

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  
STUDY SESSION  
October 25, 2022  
AGENDA  
<https://zoom.us/j/93043351914>**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **PUBLIC FORUM**
  
- IV. **DISCUSSION ITEMS**
  - A. Food Truck Ordinance Updates – Continued
  - B. Community Development Permitting Process and Code Review
  
- V. **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).

# **DISCUSSION ITEM**

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## **Food Truck Ordinance Updates - Continued**

# Memo

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**DATE:** October 25, 2022  
**TO:** Ashland Planning Commission  
**FROM:** Derek Severson, *Senior Planner*  
**RE:** Follow-Up Discussion of Food Trucks and Food Carts

At the September 27, 2022 meeting, Planning Commissioners discussed potential code changes which might provide more options for mobile food vendors to operate food trucks and food carts in Ashland. Some key points of that discussion included restroom requirements, fire code requirements, and wanting to look individually at 1) temporary use allowances, 2) ministerial permitting possibilities, and 3) ways to encourage food truck pods similar to those found in Bend and Portland.

## **Restroom Requirements**

State & County Health Department regulations currently include restroom requirements. The Oregon Health Authority regulates “Mobile Food Unit” operations through its Foodborne Illness Prevention Program. Licensing is required, and before a mobile food unit is licensed, it must go through a plan review with the local Environmental Health Department which for Medford and Ashland is the Jackson County Environmental and Public Health Department. Oregon law requires that all food service activities open to the public be licensed prior to operation, and that mobile food units must be maintained and operated as originally designed, approved and licensed. The Oregon Health Authority’s “*General Requirements and Limitations*” for mobile food units are detailed below:



Requirements	Class I	Class II	Class III	Class IV
Water Supply Required	No	Yes	Yes	Yes
Handwashing System Required	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>
Dishwashing Sinks Required	No	No <sup>2</sup>	Yes – Or Licensed Commissary <sup>2</sup>	Yes <sup>2</sup>
Assembly or Preparation Allowed	No	No	Yes	Yes
Cooking Allowed	No	No	Yes <sup>3</sup>	Yes
Off-Unit Cooking Operation Allowed	No	No	No	Yes
Restroom Required	Yes	Yes	Yes	Yes
Examples	Prepackaged Sandwiches/ Dispensed Soda	Service of Unpackaged Food Items	Espresso/ Hot Dogs	No Menu Limitation

<sup>1</sup>The handwashing system must be plumbed to provide hot and cold or tempered running water and a minimum of 5 gallons of water must be dedicated for handwashing.

<sup>2</sup>Must provide a minimum of 30 gallons of water for dishwashing or twice the capacity of the three compartment sinks, if provided.

<sup>3</sup>May only cook foods that are not potentially hazardous when raw (rice, pasta, etc.). Animal foods must be pre-cooked.

Restrooms must be provided within 500 feet of the mobile food unit if it will be operating for more than two hours in one location or if seating for customers is provided. Restrooms must have a handwashing facility that provides hot and cold running water, soap and paper towels or an air dryer. The restroom requirement may be satisfied by providing an agreement with a nearby business agreeing to allow employee and customer use.

**Staff would like further guidance from the Commission in terms of whether there is a need to go beyond the Oregon Health Authority’s current restroom requirements with specific restroom requirements for Ashland, and if so, in what circumstances?**

### **Fire Code Requirements**

Fire Chief Sartain has indicated that mobile food vendors are required to comply with NFPA 1 and the Oregon Fire Code. He has further indicated that he was involved in developing the City of Medford Fire Department’s Mobile Food Vendor permit program, which he believes is one of the most progressive around, and that he would be willing to accept inspections under this program by Medford Fire. A copy of the Medford Fire Department’s informational packet for mobile food vendors is attached and includes application materials detailing the level of detail involved in inspecting the units, as well as information on the NFPA 1 requirements and on Medford’s code.

### **Temporary Use Allowances**

AMC 18.2.2030.H.1 provides for short-term temporary uses occurring once in a calendar year on private property and lasting not more than 72 hours including set-up and take-down to be approved through



ministerial review with a short-term event permit. These permits are currently used to allow food trucks for events such as the annual Chocolate Festival at the Ashland Hills Inn & Suites.

**In the initial draft considered last month, staff recommended changing 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*” in order to provide some greater flexibility for short-term events and Planning Commissioners seemed generally agreeable with this change.**

### **Ministerial Permitting Possibilities**

Staff were looking for “low-hanging fruit” that could provide greater allowances for food trucks and food carts with fewer perceived procedural barriers than the current Conditional Use Permit process. In seeking to reduce procedural barriers, staff were trying to identify options that would allow ministerial review (i.e. staff review based on non-discretionary standards that do not require comment and noticing periods) and did not involve changes to existing site plans. Staff looked first to the City of Medford’s regulations. Medford currently has 58 food vendors with active licenses, as staff believed that where possible generally familiar regulations might enable these vendors to easily transition back and forth between cities.

In Medford, mobile food vendors are permitted on private property in all of the City’s commercial zones as well as in the light and general industrial, and in public parks zones (*subject to Parks Department approval*). Mobile food vending from trucks or trailers is allowed from “daily pods” which are permitted via ministerial review, and allow one or more mobile food vendors to locate on private property for up to five consecutive days in the same location. Vendors must provide their own water, wastewater must be disposed of in an approved location, and temporary power connections are permitted.

### ***Plaza Space***

Medford’s daily pods are similar to what staff had proposed last month. As a first option, staff looked to existing plaza spaces. Food vendors and space for outdoor eating are two of six elements identified for plaza space, and applicants must select four elements to be included where plaza space is required within the Detail Site Review zone. Given that spaces for food vendors and for outdoor eating are already identified elements of plaza space, staff recommended 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 the extension of electrical utilities, be allowed to do so without obtaining a separate land use approval. The basis for this change is in not requiring a Conditional Use Permit for something that is already recognized in the design standards as an appropriate element for plaza space. As proposed, sites such as the OSF Bricks that could accommodate food trucks or carts without alterations would be allowed to do so with ministerial review under the proposed amended language.

