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*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.*

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**ASHLAND PLANNING DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** September 20, 2023

**SITE:** 665 East Main St  
**APPLICANT:** Sean Higgins/Michael Vargas  
**REQUEST:** Conditional Use Permit for a  
1 unit hotel/motel

**PLANNING DIVISION COMMENTS**

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

**Summary:** The site is a contributing historic resource located within and subject to several City of Ashland design standards: Site Review utilizing the standards for Basic Site Review, Detail Site Review, Parking Lot Landscaping, Street Trees and Historic District Design Standards. The use of the space as a Hotel / Motel within the C-1 zoning district additionally requires Conditional Use Permit (CUP) Approval.

The subject property is zoned Commercial (C-1), with a single-family dwelling. Per the applicant's materials, the structure was built in 1900 and most recently has been used as a long-term residential rental.

**Site Review Requirements:** As stated above the property is subject to the Basic, Detail, Historic District Design Standards of the Site Design and Use Standards in addition to the Parking Lot Landscaping and Screening, Street Tree, and Landscaping Standards. If the application involves no physical changes to the structures or the property, the Site Design Review would be limited primarily to ensuring that existing landscaping is in keeping with standards. *(If future external changes are proposed, Site Design Review standards and criteria would apply.).*

**CONDITIONAL USE PERMIT FOR A HOTEL/MOTEL**

The application must address the following approval criteria from AMC 18.5.4.050.A for a Conditional Use Permit.

**18.5.4.050 Conditional Use Permit Approval Criteria**

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.

**The property was developed in the early 1900's, prior to zoning laws and is therefore, a legal non-conforming use (a residence in a commercial zone).**

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.

**All City facilities including water, sewer, electrical and storm drainage were installed at the time the building was developed, were sized appropriately and serve the existing property. The proposed hotel/motel will make no significant increase in demand for these services.**

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.

**The application would need to demonstrate that the proposed project will have no greater adverse effect on the livability of the area than would development to the target use of the zone. Typical considerations include traffic, parking, noise, etc. There is no proposed change to the site or the building. All that is being proposed is authorizing the use as a short-term rental operating as a one-unit Hotel/Motel. See #5 below.**

4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

**The use is not prohibited, and is allowed with a conditional use permit (CUP).**

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-1. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements. The property is located in the Detail Site Review overlay.***

**As an example, the lot size is 5,242 square feet, and a 50 percent floor to area ratio would be approximately 2,621 square feet of retail use.**

General Retail Commercial use typically generates approximately 4.80 PM peak hour trips per 1,000 square feet.  $2.621 \times 4.80 =$  approximately 12.58 peak hour trips for retail commercial development at 50 percent floor to area ratio.

Hotel/Motel use typically generates approximately 0.74 PM peak hour per trips per room.

A one room hotel would equate to  $0.74 \text{ trips/room} \times 1 \text{ room} = 0.74 \text{ trips}$ .

On that basis, the proposed use will generate less traffic than the target use (general retail commercial) developed at a 50% FAR

**Non-Conforming Use:** The applicant(s) have indicated the possible future desire to return the structure to a residential use. AMC 18.1.4.020 requires a Conditional Use Permit (CUP) to re-establish a discontinued non-conforming use. Re-establishment of the residence would be possible subject to the criteria below, and in keeping the residential structure's "residential character." Re-establishment of such previous non-conforming use would be looked at based on any changes made and the specifics of the proposal.

#### **18.1.4.020 Reestablishment of Nonconforming Status for Discontinued Use.**

Notwithstanding the provisions of subsection [18.1.4.020.C](#), a nonconforming use that is discontinued shall not be considered abandoned where the approval authority approves a Conditional Use Permit pursuant to chapter [18.5.4](#). The applicant shall demonstrate the reestablished use is equivalent to or more restricted than the abandoned use. In evaluating whether or not to permit the reestablishment of a nonconforming use, the approval authority, in addition to applying the criteria required for Conditional Use Permit, shall apply the following criteria.

1. Any improvements for the reestablishment of a nonconforming use on the site are limited to 50 percent of the value of the structure, except where such improvements bring the subject site, development or use into closer conformity with this ordinance. Valuation shall be determined as follows:
  - a. An independent real estate appraiser licensed in the State of Oregon shall determine the value of the structure.
  - b. The value of the improvement shall be determined based upon copies of the contractor's bid for said improvements, which shall be required with the Conditional Use Permit application.
  - c. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criterion.
2. The traffic generated by the proposed use is not greater than the greatest traffic that would be generated by a permitted use. In assessing the traffic generated by the proposed use, the approval authority shall consider the average peak-hour number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The approval authority may condition approval of the Conditional Use Permit limiting the land use so that traffic impacts are not greater than for uses permitted in the same zone.

3. The noise generated by the proposed use will comply with the AMC [9.08.170](#), and will not exceed the average ambient noise level already existing in the area, as measured pursuant to this section.
4. There shall be no lighting of the property that would have direct illumination on adjacent uses.
5. In a residential zone, the reestablishment will further implement Goal VI, Policy 2, Housing Chapter of the Comprehensive Plan.
6. Nothing herein shall apply to nonconforming signs, which are governed by the provisions of chapter [18.4.7](#) of this ordinance.

## **OTHER ORDINANCE REQUIREMENTS**

No comments.

**BUILDING:** Please contact the Building Division for any building codes-related questions at 541-488-5305.

**CONSERVATION:** There may be current City of Ashland rebates for the installation of high efficiency toilets (HET) as well as some appliances such as refrigerators, dishwashers and washing machines. Appliances may also be eligible for state tax credits through the Oregon Department of Energy. There may also be opportunities for homes to be built more sustainably or more energy-efficiently with financial and/or technical assistance from the City. For more information on currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 552-2062 or e-mail [Dan.Cunningham@ashland.or.us](mailto:Dan.Cunningham@ashland.or.us).

**ENGINEERING:** No comments. 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](mailto:karl.johnson@ashland.or.us).

**FIRE:** No comments. 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](mailto: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 also only install a stub out to the location where the double detector check 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 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. Please Contact Steve Walker at [541-552-](tel:541-552-)

2326 or ( [walkers@ashland.or.us](mailto:walkers@ashland.or.us) ) with any questions regarding water utilities.

**ELECTRIC DEPARTMENT:** The applicant will need to contact Rick Barton in the Electric Department at (541) 552-2082 to discuss service requirements and fees. An approved electric service plan is required to be included in the final application submittal for the application to be deemed complete. Rick can arrange an on-site meeting to assess service requirements and will prepare a schematic service plan to be incorporated into the applicants' civil drawings. Please allow additional time for scheduling an on-site meeting with Rick Barton, subsequent preparation of a schematic plan, and incorporation of this plan into your submittals. Applications will not be deemed complete without an approved electric service plan.

## **PROCEDURE**

Conditional use permits are subject to a "Type I" procedure which includes an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

### **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 online 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:

- **Conditional Use Permit AMC 18.5.4.040**

### **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.

- **Plans Submittal** AMC 18.5.4.040

**FEES: Site Design Review/Conditional Use Permit**

\$1,271.25

**NOTE:** 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:**

Veronica Allen CFM, *Associate Planner*

City of Ashland, Department of Community Development

Phone: 541-552-2042 or e-mail: [veronica.allen@ashland.or.us](mailto:veronica.allen@ashland.or.us)

Date: September 20, 2023