ASHLAND PLANNING DEPARTMENT

FINDINGS & ORDERS

PLANNING ACTION: PA-2017-00336
SUBJECT PROPERTY: 103 Manzanita
OWNER/APPLICANT: Laurel Miller and Mitch Sherman

DESCRIPTION: A request for a Conditional Use Permit (CUP) and Site Design Review to allow for the conversion the existing detached cottage to be used as an accessory travelers' accommodation.

COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 391E05DD; **TAX LOT**: 4500.

SUBMITTAL DATE:	February 27, 2017
DEEMED COMPLETE DATE:	March 17, 2017
STAFF APPROVAL DATE:	April 26, 2017
FINAL DECISION DATE:	May 8, 2017 (at 4:30 p.m.)
APPROVAL EXPIRATION DATE:	November 26, 2018

DECISION
The proposal is to use the detached cottage for an accessory travelers' accommodation. The subject property is located in the Low Density Multi-family Residential zone (R-2) and Skidmore-Academy Historic District.

The subject property is located is a corner lot bounded by Manzanita and High streets, one block above N. Main St. and across from Briscoe School. The Briscoe School playground is to the south on the opposite side of Manzanita St. The surrounding neighborhood is comprised of a mix of apartments, townhomes and single-family homes. The surrounding zoning to the north, south and east is also R-2, while the area to the west, or uphill of, High St. is zoned Single-family Residential (R-1-7.5).

The subject property is located at 103 Manzanita St. and is 0.31 acres in size. The property is occupied by a historic home that includes two dwelling units and a third dwelling unit located in a detached cottage. The primary home is a 20th Century American Bungalow that was constructed in 1915 and identified as a historic contributing resource. In 2001, the property received Site Design Review approval to divide the home into two dwelling units and construct the cottage. The base density of the subject property is four multi-family dwelling units.

The Municipal Code contains specific requirements for accessory travelers' accommodations. The requirements include:

- The operator of the accessory travelers' accommodation must be the property owner and the property must be the operator's primary residence. The operator must be present during operation of the accessory travelers' accommodation.
- The property is limited to having one accessory travelers' accommodation unit, covered under a single reservation and consisting of two or fewer bedrooms. Meals are not provided and kitchen cooking facilities are not permitted with an accessory travelers' accommodation, with the exception of kitchen cooking facilities for the primary residence.

- The total number of guests occupying an accessory travelers' accommodation must not exceed two people per bedroom.
- The property must have two off-street parking spaces. The total number of guest vehicles associated with the accessory travelers' accommodation must not exceed one.
- Signs are not permitted in conjunction with the operation of an accessory travelers' accommodation.
- The property owner must maintain a City of Ashland business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04.
- Advertising for an accommodation must include the City planning action number assigned to the land use approval.
- Before operation of the accessory Traveler's Accommodation, the structure must be inspected by the Fire Department and Jackson County Health Department.

The applicants have submitted materials to the Planning Department that demonstrate compliance with these approval standards, and with the criteria within the Conditional Use section of the Ashland Municipal Code for an accessory travelers' accommodation.

There are no exterior changes proposed to any of the structures or the site. There are four off-street parking spaces on the property accessed by a driveway from Manzanita St. The 2001 approval required five off-street parking spaces. The fifth space is provided through an on-street credit on High St. adjacent to the property frontage. The current proposal requires three off-street parking spaces with two spaces required for the primary residence and one space required for the second unit in the main home. As a result, the current proposal to maintain two units, including the primary residence in the main historic home, and an accessory travelers' accommodation in the cottage meets the parking requirements.

The application explains that the property owners live in the main home located at 107 Manzanita St. and will be present during the operation of the accessory travelers' accommodation. The cottage is currently an independent dwelling unit and includes a kitchen. The proposal requires removal of the stove/oven so that the cottage meets the requirements for an accessory travelers' accommodation of not having kitchen cooking facilities. The cottage has two bedrooms and therefore satisfies the size limitation for an accessory travelers' accommodation.

Lastly, the application complies with all of the applicable provisions of the R-2 zoning district and the Site Development and Design Standards in AMC 18.4. The property is currently served by adequate City facilities for water, sewer, storm drainage, electricity, sidewalks and streets. No trees are proposed to be removed. It is the opinion of Staff, the property has adequate landscaping presently installed to meet the standards in AMC 18.4.4. Compared to the target use for the subject property of four dwelling units, the proposal will not have a greater adverse impact material effect on the impact area in terms of architectural compatibility, air quality, generation of traffic, noise, light and glare and the development of adjacent properties.