### ***Parking Lots***

Staff have also proposed allowing food trucks or carts and associated 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. As recommended, up to 20 percent of required parking spaces could be used for food trucks as an outright permitted use without a requirement for separate land use approval.

In both cases, signage would be limited to what was on the truck itself and one portable sign such as an A-frame or sandwich board that could be placed outside of the right-of-way while the food truck was in 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 and they could not remain in place for more than five consecutive days, could not be connected to utilities other than electric, and as such would not be subject to system development charges.

At this point, staff believe the following questions need to be addressed before moving to a public hearing:

**Are Commissioners comfortable with the idea of allowing food trucks in existing plaza space in Detail Site Review zones?**

**Are Commissioners comfortable with the idea of allowing food trucks in parking lots with more than five spaces, and to allow them to use up to 20 percent of required parking spaces?** *Impacts would be limited by the number of food trucks allowed (i.e. no more than two or three trucks and any associated seating space).*

**Do Commissioners feel comfortable with the allowance for up to three food trucks or carts to be approved on a single property through ministerial review, or would it seem more appropriate to limit the number to no more than two?**

**Do Commissioners believe that the requirement that a ministerially-approved food truck not remain in place for more than five consecutive days is appropriate and necessary?** *This would prevent the trucks from being left in one place indefinitely, and would enable emptying of wastewater, re-filling of water tanks and re-stocking of supplies off-site.*

### **Food Truck Pods**

In the City of Medford, mobile food vending is also allowed from “semi-permanent pods” which require a public hearing. These involve sites being developed to accommodate food vendors on a more permanent basis, and require that restrooms and dumpsters be provided on site. Portable toilets are permitted to address restroom requirements, and seating areas, buildings, and any membrane structures such as tents or awnings) are to be identified on a site plan included with the application. Mobile food vendors in these semi-permanent pods are required to connect to water and sewer unless an alternative method is approved, and these pods are subject to Systems Development Charges (SDCs). These semi-permanent pods or courts would be similar to what is also seen in Bend or Portland.

In the draft language provided last month, staff had suggested that four or more trucks 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 constitute a “pod” and require Site Design Review approval. Currently, food truck operators have been required to obtain Conditional Use Permit approval, which provides a greater degree of discretion than Site Design Review. Conditional Use Permit review looks at the adverse material impacts of the proposal versus the target use for the specific site and looks at compatibility of proposed improvements with the impact area so that, for instance, existing standards for orientation to the street, pedestrian and vehicular circulation, screening of refuse and recycling containers can be considered. The current process was used to allow the food trucks currently approved for 2366 Ashland Street.

**Does the Commission believe that three food trucks on a single property would be a more appropriate threshold for review as a food truck pod or food truck court?**

**Does the Commission believe that Site Design Review should be required instead of the more discretionary Conditional Use Permit review currently required?** This could be accomplished by making food truck courts a special permitted use, subject to specific



requirements for restrooms, seating areas, refuse and recycling, and signage, rather than relying on the more discretionary current process?

**Does the Commission believe that these reviews could be handled as administrative decisions, with notice to surrounding property owners and the potential for appeal to the Planning Commission?**

**Attachments:**

Medford Mobile Food Vendor brochure

Medford Fire Department Mobile Food Vendor Informational Packet



# Food Trucks & Food Carts

## Current Draft Code Language

### **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.





**MEDFORD**  
FIRE

**MOBILE FOOD VENDOR PERMIT APPLICATION**

PERMIT NUMBER: FV \_\_\_\_\_ Medford Business License Number: \_\_\_\_\_

Vendor/Cart/Truck Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Site Location: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Event where the equipment is to be used: \_\_\_\_\_

**PLEASE READ AND FOLLOW REQUIRMENTS ON THE SECOND PAGE OF THIS FORM.** Failure to follow instructions will result in Permit being **revoked** and **denial** of operation.

**This permit is issued and accepted under the conditions that vendors shall be in full compliance with applicable codes, standards, statutes, and ordinances.**

**LIABILITY: THIS PERMIT DOES NOT RELIEVE THE PERMITTEE FROM CRIMINAL OR CIVIL LIABILITY FOR DAMAGES ARISING FROM EVENTS OCCURING UNDER HIS/HER CONTROL. VIOLATIONS OF THE REQUIREMENTS MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL PENALTY.**

**LP Cylinders shall not be stored or used  
inside buildings or enclosed structures**

*I have read and understand the above and agree to the conditions.*

**Permittee or  
Permittee's Agent:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Once application has been processed, an inspection may be required.  
Permit will be approved and issued at completion of successful inspection.*



## **FUEL CYLINDERS**

1. All equipment used in the fuel system shall be approved for LPG use.
2. Quantity shall be limited to enough propane to last for one day's usage.
3. Cylinders shall be protected from physical damage.
4. Cylinders larger than five (5) gallons shall be secured to prevent falling or being knocked over.
5. Propane valves shall be easily accessible.
6. Tanks shall be used as designed. (Cylinders for vertical use shall not be laid down when being used)
7. Cylinders shall be located far enough from flame or spark-producing devices to not heat the cylinders.
8. Hoses shall be protected from physical damage. Hoses connections shall be of an approved LPG type.
9. Teflon tape shall not be used on connections.
10. Connections are designed to have metal-to-metal contact.
11. Regulator to be on each cylinder. (Can manifold two (2) cylinders together into one (1) regulator).  
Hose from regulator shall not to be more than two (2) feet long.
12. Supply lines shall not be spliced.
13. No more than enough supply hose to run from appliance to cylinders.
14. Only approved propane clamps are to be used on supply lines.
15. All propane cylinders shall not be stored or used in buildings or enclosed structures.
16. All cylinders shall have collars around the valves and shall be in good condition with current hydrostatic test date stamp on cylinder.
17. Propane cylinders shall not to be tied/placed together with CO2 cylinders.
18. Food booths located in their own separate tent structure may have propane bottles inside the structure provided the side and back walls are raised to prevent passage through the structure.
19. All cylinders shall be equipped with an Over Flow Protection type (OPD) valve. Old type tanks shall not be allowed in the area.

