
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET** April 17, 2024

SITE: 40 N. Main/10 Water Street
APPLICANT: Sierra Campbell
OWNER: Doug Morse
REQUEST: Conditional Use Permit for food trucks; sign permit

PLANNING DIVISION COMMENTS

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Summary and Proposal: Limited information and details were provided in the application materials. The proposal includes renovations to the seating, lighting, awnings, counters, and painting; installation of sinks, taps and plumbing, new signs, overhead heaters, propane stoves, and planters. The proposal also includes the addition of a food truck.

If no expansion is occurring to the site and the proposal is to only refresh the existing lighting, seating, awnings, counters, painting and the addition of plumbing, overhead heaters, planters and propane stoves then the Building Department would review the project and provide information for permitting.

For new signs, a sign permit application would need to be submitted and approved by the Planning Department.

For the addition of a food truck, a Conditional Use Permit approval would be required.

For expansion beyond the current use a Conditional Use Permit approval would be required.

The current Conditional Use Permit would need to be transferred to the new business owner.

Additional information regarding plans and designs for improvements to the site and timing of operation would be required prior to any planning approval.

Background/History of Site: The site is in the Historic Downtown District. The initial Conditional Use Permit was approved in 1990 for a temporary use (seasonal) coffee stand/espresso bar. The temporary use was to include a manufactured cart with an awning and a small deck, tables, chairs, and planters to sell drinks and cookies. Previous approvals by the Planning Commission were for a flower shop (1992) and a gazebo structure for rental bikes (1989).

In 1997, the owners of the espresso bar proposed a modification of the Conditional Use Permit to expand the use by bringing in a barbecue trailer. This proposal was recommended for denial to the Planning Commission due *“the proposed Espresso Bar expansion will approximately double the*

physical area used, will expand services to a restaurant, sit-down environment, and is architecturally incompatible with the surrounding area, Staff feels the applicant has not justified a modification of the conditional use permit. Therefore, Staff recommends denial of the application.”

In 1998, a request for a modification of a previously approved Conditional Use Permit for temporary (seasonal from June 1–October 31) use (espresso/barbecue cart) for the property at 40 N. Main Street was approved with conditions. The barbecue cart was to be enclosed and screened – not visible from the public right-of-way and removed from the site when not in use (November–May). Design concepts were submitted with this approval (December 2, 1997 and November 21, 1997).

Since then, the City of Ashland has adopted the Food Truck and Food Carts ordinance (2023).

In 2001, there was an inquiry about extending the hours of operation for the espresso bar/barbecue cart. Planning informed the owners that a modification of the Conditional Use Permit would be required. No files could be located on that action.

In 2012 pre-application for a Conditional Use Permit to add a storage shed to the site was processed. Comments on the Temporary Use, compliance with the 1997 Conditional Use Permit, signs, and building requirements were included:

***“Temporary Use:** A recent follow up with Water Street Café on compliance issues, more specifically the parked van utilized as storage, staff noted that the business has expanded over the years and no longer operated within the 1997 Conditional Use approval. In a 1998 modification, the Planning Commission expressed concern regarding size and scale of the “temporary” use; and as a result, staff conditioned the approval stating that “any use which is more intense shall require a permanent, enclosed building.*

While staff feels that the outdoor street-side café use brings vibrancy to an otherwise vacant parking lot, the incremental expansion of the use has warranted concern regarding the appearance of the establishment and the ability to function given its limited space. Ultimately strong written findings and compatible design are crucial in this application.”

***“Signage:** The most recent sign permit the city has on file was submitted on April 4, 2004 from when the business changed its name to “Water Street Café”. Typically the menu board that can be seen from the public right-of-way would be counted in your overall signage program; however a compromise to provide a “cover” over the menu board at night has been reached. Formal application materials will need to include this cover as part of the proposed improvements.”*

***“Building Requirements:** Initial review from the Building Division had noted many areas of concern regarding the “temporary” use of the café; the foremost being the need for restrooms with the expanded seating area. The building code states that restrooms are to be provided within 500 feet of the use during all hours of operation if the property is located on the same parcel as the use. In your specific case, the Claycomb Mall and the Water Street Café is located on the same parcel, however staff is not sure if the restrooms are available during all hours of operation. Other areas of concern are buildings in close proximity to property lines and to both the 500-year Floodplain and*

40 N. Main/10 Water Street

April 17, 2024/jnc

Page 2

the Ashland Creek Riparian Corridor; the need for hand washing sinks; and that 25 percent of the site would need to be brought up to meet ADA requirements. Given there will be numerous Building code issues, staff suggests speaking with the Building Division for a more comprehensive list of requirements that will be required.”

