
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 DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET** April 8, 2020

SITE: 165 N First St.
APPLICANT: Michael Rogers
REQUEST: Travelers' Accommodation

PLANNING DIVISION COMMENTS

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

Summary: The proposal requires Site Design Review and Conditional Use Permit approvals for a Traveler's Accommodation.

Information Required: The final application will need to include a clear narrative responding directly to the specific criteria for Conditional Use Permit and Traveler's Accommodation.

Response to the Site Design Review is not required as no changes to the site are proposed.

The site plan will need to be drawn to a standard scale and demonstrate that the parking is placed, sized and treated according to standards and provides adequate back-up dimensions, landscape buffers, etc.

TRAVELER'S ACCOMMODATION (AMC 18.2.3.220)

Within the R-2 zoning district, Traveler's Accommodations are a Conditional Use subject to Special Use Standards which include:

- An accommodation must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.
- The business-owner of a travelers' accommodation or the property owner of an accessory travelers' accommodation must maintain a City business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.
- Advertising for an accommodation must include the City planning action number assigned to the land use approval.
- Offering the availability of residential property for use as an accommodation without a valid Conditional Use Permit approval, current business license and transient occupancy tax registration is prohibited and shall be subject to enforcement procedures.

- The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan.
 - One of the two properties fronts B Street which is a high order street. Our code allows for two separate pieces of real estate to be considered as one so long as they are in common ownership (See Definition Lot AMC 18.6.1.030)
- The property on which the traveler's accommodation is sited must be the primary residence of the business-owner.
 - As mentioned above both lots can be considered one, and I presume that you live in the main house as your primary residence.
- The primary residence on the site must be at least 20 years old.
 - The County Assessor indicates that the residences were constructed in 1895 and 1912.
- The number of traveler's accommodation units allowed shall be determined by dividing the total square footage of the lot by 1,800 square feet.
 - The applicant indicates that two units are proposed, and the lot size meets this requirement. (14374 sq ft / 1800 = 7.98)
- Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.
 - The application shall demonstrate the required square footage.
- Each accommodation must have one (1) off-street parking space and the business-owner's unit must have two (2) parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.
 - The applicant plans to rent the house at 165 N First as a single traveler's accommodations unit. Two additional parking spaces are required for the owner's unit for a total of three parking spaces. The applicant's submittal indicates that there are four off street parking spaces exceeding this requirement.
- Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the travelers' accommodation in accordance with subsection 18.4.4.050.C.1.
 - The applicant will be required to apply for any sign associated with the proposed traveler's accommodations.
- If required by the county based on the number of units, an annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.
- Transfer of business-ownership of a travelers' accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.

SITE DESIGN REVIEW (AMC 18.5.2.050)

While the code does require Site Design Review criteria to be applied in the process of considering the CUP because no changes are proposed to the Site these are not-applicable.

CONDITIONAL USE PERMIT APPROVAL CRITERIA (AMC 18.5.4.050)

Conditional Use Permits are discretionary approvals. Applications must include written responses fully addressing each of the following criteria:

- 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.
- 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.
- 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 [18.5.4.050.A.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.
- A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
- 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:

c. **R-2 and R-3.** Residential use complying with all ordinance requirements, developed at the density permitted by chapter [18.2.5](#) Standards for Residential Zones.

Generally speaking, the application would need to weigh the adverse material impacts of the proposed short-term tourist accommodation use against the target multi-family residential use and demonstrate that the proposal would have no greater adverse impacts on the neighborhood than the residential use. Traffic, parking, noise, light and glare are commonly considered adverse material impacts.

The target use for your properties would be 4 dwellings. [Density in the R-2 zone is 13.5 du/ac; the property is 0.33 acres x 13.5 = 4.455 dwellings]

Your application materials that address this criterion simply need to state that the proposed use (residing in the one house, while renting the other out short term) will have a much less impact than the target use (which would be four separate homes and the associated traffic etc.)

Neighborhood Outreach: Staff always recommends that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

Written Findings/Burden of Proof: This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

OTHER ORDINANCE REQUIREMENTS: A sign permit is required prior to installation of any signage for the travelers' accommodation. Signage must comply with the requirements of the Sign Ordinance for Conditional Uses in the Residential Zones found in AMC 18.4.7.060.B.2 and the limitations for Traveler's Accommodations in AMC 18.2.3.220.B.6

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: No comments at this time. Please contact the Building Division for any building codes-related questions at 541-488-5305.