## **APPLIANCES & DEVICES**

1. Free standing open stock pot containers on high output heating elements are prohibited.
2. Each vendor is required to have one (1) **2A10-BC or higher-rated fire extinguisher**. If cooking utilizes a deep fat fryer or solid fuel fired appliance, the vendor shall have one (1) **K-Class fire extinguisher**. **ALL FIRE EXTINGUISHERS** are to bear a current servicing tag.
3. Appliances and devices shall be approved for LPG use.
4. There shall be at least a one-foot (12") clearance between appliances and combustibles.
5. Any LPG burning appliance or device, whose flame is not visible while operating, shall be equipped with an approved automatic device to shut off the flow of gas to burners and pilots in the event of flame extinguishment or combustion failure.
6. Fuel supply to appliances shall be turned off at the cylinder when the appliance is not in use or during the changing of cylinders.
7. Enclosed vending trucks/carts which produce grease laden vapors shall possess a type 1 hood and fire suppression system. The fire suppression system must have a current service tag and be UL 300 compliant.

**Cooking within a temporary membrane structure shall comply with  
Chapter 31 of the Oregon Fire Code**



## Mobile Food Vendor Inspection Checklist

PERMIT NUMBER: FV \_\_\_\_\_

Vendor Name: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Location of Inspection: \_\_\_\_\_

### EXTERIOR

LP/CNG Tanks:  Yes  No

1- 40 pound DOT tank LP/CNG

Tank Shut offs:  Yes  No

2 – 20 pound DOT tanks Labeled

CNG / LP Tanks Mounted Properly:  Yes  No

Rear Bumper Mounted  Cabinet Mounted Chassis Mounted

CNG/LP Regulator protected from weather:  Yes  No

No Smoking Sign Posted:  Yes  No

Is there a Generator:  Yes  No

Is the Generator separated from nearby combustibles  Yes  No

Generator Powered by: Diesel  LP Gas  Hard-line plumbed from Main Tank

Open Flame Cooking Devices 10 ft from Combustible Construction:  Yes  No

### INTERIOR

Suppression System:  Yes  No Type: \_\_\_\_\_

Fire Extinguishers: 2A10BC  Yes  No "K" Class  Yes  No  N/R

Exhaust Hood:  Yes  No CO Detector:  Yes  No

Roof Mounted Vents:  Yes  No Number of Vents: \_\_\_\_\_

Egress Points Free of Debris:  Yes  No

Electrical Issues:  Yes  No

LP/CNG Lines Intact/Non Leaking:  Yes  No

City of Medford Business License:  Yes  No Number: \_\_\_\_\_

Notes: \_\_\_\_\_

Fire Official: \_\_\_\_\_ Signature: \_\_\_\_\_

# FIRE SAFETY TIPS FOR MOBILE COOKING OPERATIONS



## General

- Does your jurisdiction require a license or permit to operate (e.g. local fire/health department)?
- Is cooking equipment attended at all times?
- Are all required ventilation openings open during cooking operations?
- Is the cooking hood/ventilation system free from grease?
- Is the vehicle parked at least 10 feet from buildings, other vehicles, or combustibles?
- Is the vehicle parked so as not to block fire hydrants, fire lanes, fire department connections, exits, etc.?

## Training

- Are employees trained in proper use of cooking equipment?
- Are employees trained in how to shut-off fuel sources (e.g. propane, generators)?
- Are employees trained in how to notify the local fire department in an emergency?
- Are employees trained in proper storage, handling and fueling procedures?
- Are employees trained in how to perform a leak test and when one is needed?
- Are workers trained in the proper use of portable fire extinguishers and hood extinguishing system?

## Fire Protection

### PORTABLE FIRE EXTINGUISHERS

- Are portable fire extinguishers charged, not obstructed, and in operating condition?
- Are portable fire extinguisher located near the cooking appliance, solid fuel storage, and any portable energy source (e.g. generator)?

## Hood Fire Suppression System

- Is the hood fire suppression system charged and in operating condition?

## Fuel and Power Sources

### PROPANE

- Is the propane system inspected prior to use?
- Are the propane tanks secured in an upright position?
- Are the propane tanks within their hydrostatic test date?
- Is the propane system in good condition, (i.e. no leaks, rust)?
- Has the propane system been leak tested?
- Has a leak test been performed when a new tank is installed, or a modification to the system has been made?
- Is documentation available for any leak test?
- Is the main shut-off marked, in plain view and easily assessable?
- Is the fuel supply shut off when not in use and while in transit?
- On gas system piping, is a flexible connector installed between the regulator outlet and the fixed piping system?

### ELECTRICAL

- Is the electrical system and other equipment in good working condition?
- Are extension cords in good condition?
- Is the electrical system, including extension cords in accordance with the electrical code?

### GENERATORS

- Are generators placed at least 10 feet from buildings, structures, vehicles and combustibles?
- Are generator exhausts directed away from mobile cooking vehicle, vehicles, buildings, structures, exits and openings?
- Are generators protected from contact by the public?
- Are fuel supplies properly stored?
- When refueling are the generators shut down, engine cooled and then refueled?

### SOLID FUEL

- Is combustible solid fuel stored properly and away from combustibles or heat producing appliances?
- Are ashes, cinders, and other fire debris removed at the end of the day and stored in a proper container away from the vehicle, buildings and combustibles?

» This tip sheet provides some safety information to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. You should check with your local jurisdiction for specific requirements. This tip sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information.



# ATTENTION.

## Food Truck Operators

### Are you aware that your compressed gas cylinders must be inspected?

Cylinders are required to be requalified, or replaced every 5-12 years depending on the cylinder type, condition, and previous requalification method (Ref. 49 CFR §§ 180.205(d) and 180.209).

The original manufacture/test date and any requalification/retest dates must be presented in a specific manner. Cylinders that are overdue for requalification must not be refilled.

If propane tanks are manufactured to ASTM Standards and built into the truck's body making it difficult to remove, then these tanks are exempt from the DOT reinspection requirements.

For more information, contact the Hazmat Info-Center: 1-800-467-4922.