Food Trucks and Food Carts (Chapter 18.2.3.145)

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 section 18.4.2.040.C, outdoor eating areas and food vendors are among the required elements of the Detail Site Review Plaza Space Standards (section 18.4.2.040.D.2). Where food trucks, food carts, and associated outdoor eating areas can operate within existing approved 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, CM-NC, CM-MU, CM-OE, CM-CI, E-1, HC, M-1, NM-C, and NN-1-3.5-C 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, food cart, and associated accessory item placement 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. Within the C-1-D zone, the operation of a food truck or food cart requires a conditional use permit under chapter 18.5.4.
- D. No more than three food trucks or food carts may be approved on a single property under a ministerial food truck permit.
- E. Food truck courts or pods, or the operation of food trucks and food carts on private property outside of existing parking areas or approved plaza space, require site design review approval under chapter 18.5.2.
- F. Short-term operation of a food truck or food cart outside of the parameters of subsections A and B above may be permitted as a short-term event pursuant to section 18.2.2.030.H.2.
- G. Ministerially approved food trucks and food carts are not permitted to operate within public rights-of-way.
- H. 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. Approved City and County permits shall be displayed on the food truck or food cart, and the food truck vendor is responsible for compliance with all permit requirements.
- I. 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.
- J. 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.

K. 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.

L. Duration. A food truck shall not remain on a property for more than five consecutive days.

M. Polystyrene Foam. Food truck vendors shall be subject to the prohibition on the use of polystyrene foam food packaging in chapter 9.20. (Ord. 3216 § 4, added, 03/15/2023)

Conditional Use Permit (Chapter 18.5.4)

A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive Plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.

- e. C-1-D. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.

Signs (Chapter 18.4.7)

The requirements of chapter 18.4.7 apply to signs in all zones, except those specifically exempted, whenever a sign is altered, erected, or replaced.

1. A Sign Permit, granted through Ministerial review pursuant to section 18.5.5.040, is required in each of the following instances and prior to installing any sign to ensure compliance with City standards.
 - a. Upon the erection of any new sign except exempted signs.
 - b. To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.
 - c. To alter an existing non-conforming sign, subject to section 18.4.7.110.
 - d. To erect a temporary sign for a new business subject to 18.4.7.040.D.

18.4.7.070 Commercial-Downtown Zone – see special provisions and sign types.

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: “Any additions to the structure, or mechanical, electrical, and plumbing systems will need to be permitted and meet current building codes.” Contact the Building Division for any building codes-related questions at 541-488-5305.

STREETS/PUBLIC WORKS/ENGINEERING DEPT.: Public Works comments provided at the end of this document. Please contact Karl Johnson of the Engineering Division for any further information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us.

FIRE DEPARTMENT: No comments provided. Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2216 or mark.shay@ashland.or.us

CONSERVATION: For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Water Conservation Specialist of Conservation Division at 541-552-2062. For information on any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us.

WATER AND SEWER SERVICE: No comments. Please Contact Steve Walker at [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) with any questions regarding water utilities.

STORM WATER DRAINAGE: Please contact Karl Johnson of the Engineering Division for any further information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

ELECTRIC SERVICE: No comments. Please contact Rick Barton in the Electric Department for service and meter location requirements and fee information at 541-552-2082 or via e-mail to rick.barton@ashland.or.us.

OTHER AGENCY COMMENTS

OREGON DEPARTMENT OF TRANSPORTATION:

- I. Applicant will need to obtain a misc./utility permit prior to any disturbance within the State ROW if the application requires modification.
- II. Applicant will need to obtain ODOT approval of any new signage visible from Main Street.
- III. The proposal will not trigger a Change of Use at the existing driveway (Access #86995) based on ODOT evaluation criteria.

