

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
STUDY SESSION  
Minutes  
October 25, 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  
Kerry KenCairn

**Staff Present:**

Brandon Goldman, Acting Community Development Director  
Derek Severson, Senior Planner  
Michael Sullivan, Executive Assistant

**Absent Members:**

**Council Liaison:**

Paula Hyatt

**II. ANNOUNCEMENTS**

Acting Community Development Director Brandon Goldman made the following announcements:

- At its October 31, 2022 Study Session the City Council will discuss two items relating to the Planning Commission; first, to review manufactured housing parks and a potential ordinance for rezoning manufactured housing parks to allow that as an exclusive use. This was brought to the attention of the Council by two City Councilors, as well as members of a manufactured park in Ashland. The second item will be to review the Community Development Department's review procedures for the purpose of providing greater clarity to residents and developers during the permitting process.
- On November 15, 2022 the Council will review an ordinance regarding a change to Housing and Employment Zones. The Commission previously recommended an increase of ground-floor residential use in mixed-use buildings. The Council will also hold a First Reading and Site Review of the 1511 Highway 99 North annexation, which the Commission recommended for approval at its October 11, 2022 meeting.

**III. PUBLIC FORUM - None**

**IV. DISCUSSION ITEMS**

**A. Food Truck Ordinance Updates – Continued**

**Staff Presentation**

Senior Planner Derek Severson provided a presentation detailing several key points for the Commission to discuss. He will then bring the Commission a draft ordinance at their November 8, 2022 meeting for deliberations and approval. Mr. Severson commented that he had invited approximately 50 food truck vendors to participate in the discussions, but that staff had not received any requests to speak at the meeting.

Mr. Severson informed the Commission that any regulations regarding handwashing stations and restrooms would be under the jurisdiction of the state and county, though the Commission could require further guidelines. The Oregon Health Authority (OHA) requires that any food truck that operates for more than two hours, or has seating in place for

customers, is required to have a restroom available within 500ft. They would also be required to provide access to a handwashing station with hot/cold running water and soap, as well as paper towels or air dryers. This requirement could be met by an agreement between the food truck vendor and a nearby business that provides those amenities, and would be verified by the Jackson County Environmental Health Department upon receipt of the vendor's permit application (see attachment #1).

### Questions and Discussion

Commissioner KenCairn inquired if a porta-potty would fulfill those requirements, and Mr. Severson responded that a standard model would not have a handwashing station. Commissioner Knauer commented that an agreement between a food truck vendor and a nearby business should be sufficient, otherwise the vendor should be required to provide those amenities themselves. There was general agreement from the Commission.

Commissioner Thompson asked if these standards would apply to the temporary use permit, or just the proposed longer-term ministerial permit. Mr. Severson responded that it would to a temporary use permit. Commissioner Thompson recommended that, in addition to requiring a business license and all associated inspections, that vendors also possess the applicable licenses from the OHA and be in compliance with their requirements. She remarked that it should also be clear what the repercussions for noncompliance should be. Commissioner Knauer agreed, inquiring what form enforcement would take. Mr. Goldman responded that code compliance complaints are typically brought to staff very quickly due to the relatively small size of the City, and the offending vendor would be contacted and their permit would be placed under review before they could reopen. Commissioner Herron commented that the guidelines should be referenced on the permit or application so that the vendors are explicitly aware of the requirements. Mr. Goldman agreed, adding that it would make code compliance more affective.

Chair Norton inquired if vendors would be required to display their permit on the premises, commenting that the Health Department normally requires that customers can see the vendor's permit. He added that the best code enforcement typically will come from a vendor's competitors who have completed the permitting process. Commissioner Thompson remarked that food trucks should also post where restrooms and handwashing stations could be accessed in the event that the vendor has an agreement with a local business.

Commission Thompson commented that it was unclear how many of the listed requirements of the draft code would apply to temporary-use permits, and inquired if temporary use permits would have need to meet the requirements. Mr. Severson responded that it was his intention to keep temporary use permits as they are currently, but that the additional requirements could be included. He noted that temporary use permits are still required to meet Jackson County health guidelines, and could only operate for limited periods. Commissioner Thompson stated that some of the ministerial permit requirements should be considered for the temporary use permits. Commissioner Herron remarked that the existing restroom requirements do affect a food truck once it has been set up longer than two hours, to which Commissioner Thompson recommended that the guidelines should be stated clearly on the permit application.