RIN number identifying retester/requalifier

7<sup>A1</sup><sub>32</sub> 14

Month last requalified    Year last requalified

Requalification Date



#### Original Manufacture/ Test Date

If no requalification markings are found, the cylinder must be requalified within 12 years of the original manufacture date. (Must be requalified by 5/2017 in this example)

#### Volumetric Test.

Basic Marking. Must be requalified within 12 years of stamped date (Must be requalified by 7/2026 in this example)

#### Proof Pressure Test.

“S” indicates cylinder must be requalified within 7 years of stamped date (Must be requalified by 7/2021 in this example)

#### External Visual Test.

“E” indicates cylinder must be requalified within 5 years of stamped date (Must be requalified by 7/2019 in this example)



U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

If cylinder is out of test find an approved requalifier to requalify your cylinder. A list of DOT approved requalifiers is available from the PHMSA website:

<https://portal.phmsa.dot.gov/rinlocator>

7.023 Modifications to the Oregon Fire Code 2019 Edition, as adopted by the State of Oregon

The Oregon Fire Code is modified as follows:

(1) Section 102.7 is amended by adding the following language:  
Section 319 Mobile Food Preparation Vehicles of the 2018 ICC International Fire Code is adopted.

**319.4.1 Fire protection for cooking equipment.** Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12.

**319.4.2 Fire extinguisher.** Portable fire extinguishers shall be provided in accordance with Section 906.4.

**319.5 Appliance connection to fuel supply piping.** Gas cooking appliances shall be secured in place and connected to fuel-supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturers' instructions.

**319.6 Cooking oil storage containers.** Cooking oil storage containers within mobile food preparation vehicles shall have a maximum aggregate volume not more than 120 gallons (454 L), and shall be stored in such a way as to not be toppled or damaged during transport.

**319.7 Cooking oil storage tanks.** Cooking oil storage tanks within mobile food preparation vehicles shall comply with Sections 319.7.1 through 319.7.5.2.

**319.7.1 Metallic storage tanks.** Metallic cooking oil storage tanks shall be *listed* in accordance with UL 80 or UL 142, and shall be installed in accordance with the tank manufacturer's instructions.

**319.7.2 Nonmetallic storage tanks.** Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall comply with both of the following:

1. Tanks shall be *listed* for use with cooking oil, including maximum temperature to which the tank will be exposed during use.
2. Tank capacity shall not exceed 200 gallons (757 L) per tank.

**319.7.3 Cooking oil storage system components.** Metallic and nonmetallic cooking oil storage system components shall include, but are not limited to, piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

**319.7.4 Design criteria.** The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

**319.7.5 Tank venting.** Normal and emergency venting shall be provided for cooking oil storage tanks.

**319.7.5.1 Normal vents.** Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

**319.7.5.2 Emergency vents.** Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction.

## SECTION 319 MOBILE FOOD PREPARATION VEHICLES

**319.1 General.** Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section.

**319.2 Permit required.** Permits shall be required as set forth in Section 105.6.

**319.3 Exhaust hood.** Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood in accordance with Section 607.

**319.4 Fire protection.** Fire protection shall be provided in accordance with Sections 319.4.1 and 319.4.2.

## GENERAL REQUIREMENTS

Emergency vents are not required to discharge to the exterior.

**319.8 LP-gas systems.** Where LP-gas systems provide fuel for cooking appliances, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

**319.8.1 Maximum aggregate volume.** The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds (91 kg) propane capacity.

**319.8.2 Protection of container.** LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

**319.8.3 LP-gas container construction.** LP-gas containers shall be manufactured in compliance with the requirements of NFPA 58.

**319.8.4 Protection of system piping.** LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

**319.8.5 LP-gas alarms.** A *listed* LP-gas alarm shall be installed within the vehicle in the vicinity of LP-gas system components, in accordance with the manufacturer's instructions.

**319.9 CNG systems.** Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.9.1 through 319.9.4.

**319.9.1 CNG containers supplying only cooking fuel.** CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Sections 319.9.1.1 through 319.9.1.3

**319.9.1.1 Maximum aggregate volume.** The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds (590 kg) water capacity.

**319.9.1.2 Protection of container.** CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to a direct vehicle impact.

**319.9.1.3 CNG container construction.** CNG containers shall be an NGV-2 cylinder.

**319.9.2 CNG containers supplying transportation and cooking fuel.** Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

**319.9.3 Protection of system piping.** CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage and damage from vibration.

**319.9.4 Methane alarms.** A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

**319.10 Maintenance.** Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.10.1 through 319.10.3.

**319.10.1 Exhaust system.** The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Section 607.3.

**319.10.2 Fire protection systems and devices.** Fire protection systems and devices shall be maintained in accordance with Section 901.6.

**319.10.3 Fuel gas systems.** LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an *approved* inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the *approved* inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

## Daily Mobile Food Vendor Pod Language Summarized

November 11, 2020

\*\*\* *indicates omitted language*

### 10.829A Temporary Mobile Food Vendors and Mobile Food Vendor Pods.

(A) Purpose. These regulations are intended to establish criteria for the placement of mobile food vendor pods in the City of Medford. Temporary mobile food vendors provide the community with a wider variety of eating, drinking, and socializing options. Pods provide different vending opportunities for temporary mobile food vendors located on private property. Temporary mobile food vendors shall comply with all applicable City, County, and State regulations.

(B) Mobile Food Vendor Pod Types. Mobile food vendor pods are categorized as either a Daily Pod or a Semi-Permanent Pod.

Daily Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property for no more than five consecutive days at a time. The site may be developed or vacant and must be paved.

Semi-Permanent Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property for periods of time exceeding 24-hours. This type of pod may include the construction of a covered or enclosed seating area, food storage structure, or a structure that serves alcoholic beverages along with designated locations and utilities (water, sewer, power) for temporary mobile food vendors.

(C) Allowed Zoning Districts. Mobile food vendor pods are permitted in the following zoning districts: Commercial – Service/Professional (C-S/P), Neighborhood Commercial (C-N), Heavy Commercial (C-H), Community Commercial (C-C), Regional Commercial (C-R), Light-Industrial (I-L), General Industrial (I-G), and Public Parks (P-1).

(D) Review Authority. Daily pods shall be reviewed for compliance with applicable standards as a Type I, Ministerial Decision. Semi-permanent pods shall be reviewed for compliance with applicable standards as a Type III, Quasi-Judicial Decision by the Site Plan and Architectural Commission. If the property is within a historic district then the proposal shall be reviewed for compliance with applicable standards as a Type III, Quasi-Judicial Decision by the Landmarks and Historic Preservation Commission.