Please contact Beau Appling at beau.appling@odot.oregon.gov or 541.864.8811 to discuss permits.

PROCEDURE: A Conditional Use Permit is subject to a “Type I” procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: <https://ashland.municipal.codes/LandUse>

Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Conditional Use Permit AMC 18.5.4.050**

Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no

larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect's or engineer's scale.

- **Conditional Use Permit** **AMC 18.5.4.040**

FEES: Conditional Use Permit \$1,271.25 (effective July 1, 2023)

NOTE: All applications received are reviewed and must be found to be complete before being processed or scheduled at a Planning Commission meeting. Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment. Applications are reviewed for completeness in accordance with ORS 227.178.

For further information, please contact: April 17, 2024
Jennifer Chenoweth *Associate Planner* Date
City of Ashland, Department of Community Development
Phone: 541-552-2045 or email: jennifer.chenoweth@ashland.or.us

Public Works Conditions of Approval

1. Engineered Plans - Where public improvements are required or proposed, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. One set of these civil plans MUST be submitted DIRECTLY to the Public Works/Engineering Department. All design plans must meet the City of Ashland Public Works Standards. Engineered construction plans and specifications shall be reviewed and signed by the Public Works Director, prior to construction. All public facilities within the development will be designed to the City of Ashland Engineering Design Standards for Public Improvements. The engineered plans shall also conform to the following:
 - If drawings are submitted to the City of Ashland digitally, they shall be true scale PDF drawings. If AutoCAD drawings are also submitted, they shall be compatible with the AutoCAD release being used by the City at that time and shall be located and oriented within the Oregon State Plane Coordinate System (NAD83-89).
 - Drawings sizes shall comply with ANSI-defined standards for page width and height. Review drawings MUST be submitted in B size (11x17). Bidding and construction documents MUST also be printed at B size; however, all final as-constructed drawings MUST be submitted to scale on D-size (24x36) Mylar. Digital files of the as-constructed drawings MUST also be submitted. Drawings MUST be drawn such that reduction of plans from full size (D sized) to half size (B sized) can be done to maintain a true scale on the half-sized plans.
2. TIA (Transportation Impact Analysis) – No TIA will be required for this project.
3. Street Improvement – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time.
4. Right of Way – No additional right of way dedication, beyond that necessary to comply with City Street Standards, will be required at this time.
5. Utilities - This property is currently served by existing sanitary sewer, water and storm drain service lines onsite. If new services are required or desired the City of Ashland Engineering Department must be contracted to discuss necessary improvements.
6. Erosion & Sediment Control - The following requirements shall be met:
 - All ground disturbances exceeding 2,500 square feet shall implement an Erosion and Sediment Control Plan (ESCP).
 - A 1200-C permit will be secured by the developer where required under the rules of the Oregon State DEQ. City of Ashland Engineering Department must receive a copy of this permit before any construction shall begin.
 - Erosion Prevention and Sediment control measures that meet the minimum standards set forth by the City of Ashland Public Works/Engineering Standard Drawing CD282 must be in place before any construction related to the project begins.
 - Pollution, track out, and sediment dumping into storm water are strictly prohibited per

AMC 9.08.060.

- Drainage from automotive use areas shall be limited to oil concentrations of 10 mg/l by a pre-approved means.
 - Trash storage areas shall be covered or provide additional storm water treatment by an approved means.
 - Off street parking areas shall conform to Ashland Municipal Code 18.4.3.080.B.5, including provisions to minimize adverse environmental and microclimatic impacts.
7. Driveway Access – No additional improvements/requirements will be requested at this time, but any applicant proposed improvements must be reviewed and permitted by ODOT.
 8. Permits – Any construction or closure within the public right of way will require a Public Works permit and before any work in the right of way commences all necessary permits MUST be obtained. ODOT will need to review and approve any improvements in the ODOT right-of-way. City of Ashland must obtain a copy of any ODOT approvals and/or permits that are granted before any work in the ODOT right-of-way begins.
 9. As-Built - Where public improvements are required or completed, the developer shall submit to the City of Ashland, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.