

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
Minutes
September 27, 2022

I. CALL TO ORDER: 7:00 PM

Chair Haywood Norton called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

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

Staff Present:

Bill Molnar, Community Development Director
Brandon Goldman, Planning Manager
Derek Severson, Senior Planner
Michael Sullivan, Administrative Assistant

Absent Members:

Kerry KenCairn

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

Community Development Director Bill Molnar made the following announcement:

- Townmakers, LLC will be providing a presentation at the October 3, 2022 City Council meeting. They have previously conducted an open house to engage with the public, as well as met with the Planning Commission at its January 25, 2022 Study Session.
- Mr. Molnar reminded the Commission that he would be retiring effective September 30, 2022, and that Planning Manager Brandon Goldman had been appointed as interim Community Development Director.

III. PUBLIC FORUM - None

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.

Staff Presentation

Mr. Goldman gave a brief legislative history of the ordinance before it was approved by the Commission in December of 2021. The Council remanded it back to the Commission in order to consider if there were opportunities to further increase affordable residential rentals on the ground floor of mixed-use developments. The affected areas would be C-1 zones outside of downtown, and E-1 zones with residential overlay. There is a provision in the ordinance for lots

over 10 acres to be unaffected in order to retain larger scale commercial development potential. The ordinance would also include a designation for “Commercial Ready Residential Space” on the ground floor, which would be built to meet commercial standards but could be used explicitly for affordable rental housing. Mr. Goldman added that the Residential density caps in C1, C-1-D, and E-1 were removed in order to encourage a variety of housing types (see attachment #1). Added to the code would be the definition for Commercial Ready Residential Space under AMC 18.6.1.030, and Mr. Goldman outlined the proposed code provisions for discussion:

- 35% of the ground floor area shall be designated for permitted (commercial) uses, not including residential uses, or as **Commercial Ready Residential Space** consistent with 18.2.3.130.B.1.c.
- Affordable rental housing could occupy Commercial Ready Residential Space.
- Affordable to renters earning 80% the Area Median Income or less.
- Require affordable rental occupants be income qualified by the City at any change in tenancy.
- Require a deed restriction or agreement with City clarifying the 35% ground floor area cannot be used as market rate housing.

Questions of Staff

Commissioner Thompson drew attention to a non-substantive correction on page 4, section 3 of the draft ordinance.

Commissioner Thompson stated that the main obstacle the Commission encountered when it first reviewed the ordinance was that a change to the Comprehensive Plan and the Housing Analysis in 2007 would need to take place in order to allow 100% residential on the ground floor of mixed-use buildings. Commissioner noted that staff had utilized Senate Bill 8 as a means of circumventing this issue, and inquired if staff would require a legal opinion on that argument. Mr. Goldman responded that there have already been legal opinions rendered by Medford and Roseburg on how the senate bill was drafted, but that they had yet been tested. It was staff’s opinion that the residential use could be maintained in perpetuity due to deed restrictions on the properties, rather than limited to the 30-year term referenced in Senate Bill 8. Mr. Molnar remarked that staff had been in contact with the state, who did not indicate that this draft ordinance would be contrary to Goal 9. The state is awaiting the ordinance in its entirety before passing judgement, particularly because a significant amount of the City’s inventory does not allow for E-1 without a Residential overlay. Commissioner Thompson suggested that a preamble articulating the legal rationale for this legislative change be included in the ordinance. Mr. Molnar responded that the rationale would be reflected in the findings to the Council.

Commissioner Thompson inquired if parking would be developed to commercial standards, and how parking requirements would be determined for commercial or residential use buildings. Mr. Goldman confirmed that they would be developed for commercial use. For residential the number of parking spaces would be determined based on the number of bedrooms in the building, while commercial parking are determined by the square footage of the building and its intended use. Commissioner Knauer inquired in these parking requirements would change based on the new Climate Friendly and Equitable Communities state guidelines, and Mr. Goldman confirmed that they would.

Commissioner Verner requested clarification over why the Commercial Ready Residential Space ordinance would not apply to properties over 10 acres in size. Mr. Goldman responded that properties over 10 acres were being retained for larger scale development rather than be divided into smaller mixed-use projects.

Commissioner Dawkins asked why projects could develop one commercial and one residential building as part of the same development, rather than developing both as mixed-use. Mr. Goldman responded that there are current standards in the AMC that allow for this separation. As an example he cited the Rogue Credit Union and accompanying residential building on the same parcel, stating that the combined floor areas of the buildings then met code standards.

Commissioners Thompson/Verner m/s to recommend that the City Council adopt the proposed ordinance as presented with a few non-substantive changes. Voice Vote: all AYES. Motion passed. 6-0.

V. DISCUSSION ITEMS
A. Food Truck Code Discussion

Staff Presentation

Senior Planner Derek Severson began by stating that this discussion is to determine how best to allow additional options for food trucks, while finding further use for vacant lots and underutilized properties.

Staff first recommended changes to allowances for temporary use permits and special events, including holiday celebrations and employee appreciation events. Currently there are allowances in the AMC for temporary use permits for food trucks limited to once per year, with staff suggesting an increase to once per month.