(E) Applicable Criteria. The Planning Director or designee shall approve daily pods per the applicable standards noted below. The Site Plan and Architectural Commission and Landmarks and Historic Preservation Commission shall approve a semi-permanent pod if the proposal conforms to the criteria in Section 10.200, (10.188 if within a historic district), and the standards outlined below.

(F) Site Standards.

(1) Site design standards for Daily and Semi-Permanent Pods.

(a) Temporary mobile food vendors shall be located on a paved surface.

(b) Temporary mobile food vendors shall not occupy or obstruct the following:

- (i) Pedestrian walkways
  - (ii) Setbacks, buffer yards or required landscaping
  - (iii) Required bicycle or vehicular parking spaces
  - (iv) Fire lanes, fire hydrants, other fire protection devices or equipment, or other emergency vehicle access areas
  - (v) Vision clearance triangle at intersections (Section 10.735)
  - (vi) Existing or proposed easements
  - (vii) Public right-of-way or ADA clearance (48 inches) on sidewalks
- (c) Temporary mobile food vendors shall not create tripping hazards pedestrian and vehicular circulation areas with items such as, but not limited to, cords, hoses, pipes, or cables.
  - (d) Temporary mobile food vendors shall be separated or setback from parked vehicles, combustible materials, and other food vendors by a minimum radius of 10 feet.
  - (e) Trash and recycling bins shall be provided on site for customers.
  - (f) Outdoor equipment is permitted within pods and includes items such as seating, tables, grills, canopy tents, and other items used for preparing food or accommodating guests.
    - (i) In daily pods, outdoor equipment is limited to \*\*\* 170 square feet outside of the downtown historic overlay.

\*\*\*

- (g) All food must be in a ready-to-eat condition when sold.

\*\*\*

**(G) Design Standards for Temporary Mobile Food Vendors within Pods.**

- (1) All temporary mobile food vendors shall be subject to the design standards listed below:
  - (a) The wheels and tongues shall remain on the temporary mobile food vendor. The tires must remain inflated and the unit/truck operable. No permanent skirting or base shall be constructed around the temporary mobile food vendor.
  - (b) The maximum length of the temporary mobile food vendor shall not exceed 20 feet. The length shall only include the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches. See the depiction below for measurement guidance.



- (c) Attached awnings are permitted if smaller than the size of the temporary mobile food vendor unit
- (d) Food vendor truck awnings shall have a minimum of (7) feet of clearance between the ground and awning for safe pedestrian circulation.

(H) Utilities.

- (1) The following utilities are required for temporary mobile food vendors located in daily pods:
  - (a) Temporary mobile food vendors shall have their daily need of water located on the truck/unit.
  - (b) No dumping of wastewater is permitted in the City's storm drain system, public streets, or directly onto pavement. Wastewater shall be disposed of at an approved off-site location.
  - (c) Connection to a temporary power source is permitted. Extension cords shall be covered or screened to prevent tripping hazards.

\*\*\*

(I) Parking.

- (1) The following are minimum parking standards for food pods:
  - (a) One (1) parking space per temporary mobile food vendor. Existing parking spaces on site may be used.

\*\*\*

(J) Signs.

- (1) A sign permit is not required for the name of the business painted/placed on the temporary mobile food vendor.
- (2) All other signs located on the site or attached to the temporary mobile food vendor shall be in accordance with the regulations in Article VI and the applicable zoning district.

\*\*\*

- (L) Operating Hours. Temporary mobile food vendors located in a daily pod must vacate the premise after the fifth consecutive day of operating before returning to conduct business at the same location. \*\*\* The name and contact information of the person in charge of the pod shall be provided to the Business License Department in the event issues or questions arise.

(M) Permits and Fees.

- (1) Proprietors of the temporary mobile food vendors shall obtain and maintain a current City Business License.
- (2) Proprietors of the temporary mobile food vendors shall maintain all required licenses/permits to operate by Jackson County Environmental Health and any applicable State agency.
- (3) Temporary mobile food vendors shall obtain an operational permit from the Fire Department.

\*\*\*

- (N) Submittal Requirements. A site plan drawn to scale shall be provided that outlines the standards above for daily pods. The submittal materials for a semi-permanent pod shall be in accordance with Section 10.200(J) and include the applicable provisions above.

\*\*\*

- (P) Other Code Provisions. Proposals for mobile food vendor pods are permitted to use other applicable code provisions found in Chapter 10 in order to satisfy the development requirements noted above and address applicable criteria.

\*\*\*

[Added, Sec. 9, Ord. No. 2019-104, Sep. 19, 2019.]

## SIDEWALK VENDORS

Sidewalk vendor carts are permitted on six designated sidewalk locations—see map on adjacent panel and description below.

## APPLICATIONS

Sidewalk vendors must submit an application to the Business License Department.

