
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 DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
October 25, 2023

SITE: 1201 Iowa Street
APPLICANT/OWNER: Ray Pattengell
REQUEST: Travelers' Accommodation

PLANNING STAFF COMMENTS:

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.

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 will be limited to landscaping requirements as no changes to the site are proposed.

The site plan will need to be drawn to a standard scale and demonstrate that voluntarily provided parking is placed, sized, and treated according to standards and provides adequate back-up dimensions, landscape buffers, etc.

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.
- 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.
- 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 on Iowa 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 with address on it)
- The primary residence on the site must be at least 20 years old.
 - The primary residence was originally built in 1930.
- 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 6,534 square feet, allowing for 3.63 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.
- 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.
 - With regard to parking, staff would note that under OAR 660-012-0440(3) adopted as part of the Climate-Friendly & Equitable Communities (CFEC) Rulemaking, after December 31, 2022 "Cities and counties may not enforce parking mandates for development on a lot or parcel that includes land within one-half mile of frequent transit corridors, including... corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service." In this instance, the Rogue Valley Transit District's Route 1X runs on Siskiyou Blvd approximately 798 feet south of the subject property with peak hour scheduled frequency of every 20 minutes, and as such qualifies as frequent transit. *Under the CFEC rules, the city is unable to consider parking in the decision.*
- 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 the review will be limited to the landscaping criteria.

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 2.4 dwelling units. [Density in the R-3 zone is 20 du/ac; the property is 0.15 acres x 20 = 3 dwellings x 80% target use = 2.4 du]

Your application materials that address this criterion simply need to state that the proposed use (residing in part of the house (second floor), while renting the bottom floor for short term) will not have a greater 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

FIRE DEPARTMENT: Please contact Division Chief Ralph Sartain of the Fire Department for any additional information at (541) 552-2229 or via e-mail to ralph.sartain@ashland.or.us .

BUILDING DEPARTMENT: Please contact the Building Division for any additional information at (541) 488-5309.

CONSERVATION DEPARTMENT: 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. A handout on the city's "Smartbuild" program for new construction is attached at the end of this document. Conservation staff are available to provide any further information or assistance on these programs.

PUBLIC WORKS DEPARTMENT: For any further information, please contact Karl Johnson at (541) 552-2415 or via e-mail to: karl.johnson@ashland.or.us.

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.*

WATER AND SEWER SERVICE: 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.

ZONING DISTRICT REQUIREMENTS

See Table 18.2.5.030.A. “Standards for Urban Residential Zones” for R-3 Zoning District

Zoning: R-3 High Density Residential

Landscaping Requirements: Minimum of 25 percent of the lot area. Size- and species-specific landscaping & irrigation plan required, including park rows and open space, at time of formal application. Avoid using lawn. Provide irrigation system. Include street trees, one per 30 feet of street frontage.

Parking, Access, and Internal Circulation: As per AMC 18.4.3. Please note that on-street parking credits and other parking management strategies are discretionary, and existing and anticipated future parking will be looked at closely in considering requests. The applicants would need to speak with the Building Division regarding any required ADA-accessible parking and any associated requirements for providing accessible routes on-site. Under the CFEC rules, the city is unable to consider parking in the decision.

Lot Coverage: A maximum of 75 percent of the lot may be covered with building footprints, driveways, parking spaces and other lot coverage. Compliance with lot coverage standards should be demonstrated in the application.

Standard Setbacks: Front yards shall be a minimum of 15 feet, excluding garages which require a 20-foot front setback. Unenclosed porches shall be permitted with a minimum setback of eight feet. Side yards require six feet; the side yard of a corner lot abutting a public street shall have a ten-foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.4.8 which provides for Solar Access.

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. 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

Please provide one copy of 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.

- **Plans Submittal:** **AMC 18.5.4.040**

FEES: Conditional Use Permit

\$1,271.25

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:

Veronica Allen, Associate Planner
City of Ashland, Department of Community Development
Phone: 541-552-2042 or e-mail: veronica.allen@ashland.or.us

October 24, 2023

Date