
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** November 2, 2022

SITE: 373 & 375 B St.
APPLICANT: Rogue Planning for John & Julie Stacy
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 approval for a 2-unit Traveler's Accommodation (one owner's unit with one unit available for short term rental).

Information Required: The final application will need to include a clear narrative responding directly to the specific criteria for a Conditional Use Permit and Traveler's Accommodation. Please pay close attention to the issues brought up specifically during the pre-application process.

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. The site plan should also clearly delineate the rental cottage and primary residence/owner's unit.

Due to new scoping of the Oregon State Building Codes, sprinkling WILL be required of travelers' accommodations, except those that are a "Detached owner-occupied lodging house containing not more than five guest rooms". It is strongly recommended that the applicant communicate with the building official about these requirements prior to submitting a formal application. Please contact building official, Steven Matiaco at steven.matiaco@ashland.or.us for additional details.

18.2.3.220 Travelers' Accommodations

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.

- 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.

- It is likely that a sprinkler system will be required in the guest cottage prior to operating as a travelers' accommodation. Please contact Steven as listed above or building@ashland.or.us for more details on the sprinkler system requirements for transient occupancy use.
- 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.
 - [Welcome \(hdlgov.com\)](http://www.hdlgov.com) – This link will walk you through the business registration process.
- 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.

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.

- 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.
 - The property is located on B Street which is identified as an avenue.
- The property on which the traveler's accommodation is sited must be the primary residence of the business-owner.
 - The application shall demonstrate proof of residency (i.e., state ID, tax documents, etc with address on it)
- The primary residence on the site must be at least 20 years old.
 - Assessment data shows that the primary residence was constructed in 1905.
- 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 lot size is approximately 6,050 sq. ft., allowing for 3.36 units per this calculation
- 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.
 - Assessment data confirms that the cottage is over 400 sf in area.
- 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's submittal indicates that there are three off street parking spaces on site.
 - Parking spaces should conform to the standards in 18.4.3.080 including minimum parking space size and minimum back-up maneuvering space as described at the AMC link below: <https://ashland.municipal.codes/LandUse/18.4.3.080.B>. The final site plan should include the dimensions of each parking space to demonstrate compliance.
 - A final application should include photos of the existing parking spaces. These spaces can remain unpaved but do need to be well-maintained.

- 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 property would be 2 dwellings. [Density in the R-2 zone is 13.5 du/ac; the property is 0.14 acres x 13.5 = 1.89 dwellings]

Your application materials that address this criterion need to state that the proposed use (residing in the primary residence, while renting the guest house short term) will have a lessor impact than the target use (which would be 2 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: See the City of Ashland Conservation Division's website at www.ashland.or.us/conservation for information on available technical or financial assistance for conservation measures including solar electric incentives and commercial lighting efficiency programs.

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.

OREGON DEPARTMENT OF TRANSPORTATION: *“ODOT does not have comments on this proposal based on our evaluation criteria”.*

WATER AND SEWER SERVICE: No comments. Please Contact Steve Walker for any additional information at [541-552-2326](tel:541-552-2326) or walkers@ashland.or.us.

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>

Please ensure that the concerns addressed at this Pre-application conference are addressed thoroughly in your formal application submittal.

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 for staff review 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** **\$1,120.25**

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:

Johanna Tuthill, Associate Planner

City of Ashland, Department of Community Development

Phone: 541-552-2045 or e-mail: johanna.tuthill@ashland.or.us

November 2, 2022

Date