## HOURS OF OPERATION

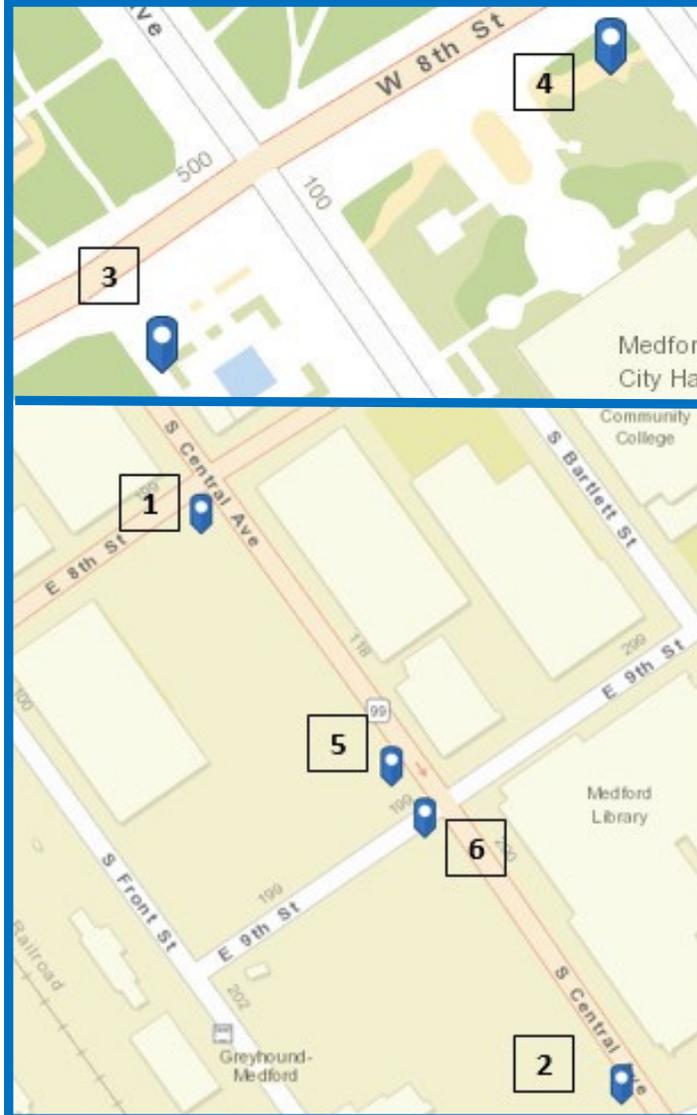
Sidewalk vendors may operate from 7:00 AM to 10:00 PM. On Saturdays and Sundays vending is permitted from 7:00 AM to 2:30 AM.

## SIZE OF CART

The maximum cart size is 4 feet wide, 9 feet long, and 4 feet high, must be self-contained, and be designed to be movable by one person, per Municipal Code 6.350.

### CITY DESIGNATED SITES:

- Site 1: Corner of 8<sup>th</sup> & Central
- Site 2: 10<sup>th</sup> & Central
- Site 3: 8<sup>th</sup> \* Oakdale – Mayor’s Fountain
- Site 4: 411 W. 8<sup>th</sup> Street – City Hall
- Site 5: 9<sup>th</sup> & Central – North corner
- Site 6: 9<sup>th</sup> & Central – South corner



# TEMPORARY FOOD VENDORS

- MOBILE FOOD VENDOR PODS
- VENDING ON CITY STREETS
- SIDEWALK VENDORS



MEDFORD  
OREGON

City of Medford | Planning Department  
200 S. Ivy Street, Medford, OR 97501  
541-774-2380 | [planning@cityofmedford.org](mailto:planning@cityofmedford.org)

CITYOFMEDFORD.ORG



MEDFORD  
OREGON



## **MOBILE FOOD VENDOR PODS**

### **Daily Pods**

- Department Staff Review (Type I)
- Permits one or more vendor to be located on private property
- Vendor unit permitted to stay up to 5 consecutive days in the same location
- Vendor must provide their own water
- Wastewater must be disposed of in an approved location
- Connection to temporary power is permitted

### **Semi-Permanent Pods**

- Commission Review with Hearing (Type III)
- Site is developed to accommodate food vendors on a more permanent basis
- Restrooms (portable toilets permitted) and dumpsters shall be provided on site
- Seating areas, buildings, and membrane structures (tents) shall be identified on the site plan
- Units required to connect to sanitary sewer and water unless the review body approves alternative methods

## **PERMITTED ZONES FOR PODS**

Mobile food vendors are permitted on private property in all of the City's Commercial zones, the Light Industrial and General Industrial zones, and the Public Parks zone. Contact Parks & Recreation at 541-774-2400 for park vending.

## **PERMITS AND FEES REQUIRED**

- City of Medford Business License annually
- Jackson County Environmental Health permit
- Operational Permit from Medford Fire Dept.
- SDCs apply in Semi-Permanent Pods

## **VENDING ON CITY STREETS**

Mobile food vendors (trucks or trailers) may park & sell food on designated downtown streets at night from 9:00 PM to 3:00 AM.

### ***Street Locations***

- 8th Street (Oakdale to Riverside Avenue)
- Main Street (Oakdale to Riverside Avenue)
- 6th Street (Oakdale to Riverside Avenue)
- Central Avenue (Fourth Street to Tenth St.)
- Front Street (Fourth Street to Tenth St.)
- Bartlett St. (4th St.- 6th St. & Main - 9th St.)
- Evergreen Street Parking Lot (4th to Main and 8th St. to 10th St.)

## **STREET VENDING REGULATIONS**

- Vendors may use more than one parking space
- Trash receptacles need to be provided
- Vendors must adhere to noise standards
- No signs, tables, or chairs permitted on the sidewalk
- Power is provided by the vendor unless permission has been granted by the City

## **ADDITIONAL FEES**

On-street and Sidewalk vendors must pay a quarterly fee of \$300 to the Business License Department. Vendors solely located on private property are exempt from the quarterly fee. If also vending on-street, however, the \$300 quarterly fee does apply.

## **CODE SECTIONS**

This information is not intended as a replacement for the ordinance. Access all of the regulations regarding mobile vendors in Sections 6.350, 10.829A, and 10.829B of the Municipal Code online at [cityofmedford.org](http://cityofmedford.org).

# **DISCUSSION ITEM**

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## **Community Development Permitting Process and Code Review**

# Memo

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DATE: October 25, 2022

TO: Ashland Planning Commission

FROM: Brandon Goldman,  
Planning Manager, Interim Community Development Director

RE: Community Development Permitting Process and Code Review

On October 31, 2022 the Ashland City Council has request planning staff attend a study session to discuss potential initiatives the City could undertake to address concerns raised at a recent Economic Development and Business Roundtable regarding Ashland Planning and Building permit review process. An efficient land development review and approval process reduces both time and cost for developers and also benefits municipalities and government staff. Cost savings for the City can also be realized by reducing redundant review and time-consuming procedures that have little added benefit.

Community Development staff reviewers can be partners with applicants rather than umpires. Providing clear direction and feedback to applicants early in the process helps reduce delays, and ensure projects presented to the Planning Commission adequately address the applicable standards. A culture of promoting communication and feedback between staff reviewers and applicants throughout the development process, has the combined effect of reorienting the permitting process toward partnership, accessibility, transparency, and open communication.

