
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** January 3, 2024

SITE: 373/377 Vista Street
APPLICANT: Michael Owen
REQUEST: Conditional Use Permit for a Travelers' Accommodations

PLANNING DIVISION COMMENTS

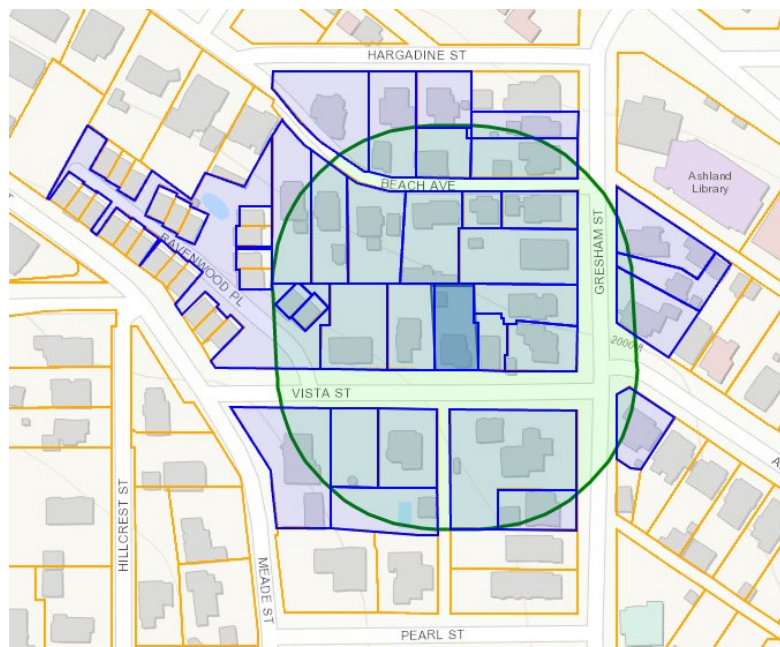
This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

Summary: The proposal requires Site Design Review and Conditional Use Permit to operate a one-unit travelers' accommodation on the bottom floor of the residence. The residence is 2,068 square feet and the accessory dwelling unit (ARU) is 483 square feet.

A key consideration with Travelers' Accommodations in Ashland is that they are required to be business owner-occupied, and if the business owner and property owner are different, the property owner cannot have a financial interest in the business (*i.e. an out of town property owner cannot hire a manager to run the Travelers' Accommodation for them*).

OTHER

- **Neighborhood Outreach:** Staff recommends that applicants approach the affected neighbors, make them aware of the proposal, and try to address any concerns as early in the process as possible. Notices are typically sent to neighbors within a 200-foot radius of the property.



Written Findings/Burden of Proof: This pre-application conference is intended to highlight significant issues for 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.

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.

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.

Staff measured the distance using the City of Ashland GIS mapping system and notes that the property is about 135 feet from Gresham Steet, classified as an Avenue.

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.

Staff reviewed the Jackson County account details database and notes that the original house was constructed in 1910.

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.

Staff notes that the total square footage of the lot is 5,662/1,800 equals 3 units total allowed. The application is requesting a CUP for one travelers' accommodation unit.

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.

Staff notes that the application shows a single 483 square foot accessory unit is proposed.

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.

With regard to parking, staff notes 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 # 10 runs on East Main, south of Gresham Street approximately 500 feet northeast 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.

If parking is proposed to be provided it must meet the standards in Chapter 18.4.3 and be shown clearly on the submitted plans.

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.

CONDITIONAL USE PERMIT

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.
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.

The target use for a R2 property of this size is 2 dwellings. (and would require zero

off street parking space per the ARU code.) so the proposed use would have a greater parking impact.

ZONING: R-2, Low Density Multi-Family Residential

LANDSCAPING REQUIREMENTS: 35% of site is required to be landscaped. Proposed landscaping must meet the Landscaping section of the Site Design and Use Standards. An irrigation plan is required, but may be deferred until the building permit submittals. Include street trees, 1 per 30' of street frontage. All trees greater than 6" in diameter are also to be shown.

Staff notes the intent is to take care of any deferred landscape maintenance with a focus of implementing and maintaining the front yard landscape for a commercial use in residential zone.

LOT COVERAGE: A maximum of 65% if the lot may be covered with impervious surface. The application materials must demonstrate compliance with this standard.

SETBACKS: 20' for front yard, 6' for side yards (10' for side yards abutting a public street), 10' per story for rear yard. Building permits will need to include information demonstrating compliance with Solar setback standards despite the fact that the ROW is to the north.

Staff notes that the ARU is inside the existing residence which meets current setback standards.

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

CONSERVATION: For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Water Conservation Specialist Julie Smitherman of Conservation Division at 541-552-2062 or via e-mail to julie.smitherman@ashland.or.us . For information on any 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. 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 at this time. 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.

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 [541-552-2326](tel:541-552-2326) or (walkers@ashland.or.us) with any questions regarding water utilities.

ELECTRIC SERVICE: “If existing service needs to be upgraded or existing underground service is not large enough, excavation and conduit may be required from transformer.” Please contact Dave Tygerson in the Electric Department for service requirements and connect fee information at (541) 552-2389 or via e-mail to tygersod@ashland.or.us. Dave will arrange an on-site meeting and develop a preliminary electrical service plan for the site. Please allow additional time to accommodate scheduling of this on-site meeting and preparing the preliminary plan. Submittals will not be deemed complete without a preliminary approved plan from the Electric Department.

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.

APPLICATION REQUIREMENTS

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>

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
- **Special Use Standards for Travelers’ Accommodations** AMC 18.2.3.220

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 and 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:

Jennifer Chenoweth, *Associate Planner*

Date: January 3, 2024

City of Ashland, Department of Community Development

Phone: 541-552-2045 or e-mail: jennifer.chenoweth@ashland.or.us