The approval criteria for a Travelers' Accommodation are in AMC 18.2.3.220 as follows:

Where travelers' accommodations and accessory travelers' accommodations are allowed, they require a Conditional Permit under chapter 18.5.4, are subject to Site Design Review under chapter 18.5.2, and shall meet the following requirements. See definitions of travelers' accommodation and accessory travelers' accommodation in part 18-6.

***A. Travelers' Accommodations and Accessory Travelers' Accommodations**. Travelers'*

accommodations and accessory travelers' accommodations shall meet all of the following requirements.

1. *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.*
2. *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.*
3. *Advertising for an accommodation must include the City planning action number assigned to the land use approval.*
4. *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.*

***B. Travelers' Accommodations**. In addition to the standards described above in section 18.23.220.A, travelers' accommodations shall meet all of the following requirements.*

1. *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. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
2. *During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation, and has actual ownership of the business.*
3. *The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for travelers' accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.*
4. *The number of travelers' accommodation units allowed shall be determined by the following criteria.*
   a. *The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved traveler's accommodation with primary lot frontage on boulevard streets. For travelers' accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
   b. *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.*
5. *Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.*
6. *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.

7. *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.*
8. *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.*

C. Accessory Travelers' Accommodations. *In addition to the standards in section 18.2.3.220.A, accessory travelers' accommodations shall meet all of the following requirements.*

1. *The operator of the accessory travelers' accommodation must be the property owner and the property must be the operator's primary residence. The operator must be present during operation of the accessory travelers' accommodation.*
2. *The property is limited to having one accessory travelers' accommodation unit, covered under a single reservation and consisting of two or fewer bedrooms. Meals are not provided and kitchen cooking facilities are not permitted with an accessory travelers' accommodation, with the exception of kitchen cooking facilities for the primary residence.*
3. *The total number of guests occupying an accessory travelers' accommodation must not exceed two people per bedroom.*
4. *The property must have two off-street parking spaces. The total number of guest vehicles associated with the accessory travelers' accommodation must not exceed one.*
5. *Signs are not permitted in conjunction with the operation of an accessory travelers' accommodation.*

The approval criteria for a Conditional Use Permit are in AMC 18.5.4.050.A as follows:

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 18.5.4.050.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.*
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* ***[a, b, d – l, not included as not applicable]****.*
   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.

The criteria for Site Review approval are in AMC Chapter 18.5.2.050 as follows

A. Underlying Zone: The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.

B. Overlay Zones: The proposal complies with applicable overlay zone requirements (part 18.3).

C. Site Development and Design Standards: The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.

D. City Facilities: The proposal complies with the applicable standards in section 18.4.6 Public Facilities and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property and adequate transportation can and will be provided to the subject property.

***E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.*

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or

2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

In staff's assessment, the application with the attached conditions complies with applicable ordinances and meets all required criteria.

Planning Action #2017-00336 is **approved** with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action #2017-00336 is denied. The following are the conditions and they are attached to the approval:

1. That all proposals of the applicant be conditions of approval unless otherwise modified here.

2. That the accessory travelers' accommodation shall be operated in conformance with the standards in AMC sections 18.2.3.220.A and 18.2.3.220.C.

3. That the accessory travelers' accommodation shall meet all applicable building, fire, and related safety codes at all times, and shall be inspected by the City of Ashland Fire Department before commencing operations and periodically thereafter pursuant to AMC 15.28.

4. That an annual inspection of the accessory travelers' accommodation by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of

Oregon.

5. That the property owners shall obtain and maintain a city business license and register for and pay all transient occupancy tax as required in AMC 4.24 and AMC 6.04 prior to operation of the accessory travelers' accommodation.

6. That no signage visible from the public right of way is permitted on site.

7. That any advertisement for the accessory travelers' accommodation unit must include the City of Ashland Planning Action number assigned to this city land use approval (i.e., PA#2017-00336).

8. That the property owners obtain a building permit from the City of Ashland to remove the kitchen cooking facilities from the cottage, complete the work and obtain final inspections prior to operation of the accessory travelers' accommodation.

_____ April 26, 2017

Bill Molnar, Community Development Director Date