## **Public Involvement**

A key first step in streamlining the development approval process is to identify where inefficiencies, delays, and duplicative or conflicting requirements currently exist, ideally through outreach and consultation with those most familiar with the process—developers, contractors, architects, permitting staff, and other stakeholders.

- **Customer Satisfaction Questionnaire**

On October 20, 2022, the Community Development Department distributed a Customer Satisfaction Questionnaire to the 1200 citizens, business owners, contractors, and design professionals who have applied for a building permit, zoning permit, or land use action with the City of Ashland between March 2018 and July 2022.

This is the fourth time this questionnaire has been administered since 2006. Its purpose is to measure the Department's progress, identify areas that need attention, and evaluate opportunities to strengthen performance.



The online questionnaire includes a series of questions targeted at evaluating development services and processing timelines and contains two additional areas for write in comments/suggestions. Responses will be collected through the end of November with the final results compiled and distributed in December 2022.

- **Developer/Builder stakeholder interviews and/or ad hoc group roundtable discussion(s)**

It is vital to hear from developers and builders with different levels of experience with Ashland's permit review processes, and who are engaged in a range of project types, to better understand concerns experienced by the development community. To facilitate this exchange of information the City will offer opportunities for local builders, developers, and design professionals to have one-on-one discussions, or small group roundtable meetings, with the City Manager and or Planning and Building staff to identify specific issues that have arisen in relation permit reviews that could have resulted in avoidable delays or added costs. Additionally, should the Council wish to establish an Ad-Hoc Development Code Review committee comprised of people familiar and experienced with the City's land use and building codes, such a group could also help identify where bottlenecks occur, and which area(s) should be the primary focus of streamlining efforts.

### **Improving the Efficiency of the Permitting Process**

- **Electronic Plans submission**

The City of Ashland had long been keen to transition to electronic plan review for building permit applications. Due to the pandemic in 2020 Community Development was able to fully pivot to accept electronic building plan submittals. Through this transition we have effectively linked permitting workflows and plan review processes together to coordinate a more efficient plan review process for everyone involved, such as fire, building, planning, electric, and engineering. Each department's plan reviewer now has equal access to the same information at the same time without having to shuttle around 24' x36" paper plans. It is also beneficial for the architects and designers that are not located in our area to now submit plans electronically, removing the need for them to ship cumbersome triangle boxes. Electronic Plan submittal also saves local development professionals the costs associated with preparing duplicate sets of construction plans to hand deliver to the City. As a result of this change to a paperless review process the City has been able to reduce review times and building permit processing times.

- **Citizen Self Service (Online Permitting)**

In the coming year the Community Development Department will develop and deploy features of our permitting software (Energov) which will provide our customers with the ability search for an address or parcel, apply for a permit, request an inspection and more. Importantly our customers will also be able to check status of an open building permit, receive automatic email updates on submittals, and check on the status of inspections in real time. Inspection requests will be able to be made online, and contractors will be able to request multiple inspections from numerous job sites on a single screen. Citizen Self Service (CSS) will foster timely communication between the permit applicant and the City through the collaborative digital sharing of up-to-date information. It is anticipated that CSS will provide efficiencies for both City staff and for our customers. This enhancement to our permitting software is covered under



existing licensing agreements with our permitting software company, Tyler Technology, and as such can be implemented without additional ongoing cost to the City once developed.

- **Expediting minor project applications**

Permitting offices are responsible for many levels of review and approval—from building permits to approvals for rezoning, variances, and other land use amendments. In addition, a variety of other offices are often involved in the development approval process, both at the local and state levels, focused on planning, public works, utilities, and environmental review, among other functions. Permit applications for relatively minor projects may not require an especially long time to process but may make up a large volume of permitting requests. The time required to get through this backlog can slow down the approvals process for all applicants. To address this challenge the City could consider process changes to streamline requirements specifically for minor project approvals. This approach would be informed by the public involvement process noted above and would likely necessitate legislative changes to application processes outlined in the Ashland Land Use Ordinance.

A few examples of minor permits, and potential changes intended accelerate review times and/or simplify the planning process for residents and businesses, are provided below for future consideration:

- **Accessory Dwelling Units (ADU)** - Since 2018 land use barriers to the development of ADUs in Ashland have largely been eliminated. Recent ordinances changes in 2020 and 2021 now allow with ADUs as an outright permitted use without any requirement for a planning action, and there is no longer any parking requirement for these dwellings. As a result, permitting of ADUs has been significantly expedited in Ashland in recent years. Prior to 2019 the time spent processing an ADU through the planning and building departments could exceed 90 days. Today, with submission of a complete application, ADU permits are fully reviewed and issued in less than 30 days, and in some cases may be issued in just a few days after submission. To further remove obstacles to the installation of ADUs within the City, a program that assists homeowners in developing ADU's in existing neighborhoods has the potential to allow the private market to expeditiously add several small long term rental housing units to the City's housing stock. Such a program could include:
  - The City could work with designers, architects, and or prefab housing developers to develop generic plans for small ADUS that could be provided by the City to property owners free of charge.
  - These plans would be reviewed and “pre-approved” by the Building Department, and thus ready to issue provided a suitable site is available on a property.
  - The resident obtaining the pre-approved plans from the City could contact the building's designer to assist with siting and construction of the ADU on their property, and the City could readily approve the site-specific plan and building permit given the construction drawings had been previously reviewed and approved.
- **Fence Permits** - Currently fence permit applications are reviewed by the planning division and a permit is issued. Upon completion of the fence, the customer calls staff and



requests a site inspection, and staff visits the site and inspects the fence to verify compliance with the standards. The cost of a fence permit to the customer is \$31.50. Many communities do not require permits for fencing yet uphold their standards through a code compliance process. In such communities, residents can build a fence without a permit and are responsible to build it in a manner that meets existing local standards (height, location, and ignition resistant material adjacent to structures). In the event a fence is built that does not comply with the local standards the City could initiate a code compliance case to compel correction to come into compliance.