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 Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@ashland.or.us . 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

ENGINEERING: No comments at this time. Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us.

FIRE: General Fire Department comments are included at the end of this document. Please contact Fire Marshal Ralph Sartain of the Fire Department for any additional Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

WATER AND SEWER SERVICE: "If the project requires additional water services or upgrades to existing services the Ashland Water Department will excavate and install in the city right of way all water services up to and including the meter on domestic and commercial water lines. If a fire line is

required, the water department will only install a stub out to the location where the double check detector assembly or reduced pressure detector assembly complete with a Badger brand cubic foot bypass meter should be placed in a vault external to the building. The vault and the DCDA or RPDA device housed in it are the responsibility of the property owner and should be placed at the property line. Fees for these installations are paid to the water department and are based on a time and materials quote to the developer or contractor. Meter sizes and fire line diameters will need to be provided to the Water Department at the time of a quote being requested. *The Ashland Water Department is also requiring new projects to comply with all current cross connection rules and regulations, this may require backflow prevention devices to be placed at the potential hazard or just behind the meter or connection for premises isolation depending on the degree of hazard, type of intended use of the facility or even the geographical location of the building or facility.* Please Contact Steve Walker by phone at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us to discuss the intended use of the facility or property and any potential cross connection hazards associated with it or for any questions regarding water connections.”

ELECTRIC SERVICE: If any service modifications are proposed, please contact Dave Tygerson in the Electric Department for any service requirements or fee information at (541) 552-2389 or via e-mail to tygersod@ashland.or.us .

APPLICATION REQUIREMENTS

PROCEDURE

Conditional Use and Site Design Review permits for a Travelers’ Accommodations are subject to a “Type I” procedure which provides for an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission. If there are larger issues involved – or a Variance is requested – a Type II application with a public hearing may be required.

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:

- **Travelers’ Accommodations** **AMC 18.2.3.220.A and B**
- **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.

- **Site Design Review:** **AMC 18.5.2.040**

FEES: **Site Design Review/Conditional Use Permit** **\$1,092**

***NOTE:** Applications are accepted on a first come-first served basis. 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. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.*

For further information, please contact: February 5, 2020
 Aaron Anderson, Assistant Planner Date
 City of Ashland, Department of Community Development
 Phone: 541-552-2052 or e-mail: aaron.anderson@ashland.or.us

Pre-Application Comments
Project Address: 165 N. First Permit Number:
Project Description: TA

Date: 03-20-2020
PreApp-2020-00187

Ashland Fire & Rescue Contact: Ralph Sartain 541-552-2229 ralph.sartain@ashland.or.us

Fire department comments are based upon the 2019 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws:

Vacation Rentals & Traveler's Accommodations

The following are the requirements for vacation rentals:

- Smoke alarm in each sleeping room, in the hall leading to the sleeping room and one on each level.
- If a fire sprinkler system is present, it is required to be maintained in service.
- If you have a carbon monoxide source, then a CO alarm is required to be within five feet of each bedroom. Carbon monoxide sources include fuel fired appliances such as gas, wood or oil, and a door that leads to the garage.
- Each sleeping room is required to have an available emergency escape through a window, so the window is required to be openable and remain open while someone would crawl out. If there is a door that leads to the outside, that can be considered the emergency escape in lieu of the window.
- A fire extinguisher should be located on each level- minimum IAIOBC size. It is required to be mounted in a visible location and serviced annually. If you have just purchased new ones, either use the tag from the box to write the installation date on or use a permanent marker and write the month and date of installation on the fire extinguisher.
- Make an emergency plan. It should include text with the address of the home, call 9-1-1 for emergencies and the safety features in the home and a diagram for evacuation. This should be made available in the home where guests would see it. Here is an example of an emergency plan www.ashland.or.us/vacationrentals.
- **Call for an inspection from the fire department after gaining planning approval.
541.482.2770**

Addressing - Building numbers or addresses must be at least 4 inches tall, be of a color that is in contrast to its background and shall be plainly visible and legible from the street fronting the property. Additional directional signage may be necessary to guide emergency responders down a driveway, path or through a gate. All premises identification, street signs and building numbers, must be in place with temporary signs when construction begins and permanent signage prior to issuance of any occupancy. OFC 505

Firefighter Access Pathway – An approved footpath around the structure is required so that all exterior portions of the structure can be reached with the fire hose. Any changes in elevation greater than two feet in height (such as retaining walls) require stairs. The stairs shall be an all-weather surface, and meet the requirements as specified in the Oregon Structural Specialty Code. OFC 503.1.1

Gates and Fences – Obstructions such as gates, fences, or any other item which would block or reduce the required fire apparatus access width must be shown on the plans and approved by Ashland Fire and Rescue.

