) require a special event permit pursuant to chapter [13.03](#).
2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this chapter, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

AMC 18.2.3.145 Food Trucks and Food Carts.

Where food trucks and food carts are allowed they are subject to the following requirements.

- A. Within the Detail Site Review overlay zone as described in AMC 18.4.2.040.C, outdoor eating areas and food vendors are among the required elements of the Detail Site Review Plaza Space Standards (AMC 18.4.2.040.D.2). Where food trucks or food carts and associated outdoor eating areas can operate within existing plaza space without alteration of the existing site plan, a food vendor must obtain a ministerial Food Truck Permit but no further land use approval is required.**
- B. Within the C-1, C-1-D, E-1 and M-1 zones, food trucks and food carts may operate within existing private parking lots where there are at least five off-street parking spaces in place, the existing approval did not include mixed use or joint use parking credits, and no more than 20 percent of the required off-street parking spaces are proposed to be used by food trucks and food carts. Food truck or cart placement and associated accessory items shall not interfere with vehicular or pedestrian circulation on site. A food vendor must obtain a ministerial Food Truck Permit but no further land use approval is required.**
- C. No more than three food trucks or food carts may be approved on a single property through ministerial review.**



- D. Food truck courts or pods, or the operation of food trucks and food carts on private property outside of existing parking areas or plaza space, require Site Design Review approval under chapter 18.5.2.**
- E. Short-term operation of a food truck or food cart outside of the parameters of A-B above may be permitted as a short-term event pursuant to AMC 18.2.2.030.H.1.**
- F. Ministerially-approved food trucks and food carts are not permitted to operate within public rights-of-way.**
- G. Food truck vendors shall obtain a business license, food truck permit, register for and pay applicable food and beverage tax, and receive any requisite inspections from the Building and Fire Departments and the Jackson County Environmental Public Health Department.**
- H. Utilities. Food Truck Vendors must provide their own water. Wastewater must be disposed of in an approved location. Connections to temporary power are permitted. If generators are used, they shall comply with the noise regulations in Chapter 9.08.**
- I. Signage. Signage shall be limited to any signage on the food truck or cart and one portable business sign (sandwich board or A-frame) which shall be removed when the food truck or cart is not in operation. Portable business signs shall not be placed within the public rights-of-way.**
- J. Trash and Recycling. Food truck vendors shall provide trash and recycling containers within ten feet of the truck or cart during operations, and any trash related to the food vendor within 50 feet not placed in the containers shall be removed by the vendor at the end of the day. Trash and recycling containers shall be removed from the premises when the food truck is not in operation.**
- K. Duration. A food truck shall not remain on a property for more than five consecutive days.**
- L. Polystyrene Foam. Food truck vendors shall be subject to the prohibition on the use of polystyrene foam food packaging in AMC 9.20.**

18.3.2.040.B Food Trucks & Carts = Special Permitted Use (“S”) in CM-NC, CM-CI, CM-OE and CM-MU districts subject to AMC 18.2.3.145.

18.3.4.040.B Food Trucks & Carts = Special Permitted Use (“S”) in NN-1-3.5-C district subject to AMC 18.2.3.145.

18.3.5.050.C Food Trucks & Carts = Special Permitted Use (“S”) in NM-C district subject to 18.2.3.145.

18.6.1.030.F Definitions

Food Cart. A push cart or mobile food unit which is designed to be readily movable, but is typically not self-propelled by motor or pedal power, and which is temporarily located on a property to sell food and beverages to the general public. *The maximum size for a food cart is four-feet wide nine feet long and four feet high. Food carts must be self-contained and designed to be movable by one person.*

Food Truck. A wheeled, motorized vehicle or trailer temporarily located on a property to sell food and beverages to the general public. A food truck typically contains cooking facilities where the food is also prepared. *The exterior length and width of a food truck, when multiplied,*



shall be no more than 170 square feet, excluding the trailer tongue and bumper. Up to an additional 170 square feet is allowed for outdoor equipment.

Food Truck Court or Food Truck Pod. Four or more food trucks or food carts operating on the same property.

Food Truck Vendor. The operator who sells, cooks and serves food or beverages from a food truck or food cart.

