
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**

February 9, 2022

SITE: 661-665 B Street
APPLICANT: Tywoniak
REQUEST: Traveler's Accommodation

PLANNING DIVISION COMMENTS

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

Summary: Traveler's Accommodations require Conditional Use Permit & Site Design Review approvals. A Traveler's Accommodation requires that the property be owner-occupied (*current records with the Tax Assessor list a different mailing address for the property owner*) and requires two off-street parking spaces for the owner's unit and one additional off-street parking space for the guest unit.

TRAVELER'S ACCOMMODATION/CONDITIONAL USE PERMIT & SITE DESIGN REVIEW

The approval of a Traveler's Accommodation within an R-2 Zoning District is subject to Conditional Use Permit (CUP) and Site Design Review approvals, and must meet the approval criteria for CUP and Site Review as well as the special use standards for a Traveler's Accommodation. The approval criteria and standards in **blue** below are taken directly from the Municipal Code; staff comments are in **black**.

CONDITIONAL USE PERMIT (CUP) APPROVAL CRITERIA

Generally, CUP approval requires a demonstration that the "*adverse material impacts*" of the proposal – things like parking, traffic, noise, etc. – would be no greater than expected if the property was used as intended in city ordinances, which here would be up to two dwelling units.

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.*
 - 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.*

SITE DESIGN REVIEW APPROVAL CRITERIA

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

- 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.

The property here is zoned R-2, Low Density Multi-Family Residential, and the application would need to include narrative responses to the underlying zone requirements detailed in AMC Table 18.2.5.030.A.

- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).
The property here is within the Historic District Overlay, and is subject to the Historic District Development Standards detailed in AMC 18.4.2.050. The application would need to include written responses to each of these standards, recognizing that if existing buildings are not proposed to be altered some standards would not come into play.
- 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.

The applicable Site Development and Design Standards include Residential Development in AMC 18.4.2.030 and the Historic District Development Standards in AMC 18.4.2.050. The application would need to include written responses to each of these standards, recognizing that if existing buildings are not being altered that some standards would not come into play. The application would also need to speak to the parking requirements, and to landscaping requirements (discussed elsewhere herein).

- 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.

The application materials would need to address public facilities in terms of whether there are adequate facilities in place for water, sewer, electricity, storm drainage, paved access/adequate transportation. It may be that all of these facilities are existing in place to serve the building now, and were reviewed with construction of the accessory residential unit.

- 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, 2, or 3, 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;
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.
3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of 18.2.3.090.

The application would need to address the Exception criteria above if any of the details of the proposal do not comply with the applicable design standards.

For Traveler's Accommodations, key issues typically include verifying owner occupancy, adequate parking, and that site landscaping is up to current standards.

Parking

A Traveler's Accommodation requires two off-street parking spaces for the owner's unit and one off-street space per guest unit, so as proposed three off-street parking spaces would be required. Up to 50 percent of the required spaces can be addressed through on-street parking credits, meaning that at least two spaces need to be available on site. Off-street parking spaces are required to be 9 feet by 18 feet with a 22-foot back-up dimension behind, need to have landscape buffers between the property line and parking and between buildings and parking, and are not generally allowed in required setbacks abutting public right-of-way. For credits, on-street parking spaces required 22-feet of curb frontage with parking available abutting the property. The existing accessory unit was approved with one on-street credit and it seems reasonable to staff that this would carry over here, however the applicant

should be aware that on-street parking credits are discretionary, and could be challenged particularly for a conditional use which is supposed to minimize impacts to the surrounding area and is proposing to place required private parking in the public realm.

Landscaping

Conditional Use Permit approval for a Traveler's Accommodation is effectively allowing a commercial use in a residential district, and typically brings with it a much greater focus on the standards. In particular, landscaping is looked at closely and if the existing landscaping in street-facing yards has experienced any level of deferred maintenance a condition of the approval would be that the landscaping be upgraded, with a landscaping and irrigation plan meeting the standards in AMC 18.4.4.030.

TRAVELER'S ACCOMMODATION STANDARDS

The key issues here in staff's view would be in satisfying the owner-occupancy and parking requirements. The standards for Traveler's Accommodations and Accessory Traveler's Accommodations are detailed below:

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.*
 - B Street is identified as an avenue in the most recent Street Dedication Map.**
- 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.*

A floor plan demonstrating compliance with this standard would need to be included with the application.

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.*
 - *Because kitchen cooking facilities are not permitted, an accessory travelers' accommodation could not be approved in conjunction with an ARU.*
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.*

Tree Preservation/Protection: All land use applications involving any sort of site disturbance (i.e. utility trenching, parking installation, etc.) require that a Tree Inventory & Protection Plan be provided with the application to ensure that all trees on the property over six-inches in diameter, and all trees on adjacent properties within 15-feet of the property line including any street trees, are protected during site disturbance (*including demolition, construction, driveway/parking installation, staging of materials, etc.*)

Submittal Requirements: The application will need to include clear, scalable site plans with existing and proposed buildings and their distance to property lines and scalable elevation drawings showing the exterior details of the existing and proposed buildings, with window, door, trim, color and material details.