The second recommendation would be to make it 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 could do so without separate land use approval. Mr. Severson displayed a map of the Detail Site Review Overlay to showcase the affected areas of such a change.

The third staff recommendation would be to allow food trucks and associated outdoor eating spaces 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. Mr. Severson added that up to 20% of required parking spaces could be used for food trucks as an outright permitted use without a requirement for land use approval.

Mr. Severson detailed how any potential food vendor would then need to obtain a staff-approved ministerial permit. They would also be required to obtain a business license, register for and pay food and beverage tax, and obtain any required inspections from the City's Building, Fire, and Health departments. Food trucks would not be permitted to remain in one place for more than five consecutive days, and more than three food trucks on a single property would trigger a Site Review. The proposed language would not permit food trucks to operate in public rights-of-way, public parking lots, or parks through the ministerial process (see attachment #2). Mr. Severson added that this is a similar process to one used in Medford, and would create a consistent model for food truck vendors in the area.

Questions of Staff

Commissioner Verner requested clarification on the differences between the temporary use permit and the ministerial permit. Mr. Severson responded that the temporary use permit would be limited to short-term special events, while the ministerial permit would allow for more consistent service provided that the food truck moved sites every five days.

Chair Norton conveyed surprise that the City had not received feedback from local restaurants regarding the introduction of additional food trucks to the City.

Commissioner Thompson expressed concern over the prospect of food trucks being permitted in the Historic District and the potentially negative impact they could have on residential areas. She also stressed the importance of not suggesting that a food cart is a required element in a plaza when it is merely one of the optional elements. Commissioner Thompson drew attention to subsection A of the staff memo and inquired if food trucks would be permitted in residential zones, to which Mr. Severson responded that they would not. He added that the Detail Site Review standards are not residential standards, and that language could be added to clarify that distinction.

Commissioner Thompson reiterated her concern that food trucks could be permitted in the Historic Districts, even those with commercial buildings. She drew attention to the potential erosion of residential zoning and where housing is permitted, and how the addition of food trucks could have a negative impact in E-1 and C-1 zones with residential buildings. Commissioner Thompson asked what the approval criteria for food trucks would be. Mr. Severson responded that they would have to meet the zoning and dimensional requirements, as well as a site plan and Fire, Building and Health department inspections. Commissioner Thompson suggested that a minimum distance from residential areas be considered as a requirement for the ministerial permit.

Commissioner Knauer asked how many food trucks were issued Conditional Use Permits (CUP) in a standard year prior to the pandemic. Mr. Severson responded that 2-3 would be typical because of the lengthy application process. Commissioner Knauer remarked that food trucks could benefit the City if managed properly, but that the proposed changes might not be sufficient to perform an adequate experiment. Commissioner Thompson emphasized the significant change this would make in the process, to which Commissioner Knauer responded that it could be approached in a different fashion. Chair Norton commented that the changes presented might not result in a significant number of food trucks entering the City, particularly when Medford has a greater population, customer base, and roadways that are more beneficial to them.

Commissioner Herron inquired why health care zoning was not included in the memo. Mr. Severson responded that health care is typically residential, but that it can be included if the Commission believed it appropriate. Commissioner Herron indicated that they should be included in order service health care workers nearby. He then asked if these changes addressed the sale of alcohol. Mr. Severson replied that it did not, but could be addressed.

There was general concern from the Commission over the lack of grease-traps, restrooms or other public amenities. Commissioner Dawkins voiced the opinion that it would be unfair to ask other local businesses to support food trucks who lacked public amenities, and suggested that in the future staff consider code amendments to address this issue. Chair Norton commended the inclusion of trash disposal as part of the staff memo, but suggested that staff include a condition that required food trucks to have sanitary services for their employees. Commissioner Herron stated that the City should be modeling its food truck codes after Portland, Eugene, and Bend, pointing out that they are on dedicated lots and require grease-traps and restrooms. He went on to say that blight should be used in a way that is resourceful and sustainable.

Commissioner Thompson commented that the plaza space requirement seems to largely focus on serving the residents of a particular neighborhood, but that any resulting food courts could potentially attract visitors from outside those areas of the City. The Commission suggested that the maximum number of food trucks allowed on a lot before it is considered a food court be reduced to two. Chair Norton pointed out that the two designated food truck spots on Exit 14 have amenity hookups and restrooms.

Commissioner Herron asked if staff had received feedback from food truck owners regarding the proposed code changes. Mr. Severson responded that staff had not received feedback about the changes specifically, but that they had complained to staff about the difficulty in acquiring a CUP for food trucks in the past. Commissioners Herron and Verner requested that staff gather feedback from food truck owners, and Mr. Severson replied that staff can attempt to contact them.

Commissioner Herron asked that staff provide the Commission with a variety of approval options at a later meeting. Chair Norton outlined how the temporary event permits were near approval, but that the ministerial permits would require more deliberation. Commissioner Dawkins commented that food trucks will be entirely market driven, and that they are unlikely to have a strong presence in the City.

Members of the Commission expressed appreciation to Mr. Molnar for his long service in the Planning Department and to the City.

VII. ADJOURNMENT

Meeting adjourned at 8:24 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*