Commissioner Thompson asked which criteria for approval would be utilized by staff. Mr. Goldman responded that review for granting a special-use permit was based on the applicant's permit history from the previous year. He said that staff would also examine whether the food truck would encroach into the public right-of-way, and whether they had street-closure or sidewalk-closure permits issued. They would also be required to receive all necessary approvals from the Fire Department regarding safety concerns, as well as licensing from the Oregon Liquor and Cannabis Commission in the event that the vendor wishes to sell alcohol. Mr. Severson added that applicants would be required to submit a site plan for review, and detailed how the approval criteria are not limited to one department.

Chair Norton stated that the catalyst for these discussions was a local business that wanted to hire a food truck as a show of appreciation for their employees, but that Planning staff was restrained due to existing restrictions. He proposed that a list of previously approved vendors be created in order to expedite the review process. Commissioner KenCairn was concerned that such a list would promote some vendors over others. Chair Norton clarified that it would be used to approve vendors that have already obtained their certifications, and Mr. Severson commented that expediting the approval of already certified vendors would be possible. Mr. Goldman added that the business owners in question were advised they would need a special event permit for an employee appreciation event, and that that a Condition Use

Permit (CUP) would be required for more regular use. Under discussion would be the rules for short-term monthly use, as well as creating an avenue for persistent use on surplus parking lots of commercial properties.

Commissioner Herron inquired what kind of permit would need to be obtained for the small event under discussion. Mr. Goldman responded that they would have needed to acquire a ministerial special event permit, which typically can be approved within less than a week, because the vendors would be providing food to the businesses employees and not the general public. Commissioner Thompson expressed concern over the definition of the temporary use permit, pointing out that it is not limited to food trucks. She emphasized that the Commission should be aware of the unintended consequences of the broad allowances in a ministerial permit, and that they should be specifically related to food trucks and special events. Commissioner KenCairn responded that special events would also need to be defined as well. Chair Norton inquired if someone who obtained a ministerial permit would be able to sell non-food items. Mr. Severson responded that the temporary use information is already in the code, and that staff is merely proposing changes to increase temporary use permit allowances for food trucks from 72 hours per year to 72 hours per month. Commissioner KenCairn recommended that the special event ordinance remain the way it is, and that food trucks be the only vendors with greater allowances.

Commissioner Knauer inquired what limitations there were on employers hiring a food truck for employee use, citing food trucks as a means by which employers hope to increase employee retention. Mr. Goldman responded that the business could apply for a ministerial permit in order to exceed the proposed 72 hour per month allowed by the temporary use permit.

Mr. Severson informed the Commission that staff would be looking at existing plaza space for ministerial permits, and related how food vendors and space for outdoor eating are currently among the identified elements where plaza space is required in the Detail Site Review Zone. Given that there are already elements deemed appropriate for a plaza space, staff believed it is logical to provide ministerial permits instead of requiring the applicant to go through the CUP process. As long as the vendor would operate in a Detail Site Review Zone without altering the existing site plan, unless to provide temporary power, then they could be permitted. Mr. Severson gave the Bricks at the Oregon Shakespeare Festival as an example, and noted that they already have a relevant CUP. Commissioner Thompson pointed out that the plaza requirement does not apply to the Bricks area, and inquired if staff was looking at designs that incorporate plazas explicitly. Mr. Severson detailed how the Bricks were considered plaza space until recent code changes. Commissioner KenCairn commented that the plaza space owner would be the one to apply for a permit, not the vendors. Mr. Goldman agreed, but stated that it would likely be a collaborative permit application between the property owner and the vendor. Mr. Severson detailed how the ministerial permit would be for the site itself, while the vendor would have to demonstrate all relevant approval criteria. He added that this process would only apply to private land, not public.

