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
September 18, 2015

SITE: 499 Rock Street
APPLICANT: James Thomas
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.

The proposal is to operate a Travelers’ Accommodation at 499 Rock Street, tax lot 391E05DA 9600. The subject property is located on the west side of Rock Street, between Coolidge Street and Nursery Street. Currently there is one single family residence with a detached accessory structure. The applicant’s submittal states the objective is to rent out one or two bedrooms for short term accommodation. Staff has been informed by the City’s Code Compliance Specialist that the property has been operated as a Travelers’ Accommodation without permits.

Summary: In reviewing the applicant’s proposal to operate a Travelers’ Accommodation, Staff identified several issues important for the applicant to be aware of and consider before a formal application is submitted. The following bullet points address the issues raised by Staff.

- **Accessory Travelers’ Accommodation**
  Travelers’ Accommodations are allowed in the City’s multi-family residential zones. There are two types of travelers’ accommodations allowed by the city, Travelers’ Accommodations and Accessory Travelers’ Accommodation. There are a few differences between the two, mainly whether a kitchen is available to the guests and how many rooms are available. For more information see Ashland Municipal Code 18.2.3.220. To operate a Travelers’ Accommodation, one of the requirements is to be within 200 feet of a boulevard, avenue, or neighborhood collector street. The nearest neighborhood collector to 499 Rock Street is Scenic Drive, which is approximately 250 feet away. This means that the subject property will only be able to operate an Accessory Travelers’ Accommodation without permits.

- **Operation**
  Information obtained from Jackson County identifies Jacqueline Ifft-Matisik as the property owner. One of the requirements to appropriate an Accessory Travelers’ Accommodation is that the “operator of the 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 travelers’ accommodation.” This criterion is problematic for the applicant as it appears Ms. Ifft-Matisik, the property owner, is the only person who would be able to operate an Accessory Travelers’ Accommodation.
Additionally, the property owner must maintain a City business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04. Advertising for an accommodation must include the City planning action number assigned to the land use approval. Before operation the Traveler’s Accommodation, the structure must be inspected by the Fire Department and Jackson County Health Department.

- **Parking**
  Upon preliminary review of the information provided, it is unclear if two parking spaces are provided onsite. Typically, a parking space is 9 feet wide by 18 feet deep and parking spaces shall not require the movement of one vehicle in order to park or move the other. However, given the unique circumstance of the subject property, the Staff Advisor has decided it is reasonable and ok to have two stacked spaces. The situation is similar to historic, non-conforming situations where there is a long driveway that is clearly long enough to accommodate two spaces (i.e., at least 34’ – 36’ long without intruding into the public right-of-way, sidewalk, etc.

- **Scalable Site and Floor Plan**
  In order for Staff to determine there is sufficient space to operate an Accessory Travelers’ Accommodation, the application will need to include a scalable site plan and floor plan. With the information provided by the applicant, it appears there are two bedrooms in the house. If this is the case, a Travelers’ Accommodation will be limited to a single bedroom because the property owner must be onsite during the rental.

- **Landscape Upgrades**
  Part of the permitting process for a Travelers’ Accommodation is Site Design Review, which requires a landscape plan to show the property has adequate landscaping to enhance the property and neighborhood. This information will be required if the applicant moves forward with a formal application.

**General Comments:**

- **Neighborhood Outreach:** Projects involving changes to established neighborhood patterns can be a concern for neighbors. Staff always 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 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.

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UNDERLYING ZONE PROVISIONS (18.2.6.030)
Zoning: R-2 (Low Density, Multi-Family Residential District)

Maximum Building Height: 30 feet.

Standard Yard Requirements: Front yard – 20 feet; Side Yard – 6 feet except 10 feet abutting a public street; Rear Yard – 10 feet per story.

Solar Access: Properties may shade the property to their north no more than would a six-foot fence constructed on the north property line.

Lot Coverage: 65 percent maximum. All areas other than natural landscaping which allow the normal infiltration of water into the soil are considered coverage. Please identify all existing and proposed lot coverage on site plan and in text.

Landscaping Requirements: 35 percent. Parking areas and service stations shall meet the standards of chapters 18.4.3 Parking, Access, and Circulation, and 18.4.4 Landscaping, Lighting, and Screening.

Trees: Submittal requirements shall include items noted in chapter 18.4.5.030 for Tree Protection, which are also listed below if there will be any site disturbance which would impact trees. If trees are to be removed, the applicant is required to request their removal as required in chapter 18.5.7 with the application submittals.

Parking, Access & Circulation: As detailed in 18.4.3.

Signage: Not allowed in conjunction with the operation of an accessory travelers’ accommodation.

OTHER DEPARTMENTS’ COMMENTS

BUILDING DEPT: Please contact the Building Division for any code-related information at 541-488-5305.