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 posted on the property and mailed 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: See AMC Table 18.2.5.030.A. – Standards for Urban Residential Zones. The subject property is zoned R-2, Low Density Multi-Family Residential zoning.

OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

BUILDING: No comments provided. Please contact Building Official Steven Matiaco in the Building Division for any building codes-related questions at 541-488-5305.

CONSERVATION: For more information on current conservation programs including rebates, incentives, and 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 provided. 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: See comments below. Please contact Ralph Sartain from the Fire Department for any Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us. It would be worthwhile to speak with the Fire Marshal regarding requirements that will apply for either an ARU or a Traveler's Accommodation.

WATER AND SEWER SERVICE: If the project requires additional water services or upgrades to existing services, please contact Steve Walker at [541-552-2326](tel:541-552-2326) or e-mail walkers@ashland.or.us with any questions regarding water utilities.

ELECTRIC DEPARTMENT: If additional electric services or service upgrades are required, please contact Rick Barton in the Electric Department for service requirements and connect fee information at (541) 552-2082 or via e-mail to rick.barton@ashland.or.us.

TALENT IRRIGATION DISTRICT (TID): *"TID has no concerns."* For any additional TID-related information, please contact TID via e-mail to tid@talentid.org

OREGON DEPARTMENT OF TRANSPORTATION (ODOT): *"ODOT has no comments on this proposal."* For any additional ODOT-related information, please contact Micah Horowitz, AICP; Senior Transportation Planner with ODOT Region 3; 100 Antelope Road, White City, OR 97503; **Phone:** 541.774.6331; **Cell:** 541.603.8431; **E-mail:** micah.horowitz@odot.state.or.us .

HISTORIC COMMISSION: If the proposal will involve any exterior changes to a building in the Historic District, it will require review by the Historic Commission at their regular monthly meeting which occurs at 6:00 p.m. on the Wednesday before the monthly Planning Commission meeting (which occurs on the second Tuesday of the month).

PROCEDURE

A Conditional Use Permit/Site Design Review to allow a Traveler's Accommodation is subject to a "Type I" procedure which allows an administrative (staff) decision made following an initial public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission. (The Type I procedure is detailed in the chart available on-line at:

[https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Flowchart_Type_I_FY21-22\(1\).pdf](https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Flowchart_Type_I_FY21-22(1).pdf)

APPLICATION REQUIREMENTS

Submittal Information.

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

- a. The information requested on the application form at https://www.ashland.or.us/SIB/files/Comm%20Dev/Forms%2C%20Brochures%2C%20Handouts/Zoning_Permit_Application_FY21-22.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 (aka “Written Findings”)

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:

- | | |
|--|------------------------------------|
| ○ Traveler’s Accommodation | AMC 18.2.3.220 |
| ○ Site Design Review | AMC 18.5.2.050 |
| ○ Site Development and Design Standards | AMC 18.4.2.030 C, D & E |
| ○ Historic District Development Standards | AMC 18.4.5.050 |
| ○ Conditional Use Permit | AMC 18.5.4.050 |

Plans & Exhibits Required

Please provide electronic versions of 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 electronic documents prepared to print legibly to a standard architect’s or engineer’s scale on paper no larger than 11-inches by 17-inches.

- | | |
|---|-----------------------|
| ○ Site Design Review | AMC 18.5.2.040 |
| ○ Conditional Use Permit | AMC 18.5.4.040 |
| ○ Tree Protection Plan (if applicable) | AMC 18.4.5.030 |

PLANNING APPLICATION FEES:

| | |
|---|-------------------|
| Traveler’s Accomm./CUP & Site Review | \$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.

For further information, please contact:

Derek Severson, *Senior Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2040 or e-mail: derek.severson@ashland.or.us

February 9, 2022

Date

Ashland Fire & Rescue Pre-Application Comments

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

Addressing Addressing - New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

OFC 505.1 Gates/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.

Agency Defined Code AF&R 13

Wildfire Mitigation

On lands designated in the Wildfire Lands Overlay, a "Fuel Break" as defined in Ashland Municipal Code, section 18.3.10.100 is required.

Agency Defined Code AF&R 14

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.

Agency Defined Code AF&R 16

Ashland Fire & Rescue Pre-Application Report

Review/Project Information Status

Specific Development Requirements for Access & Water Supply

Vacation Rentals

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. For an example of an emergency plan, see www.ashland.or.us/vacationrentals .

Please call for an inspection from the fire department after gaining planning approval.
541.482.2770

**Agency Defined Code AF&R 22
Firefighter Access**

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 allweather surface, and meet the requirements as specified in the Oregon Structural Specialty Code. OFC 503.1.1.

Agency Defined Code AF&R 3

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site. Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only. Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

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 .

If work will be completed during fire season, check fire season fire prevention requirements found at www.ashland.or.us/fireseason .