There was general discussion regarding appropriate sites for food trucks to operate. Commissioner Dawkins was hesitant to allow food trucks to compete directly with small businesses like Ruby's. Mr. Goldman commented that Southern Oregon University has a special use permit for food trucks in front of the Stevenson Union Building, but has shown interest in applying for more regular use. Chair Norton inquired what type of permit the Farmer's Market operates with, and Mr. Goldman responded that it is a CUP with the option for up to fifteen food trucks. Commissioner Thompson remarked that a CUP seemed to be the correct avenue to pursue, and inquired if there was a size limitation on food trucks in relation to plaza space. Mr. Severson responded that there currently is no size limit, just that it cannot interfere with the existing site plan.

Mr. Severson inquired whether the Historic Districts outside of downtown should be excluded from consideration for food trucks or whether the applications should be sent to the Historic Commission for review. There was agreement that the Historic Commission should decide, but Commissioner KenCairn warned that food trucks could interfere with parking if in operation too regularly.

Commissioner Thompson noted that the dimensions for a food truck listed in the staff presentation would be larger than a standard parking space at 170 square feet, even without additional equipment. Mr. Severson stated that those measurements were adopted from the City of Medford's food truck guidelines and could be adjusted. Commissioner Thompson inquired if a minimum 10-space lot should be required if a food truck could potentially take up to 20% of the

space. Commissioner KenCairn commented that a 5-space lot could be sufficient if those spaces are not part of the business' required parking. Commissioner Knauer suggested that the number of spaces occupied by a food truck be at the discretion of the business lot owner. Commissioner Thompson agreed, as long as strain was not placed on nearby on-street parking. Mr. Goldman noted that the new Climate Friendly and Equitable Communities guidelines set to take affect on December 31, 2022 could negate any parking requirements imposed. Commissioner KenCairn stated that a business that only required a small amount of parking space should not be restricted from allowing food trucks, and feared that such guidelines would disproportionately affect smaller businesses. Commissioner Herron recommended that vendors only be permitted to take up 20% of a parking lot, as this would allow for smaller businesses to accommodate smaller food carts and still provide parking. There was general agreement from the Commission.

Mr. Severson detailed the approval criteria to operate a food truck via the ministerial permit as such: a ministerial permit and business license; registering and paying food and beverage tax; inspections from the Building, Fire, and Health departments; the food truck not be located in the public ROW, public parking lots, parks, or in residential zones; and could not remain in place for more than 5 consecutive days. Commissioner Thompson noted that the Ashland Fire Chief had stated that the City would accept assistance inspecting food trucks from the Medford Fire Department. Mr. Severson suggested that the City would likely see food trucks that had already passed inspection from the Medford Fire Department and could therefore be permitted based on that prior approval.

Mr. Severson reminded the Commission that staff had initially recommended up to three food trucks be permitted under ministerial review on the same lot before being designated as a food pod, but that the Commission had considered reducing that down to two. He elaborated that the elements constituting a food pod would be those not located in a plaza space or parking lot, have utility connections, and permanent seating requiring a site review. Commissioner Dawkins asked if a food pod would need to be approved by the Commission. Mr. Severson stated that something like that would typically be handled as a Type I permit, which would include a staff review and decision, be Noticed, and be brought to the Commission if objected to by the neighbors. Chair Norton remarked that the Ashland Street space for food trucks needed to be approved by the Oregon Department of Transportation (ODOT), and required a greater level of review despite it not constituting a food pod. There was agreement among the Commission that the maximum number of food trucks permitted on the same lot without requiring a site review would be three, and would only be permitted in commercial zones. The Commission determined that a CUP would also be required for permitting in the downtown area, because a ministerial or special permit was deemed to be inappropriate.

Mr. Severson inquired if the need for a food truck to vacate an area after a maximum of five days was appropriate, which the Commission all agreed it was.

Commissioner Herron questioned how the Historic Commission would review a food truck permit due to its relative impermanence. Commissioner KenCairn commented that the Historic Commission would speak more to the nature of the area, but would then also need their own set up approval criteria. Mr. Goldman pointed out that the Historic Commission would only be providing a recommendation, and that the deciding body would apply its approval criteria.

Mr. Severson asked if the Commission would be comfortable with a Type I process in the event of a site review and being approved at the staff level, but with the potential to appeal to the Commission and the Noticing of neighbors. Commissioner Knauer remarked that an appeal could add two months to a project, and inquired if there were any other alternative routes to consider. Mr. Severson responded that the alternative would be the ministerial permit, but that a Type I project would have the potential for permanent site alterations that could impact nearby property owners, traffic flow, or utility systems. Ministerial permits would also not be Noticed to neighbors.