PUBLIC WORKS/ENGINEERING: “Engineering Department does not have any comments at this time but may comment if additional information is provided. At this time there was not enough information to comment on.” Please contact Karl Johnson of the Engineering Division for any information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us.

WATER AND SEWER SERVICE: No comments at this time. Please Contact Steve Walker at 541-552-2326 or walkers@ashland.or.us with any questions regarding water utilities.”

ELECTRIC SERVICE: “If any changes will be required to existing service, please have applicant contact the Electric Department at (541) 552-2389 or via e-mail to dave.tygerson@ashland.or.us.”

FIRE: Please see attached comments. Please contact Fire Marshall Margueritte Hickman at (541) 552-2229 or via e-mail to margueritte.hickman@ashland.or.us for information of Fire Department requirements.
CONSERVATION: For 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.

HISTORIC COMMISSION REVIEW BOARD: The Historic Commission’s Review Board meets weekly on Thursday afternoons by appointment, beginning at 3:15 p.m. Applicants can arrange to get project design feedback from an informal group of two to three Historic Commissioners prior to making formal application. If an appointment is desired, please call the Planning Department’s front office at (541) 488-5305.

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IMPORTANT INFORMATION REGARDING APPLICATION SUBMITTAL REQUIREMENTS

PROCEDURE: Applications for Traveler’s Accommodations require Conditional Use Permit approval. Regulations provide for administrative (“Type I”) decisions on these applications.

APPLICATION REQUIREMENTS: As detailed in chapter 18.5.1.050, Type I applications shall include the required application materials detailed below. Type I decisions are made by the Staff Advisor, following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

1. Application Form and Fee. Applications for Type I review shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.

2. Submittal Information. The application shall include all of the following information.
   a. The information requested on the application form.
   b. Plans and exhibits required for the specific approvals sought.
   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
   d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
   e. The required fee.

PLAN & EXHIBIT REQUIREMENTS: Two (2) copies of the plans below on paper no larger than 11” x 17”. Note: These copies may be used for the Planning Commission packet and for the notices mailed to neighbors - please submit clear, readable, reproducible copies.

Two (2) Copies of the materials required for a Conditional Use Permit as detailed in chapter 18.5.4.040. An application for a Conditional Use Permit shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below.
A. General Submission Requirements. Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.

B. Plan Submittal. The plan or drawing accompanying the application shall include the following information.

1. Vicinity map.
2. North arrow and scale.
3. Depiction and names of all streets abutting the subject property.
4. Depiction of the subject property, including the dimensions of all lot lines.
5. Location and use of all buildings existing and proposed on the subject property and schematic architectural elevations of all proposed structures.
6. Location of all parking areas, parking spaces, and ingress, egress, and traffic circulation for the subject property, including accessible parking by building code.
7. Schematic landscaping plan showing area and type of landscaping proposed.
8. A topographic map of the site showing contour intervals of five feet or less.
9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing trees of greater than six inches DBH, any natural drainage ways, ponds or wetlands, and any substantial outcroppings of rocks or boulders.

If the application will involve any site disturbance that would impact trees: Two (2) Copies of a Tree Protection Plan as required in chapter 18.4.5.030. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter 18.5.7 may be required.

RELEVANT CRITERIA AND STANDARDS: Applicants are advised that in addition to required plans, written findings addressing how the ordinance criteria are satisfied in narrative format are required. The applicable criteria are included below. The Ashland Land Use Ordinance in its entirety may be accessed on-line at: http://www.ashland.or.us/SIB/files/AMC_Chpt_18_current.pdf.

Two (2) Copies of written findings addressing the approval criteria for a Conditional Use Permit as detailed in chapter 18.5.4.050.A. A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

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.

Two (2) copies of written materials addressing the following special use criteria for a Travelers’ Accommodation/Accessory Travelers’ Accommodation in an R-2/R-3 Zone as detailed in AMC 18.2.3.220. Where traveler’s 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 all of the following requirements.

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.

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.

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.

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.

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**UPCOMING APPLICATION DEADLINES:** Not applicable

**UPCOMING MEETINGS:**

- Historic Commission - First Wednesday of each month.

**FEES -**

- Conditional Use Permit - **Type I:** $1,012
- Variance (if applicable) - **Type I:** $1,012

**NOTES:**

- Applications are accepted on a first come-first served basis.
- 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.
- All applications received are reviewed by staff, and must be found to be complete before being processed or scheduled at a Planning Commission meeting.
The first 15 COMPLETE applications submitted are processed at the next available Planning Commission meeting.

For further information, please contact: September 18, 2015
Zechariah Heck, Assistant Planner Date
City of Ashland, Department of Community Development
Phone: 541-552-2052 or e-mail: zechariah.heck@ashland.or.us