- **Tree Removal Permits** – Currently tree removal permits are processed as Planning Actions by the City which include a public notice to all properties within 200’, and a comment period for public input prior to issuance of a permit. In the case of diseased trees, or hazard trees, that have been evaluated by a certified arborist, and trees that pose a wildfire risk as determined by Ashland Fire & Rescue, this planning process and public review period can take up to a month or more before the public comment period is concluded and the removal can be approved. Were this process changed to allow ministerial approval by staff upon review of the applicant’s submittal and associated arborist report, such removals could be approved without delay. It is important to note that tree removals proposed in association with projects requiring a planning approval (subdivisions, new commercial development, new multi-family development, etc.), or the proposed removal of healthy trees in environmentally sensitive areas such as floodplains or severely sloped properties could still be subject to the formal planning action tree removal permit process.
- **Food Trucks (ordinance amendments in process)** – On September 13th, 2022, the Planning Commission discussed options which might provide a smoother path for food truck owners interested in operating in Ashland. The Planning Commission is discussing options for food truck owners interested in operating in Ashland including expanding the allowances for short-term events beyond once per calendar year per property, looking at allowing food trucks outright in approved plaza spaces, and looking at appropriate allowances for individual food trucks in existing commercial parking lots, and the establishment of food courts with multiple food trucks.

### **Legislative Amendments**

The development of major projects including subdivisions, new commercial building, multi-family development projects is a relatively complex undertaking in which identifying property and designing an economically feasible project that is consistent with local development codes is the first step in the process. Governmental constraints on the type and form of developments include: building code requirements; land use standards; environmental regulations; permitting processes; site improvement requirements; transportation and mobility planning; flood regulations; accessibility regulations; and permitting and infrastructure fees.

The Community Development Department is currently working on several legislative amendments which will directly impact the form and type of development permissible in Ashland. A number of



these changes are mandated by the State of Oregon, and a number are local amendments that have already been initiated by the City Council with the intent of reducing constraints to development and promoting housing production.

- **Climate Friendly Equitable Communities (CFEC) – (State requirement)**

Oregon’s Department of Conservation and Development is the state’s land use planning agency and they have prepared new rules that are to be implemented in Oregon’s eight most populated areas, including the Medford-Ashland area. These rules direct cities to designate climate-friendly areas, which in part would allow people to build taller buildings (50’ in height) providing more housing and increase or remove housing density maximums. The rules don’t require taller buildings or greater numbers of residential dwellings, but make sure such buildings are allowed outright through local legislative amendments to the land use code. In climate-friendly areas, a minimum density standard would help ensure transit can serve the neighborhood and the neighborhood has a residential density sufficient to support transit. The rules also require Ashland to amend its Land Use Ordinance to remove parking mandates for desired types of development, such as smaller housing types, small businesses, childcare facilities, multi-family housing, and historic buildings. The rules also completely remove parking mandates within one-half mile of frequent transit, which accounts for approximately 80% of all tax lots in Ashland. As parking requirements often present a substantial design constraint, and installation of surplus parking can add significant costs to a project, the removal of local parking mandates is expected to simplify the planning process for applicants, reduce the cost of developments, and help promote transit supported development throughout the state.

- **Housing Production Strategy (State requirement)**

The City of Ashland has initiated the development of a Housing Production Strategy (HPS) to identify and prioritize a variety of strategies and actions for accommodating needed housing. The City of Ashland received a grant from the State Department of Land Conservation and Development (DLCD) to undertake this effort, with consultant services provided by ECONorthwest. The draft HPS report is expected to be completed in January- February 2023, at which time the City will have a hearings-ready draft and will schedule hearings before the Planning Commission and the City Council to adopt the Housing Production Strategy by May 2023. The final Housing Production Strategy report will identify a set of specific actions the city will undertake over an 8 year period to promote the development needed housing. Such actions may include land use ordinance amendments, zoning changes, financial incentives, and other actions within the City’s purview.

Completion of a Housing Production Strategy, following adoption of a Housing Capacity Analysis, is a requirement adopted by the Oregon Legislature through passage of [House Bill 2003](#).

- **Ashland Activity Centers**

An activity center is generally an area that attracts people for shopping, work, school, recreation, and socializing. It is an urban planning term that implies a dense area with significant pedestrian traffic and a focus of concentration such as tourism, shopping, and entertainment, education and student life, or housing and employment. Defining Ashland’s Downtown, University District, and



Croman Mill District as distinct activity centers will allow the City to target economic development, infrastructure, and placemaking resources in ways that strengthen these centers, support their growth and development in more equitable ways, improve connectivity within and between them, and ensure that existing residents and businesses benefit from new investment.

- **Croman Mill District**

The Croman Mill District offers one of the City's largest remaining areas to accommodate future development. This presents a unique opportunity to promote the development of an activity center that In September of 2021, the owners of the former 61 acre Croman Mill site, and the development team named Townmakers LLC, began conceptualizing the future development of the property for a mixed-use development incorporating commercial, employment, light industrial and residential uses. The expectation is that the development plan will propose a new flexible mixed-use zone to the Land Development Ordinance to facilitate by-right approval and promote more walkable, transit-oriented projects that seek to provide a better housing-jobs creation balance. Changes to the Croman Mill District's underlying zoning designations, allowable uses, road and multi-use path layout, site and building design standards, and residential allowances and densities will be required.

- **Downtown District**

Ashland's Downtown is widely known as a destination for shopping, dining, and entertainment. Local retail stores, restaurants, park amenities, and local entertainment and arts venues such as the Oregon Shakespeare Festival all collaborate to create an active pedestrian-oriented area. Working to enhance the synergies created through these activities and promote the vitality of the downtown will be of benefit to the residents and tourists that frequent the downtown.

- **University District**

A defined "University District" centered around Southern Oregon University would be intended to promote investment and development in academic and related uses within the boundaries of the district. Through identifying opportunities for student serving businesses, compatible residential and student housing, and promotion of the identity of the University District, the City can support sustainable development patterns, including development at densities that are both appropriate and beneficial to the campus setting and supportive of a walkable transit supported district.

*"Within Ashland itself, SOU is removed from the heart of downtown, with its pedestrian-oriented streetscapes and bustling tourism, by just over one mile's distance. This is a limitation in some senses, but also allows a separate community focal point to exist in the context of the campus environment"*

SOU 2010-2021 Masterplan