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

### **Staff Presentation**

Mr. Goldman informed the Commission that staff would be going before the Council on October 31, 2022 to discuss the Community Development permitting process and code review. This is in response to the Economic Roundtable that the Council held on May 16, 2022, where concerns were raised regarding the clear and objective standards utilized by the

Community Development Department for building code review for building permits and planning actions. This will examine whether a more streamlined development review process could be identified to make it more cost-effective and expeditious for owners and developers. Mr. Goldman noted that the Community Development Department is a regulatory agency and is required to uphold local, state, and federal laws that apply to projects under review, but outlined how this could result in increased communication with applicants. Staff recently created a questionnaire that was sent out to 1,200 developers and owners, in order to gather feedback regarding their experience with the Community Development staff. Staff had conducted a similar survey 5 years ago, and based on the results will be able to determine if customer satisfaction has increased or decreased over that period. They could then determine how to provide more effective services in the future.

Mr. Goldman stated that roundtable meetings between developers and the City Manager are being considered by staff to consider how to streamline the permitting and review process. The City may also create an ad hoc review board to identify and revise portions of the code that are unclear to developers and applicants. As an example, an interpretation request previously came before the Commission regarding the maximum driveway grade on a driveway up to 200ft with a 15% slope. An interpretation was required before the primary application could be submitted, and an ad hoc review board would be created to clarify similar portions of the code.

Mr. Goldman itemized ways in which staff has already streamlined the application review process, including updated permitting software system and the increased use of online submittal systems for faster communication and review. The City is also developing a Citizen Self-Service system that would allow customers to submit applications, check their permit status, and request inspections online. Mr. Goldman noted that, upon review of minor code revisions, as well as the changes to the City commissions that were recently implemented, staff will no longer require review from the Tree Commission prior to approving some projects. Additionally, there may be opportunities for staff to eliminate several smaller permits that do not need to be reviewed by the Commission, but take up significant staff time, such as tree removal permits and fence permits. These would be larger policy changes that will require review by the Commission and Council and would result in code amendments.

### Questions and Discussion

Commissioner Knauer expressed concern that the move to self-service systems would adversely affect customer satisfaction, particularly if the system is difficult to operate. Mr. Goldman assured the Commission that staff would always be available for customer assistance, and that there would be no current services would be eliminated. He added that many of the City's frequent customers already use and prefer the online portal, but that educational materials could be created for those using it for the first time. He clarified that customers would only be able to access applications associated with their email address, stating that privacy would be a particularly critical component of code compliance cases. Commissioner Knauer inquired about what changes had been made since the last public survey and if those goals had been met. Mr. Goldman replied that he did not have a clear answer at this time.

Commissioner Thompson asked how a citizen would know which projects required permits. Mr. Goldman responded that staff would always be an available resource for any questions, but that staff had no proactive public educational programs regarding permits. He added that staff will often need to step in in cases where residents have started minor projects that they were unaware required permits. Commissioner Thompson was hesitant to eliminate some minor permits, pointing out that it could be more expensive and time-consuming for residents to require changes after the project had begun development that could have been corrected in the permitting stage. Mr. Goldman agreed, but stated that such an initiative could reduce the backlog of minor permits and free up staff time to review larger projects. Commissioner Thompson suggested that online resources be available for residents to check if a permit is required.

Commissioner KenCairn inquired if fence standards would be eliminated if the need for a fence permit was removed. Mr. Goldman responded that the standards would remain in place, and detailed how a shed under 200 square feet does not require a permit but must abide by City codes. Chair Norton drew attention to several relevant criteria for fences, and requested that staff forward the above-mentioned questionnaire to the Commission.

Chair Norton lamented that a significant portion of the feedback received from the Economic Roundtable did not offer specific avenues to improve the development process. Commissioner Thompson pointed out that many applicants are unaware that the

Commission's role is to apply existing codes to proposed projects, which can result in them being denied. Chair Norton commented that he would like to hear more from applicants about specific areas for improvement in the future.

VII. ADJOURNMENT

Meeting adjourned at 8:54 p.m.

*Submitted by,  
Michael Sullivan, Executive Assistant*