
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** October 5, 2022

SITE: 485 Beach St.
APPLICANT: Sylvia Marie McCracken
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. The site plan should show a floorplan of the home, outlining where the guest unit will be located, and where the private owner's unit will be located. Please specify how and when the travelers' accommodation will be used, describing explicitly whether or not the property owner will be on-site during the rentals, and what portion of the property will be used as the short-term rental unit.

The owner of the travelers' accommodation business must be wholly responsible for all operations associated with the accommodation. Staff has significant concerns that if the owner is not on site during the time of the rental, that they will not be able to take responsibility for all operations. There is additional concern that the property is owned by an LLC, rather than by a single owner with full responsibility for the property and the related travelers' accommodation. A final application should address this concern and how it relates to the business-owner's responsibility. In your application, please provide information on the members of the LLC. If you are the sole member, please state this clearly and provide supporting evidence of this. A final application should state who will be the business-owner of the accommodation with full responsibility of all operations associated, and how this responsibility will be maintained throughout the use of the accommodation.

Staff has additional concerns that there are not sufficient parking spaces for the accommodation and the residence. A total of three off-street parking spaces must be shown on the site plan in the final application submittal. 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>.

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.

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 unless the accommodation is to be owner-occupied at the time of renting. Please contact Steven Matiaco for more information.
- 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://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 Beach St which is identified under this categorization.
- 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.
 - The application shall demonstrate proof of residency (i.e., state ID with address on it)

- There is some concern that the property is owned by 485 BEACH ST LLC, which by nature is a body of voting members of which no person is wholly responsible. The final application should address this, and provide proof that the business-owner and resident is the sole person in the LLC with ownership of the property.
- The primary residence on the site must be at least 20 years old.
 - According to tax assessment records, the primary residence was built in 1924, thus meeting this requirement.
- 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 10,150 sq. ft., allowing for 5.6 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.
 - The application shall demonstrate the required square footage in the site plan and floorplan. The 400 square feet will include the private room and any shared space that the guest will have access to.
- 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 parking and a small garage off the alley at the rear of the property. The final application should include a site plan that shows the three available parking spaces, outlining which parking space is available for the guest, and which spaces are reserved for the owner.
 - 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>.
- 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 3 dwellings. [Density in the R-2 zone is 13.5 du/ac; the property is 0.23 acres x 13.5 = 3.1 dwellings]

Your application materials that address this criterion simply need to state that the proposed use (residing in the one house, while renting a room short term) will have a much less impact than the target use (which would be three 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. For more information on sprinkler system requirements, please contact Steven Matiaco at steven.matiaco@ashland.or.us. It is recommended that you contact Steven early in the process in order to understand the requirements that will apply.*

CONSERVATION: No comments at this time. Please contact Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@ashland.or.us or Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us with any questions.

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: No comments are provided at this time. 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. The following are the general 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

WATER AND SEWER SERVICE: No comments at this time. 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>

Please ensure that all issues highlighted 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 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 \$1,120.25

***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:

October 5, 2022

Johanna Tuthill, Associate Planner

Date

City of Ashland, Department of Community Development

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