Wildfire Hazard Areas – On lands designated in the Wildfire Lands Overlay, a “Fuel Break” as defined in Ashland Municipal Code, section 18.3.10.100 is required.

Wildfire Hazard Areas - All structures shall be constructed or re-roofed with Class B or better non-wood roof coverings, as determined by the Oregon Structural Specialty Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the City's building code. AMC 18.3.10.100

Vegetation – existing and intentionally planted vegetation is required to meet AMC 18.3.10.100B(2) General Fuel Modification Area Standards. The Fire Wise landscaping brochure provides diagrams and examples of how to meet these requirements. www.ashlandfirewise.org. Contact Ashland Fire & Rescue Forestry Division for a fuel break inspection.

Final determination of fire hydrant distance, fire flow, and fire apparatus access requirements will be based upon plans submitted for Building Permit review. Changes from plans submitted with this application can result in further requirements. Any future construction must meet fire code requirements in effect at that time. The fire department contact for this project is Fire Marshal Ralph Sartain. He may be contacted at (541) 552-2229 or ralph.sartain@ashland.or.us.



Planning Division
 51 Winburn Way, Ashland OR 97520
 541-488-5305 Fax 541-488-6006

ZONING PERMIT APPLICATION

FILE # _____

DESCRIPTION OF PROJECT _____

DESCRIPTION OF PROPERTY _____ Pursuing LEED® Certification? YES NO

Street Address _____

Assessor's Map No. 39 1E _____ Tax Lot(s) _____

Zoning _____ Comp Plan Designation _____

APPLICANT

Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

PROPERTY OWNER

Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OTHER

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

Title _____ Name _____ Phone _____ E-Mail _____

Address _____ City _____ Zip _____

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location found to be incorrect, the owner assumes full responsibility. I further understand that if this request is subsequently contested, the burden will be on me to establish:

- 1) *that I produced sufficient factual evidence at the hearing to support this request;*
- 2) *that the findings of fact furnished justifies the granting of the request;*
- 3) *that the findings of fact furnished by me are adequate; and further*
- 4) *that all structures or improvements are properly located on the ground.*

Failure in this regard will result most likely in not only the request being set aside, but also possibly in my structures being built in reliance thereon being required to be removed at my expense. If I have any doubts, I am advised to seek competent professional advice and assistance.

Applicant's Signature Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

Property Owner's Signature (required) Date

[To be completed by City Staff]

Date Received _____ Zoning Permit Type _____ Filing Fee \$ _____

OVER ►►

ZONING PERMIT SUBMITTAL REQUIREMENTS

- APPLICATION FORM must be completed and signed by both applicant and property owner.
- FINDINGS OF FACT – Respond to the appropriate zoning requirements in the form of factual statements or findings of fact and supported by evidence. List the findings criteria and the evidence that supports it. Include information necessary to address all issues detailed in the Pre-Application Comment document.
- 2 SETS OF SCALED PLANS no larger than 11"x17". Include site plan, building elevations, parking and landscape details. (Optional – 1 additional large set of plans, 2'x3', to use in meetings)
- FEE (Check, Charge or Cash)
- LEED® CERTIFICATION (*optional*) – Applicant's wishing to receive priority planning action processing shall provide the following documentation with the application demonstrating the completion of the following steps:
 - Hiring and retaining a LEED® Accredited Professional as part of the project team throughout design and construction of the project; and
 - The LEED® checklist indicating the credits that will be pursued.

NOTE:

- Applications are accepted on a first come, first served basis.
- 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.
- All applications received are reviewed for completeness by staff within 30 days from application date in accordance with ORS 227.178.
- The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting. (Planning Commission meetings include the Hearings Board, which meets at 1:30 pm, or the full Planning Commission, which meets at 7:00 pm on the second Tuesday of each month. Meetings are held at the City Council Chambers at 1175 East Main St).
- A notice of the project request will be sent to neighboring properties for their comments or concerns.
- If applicable, the application will also be reviewed by the Tree and/or Historic Commissions.