
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** May 8, 2024

SITE: 304 Van Ness Avenue
APPLICANT: Mike Walker
REQUEST: Conditional Use Permit & Site Design Review 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 a Conditional Use Permit (CUP) to operate a one-unit travelers' accommodation at 304 Van Ness (Map and Tax Lot: 391E05DD TL # 9700). The travelers' accommodation unit is proposed in the 1,592 square foot primary residence. The travelers' accommodation would be used seasonally for short term (nightly) and moderate term (30 to 45 days) stays, and occasionally for long term (three months plus) stays. Three structures are on the property: the travelers' accommodation unit (primary residence), the owner's unit (200 square foot studio – no kitchen), and a rear garage.

Travelers' Accommodations in Ashland 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). The application states that the property owner resides on the property in an adjacent unit and would be available to guests and neighbor concerns at any time of the day or night.

The applicant states that the property's rear yard is landscaped and consists of a garden, play structure, deck, and turf/recreation area. Per the application there are no changes proposed to the property other than typical maintenance.

Zoning: The property is in the R-2, Low Density Multi-Family Residential zone and meets the zoning requirement of the proposed use.

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.

Owner's Unit/Existing Art Studio: Staff notes that the existing 200 square foot structure identified as the owner's unit in the application was submitted for a building permit by the applicant as an art studio in 2020. A "No Kitchen" agreement is on file. However, the final building inspection was not completed. Therefore, as a **condition of approval** of the CUP the applicant must contact the Building Department by email at building@ashland.or.us to request that the structural building permit, BD-R-2020-00449, for the owner's unit/studio be reinstated to complete the final inspection. In addition to the request for reinstatement please provide a narrative explanation regarding why the final inspection was not completed. The current fee for a final building inspection is \$90.

Landscaping Requirements: Per AMC Chapter 18.2.5.030, thirty-five (35) percent of the site is required to be landscaped. Proposed plans must show landscaping that meet the landscaping and screening section of the Site Design and Use Standards (AMC Chapter 18.4.4.030). All trees greater than 6" in diameter are also to be shown on the plan.

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

The applicant must submit a narrative addressing the landscaping requirements and provide a landscaping and irrigation plan. The plan should focus on the front yard and entry area. Because a Conditional Use Permit approval for a Travelers' Accommodations allows for a commercial use within a residential zone, one benefit to the neighborhood is the expectation that front yard landscaping will be installed or upgraded and maintained as a **condition of approval**.

Parking Requirements: There are no parking requirements per Oregon State, OAR 660-012-0440(3). Staff notes that existing parking for two vehicles is provided between the residence and Van Ness Avenue. If any additional parking is proposed, then new parking areas must meet the standards outlined in Chapter 18.4.3 and be shown clearly on the submitted plans (*see item B.5 under Travelers' Accommodations section below for more details on parking).

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 reviewed the City of Ashland GIS mapping system and notes that the property is adjacent to North Main Street, classified as Boulevard.

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.

The applicant states that the primary residence is the business owner's residence, and that the owner will be onsite during business operations.

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 1905.

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 7,840/1,800 equals 4 units total allowed. The application is requesting a CUP for a single 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 asserts that a single 1,592 square foot accessory unit (the primary residence) is proposed to be used as the travelers' accommodation.

***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 bus stop is on North Main Street, south of Wimer Street approximately 250 feet southwest 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.

Staff notes that existing parking for two vehicles is provided between the residence and Van Ness Avenue. If any additional parking is proposed 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.

Staff notes that the applicant will need to contact Jackson County Health Department and City of Ashland Fire Department for inspections. And in addition, the applicant must submit proof of residency, a floor plan of the traveler's accommodation unit, specifications of any voluntarily provided parking, and specifications and designs of any proposed signs.

18.5.4.050 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 purpose 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.

Staff notes, the target use for a property of this size (0.16 acres) in the R-2 zone is 2 dwellings. The property has one legal dwelling and therefore, this use is consistent with the underlying zone.

18.5.2 Site Design Review

Commercial, Industrial, Non-Residential, and Mixed Uses. Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030, Review Procedures.

1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.

2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.
4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
7. Any **change of occupancy from a less intense to a more intensive occupancy**, as defined in the building code.
8. Any **change in use of a lot from one general use category to another general use category, e.g., from residential to commercial**, as defined in the zoning regulations of this code.
9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
10. Installation of wireless communication facilities in accordance with section 18.4.10.

Staff notes that in addition to the requirements that Travelers' Accommodations "require a Conditional Permit under chapter 18.5.4, [and] are subject to Site Design Review under chapter 18.5.2" as stated above, that the proposed use of the site changes the occupancy from a less intense to a more intensive occupancy and that the general use is from residential to a commercial-residential use, therefore, site review is required. The applicable section from Chapter 18.5.2, Site Design Review, is landscaping and irrigation plans AMC Chapter 18.5.2.040.B.7. See notes above in the Landscaping Requirements section.

OTHER DEPARTMENT COMMENTS

BUILDING: A Final Building Inspection needs to be completed on the owner's unit/studio prior to approval of the Conditional Use Permit. Please send a request and a narrative explanation to building@ashland.or.us regarding the need for the structural building permit, BD-R-2020-00449, to be reinstated for a final inspection for the owner's unit/studio. Please contact the Building Division for any building code-related questions at 541-488-5305.

CONSERVATION: No comments. For information on available conservation programs, including any available appliance rebates or financial or technical assistance for energy efficient construction, please contact Conservation Analyst/Inspector Dan Cunningham at 541-552-2063 or via email 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 email to karl.johnson@ashland.or.us.

FIRE: “No comments at this time.” Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2217 or via email to mark.shay@ashland.or.us.

WATER AND SEWER SERVICE: No comments. Please contact Mike Morrison at 541-552-2325 or email michael.morrison@ashland.or.us with any questions regarding water utilities.

ELECTRIC SERVICE: No comments. Please contact Rick Barton in the Electric Department for service requirements and connection fee information at (541) 552-2082 or via email to rick.barton@ashland.or.us.

OTHER AGENCY COMMENTS

OREGON DEPARTMENT OF TRANSPORTATION: “ODOT does not have comments on this proposal based on our evaluation criteria.” Please contact Micah Horowitz, Development Review Planner, at email micah.horowitz@odot.oregon.gov for any questions or more information.

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:

- **Site Design Review** AMC 18.5.2.050
- **Conditional Use Permit** AMC 18.5.4.040
- **Special Use Standards for Travelers’ Accommodations** AMC 18.2.3.220

Plans & Exhibits Required

Please provide 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 copies that are 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
 - **Landscape Plan** AMC 18.4.4.030
- **Proof of Primary Residence** AMC 18.6.4.030
- **Floor Plan of Structures** AMC 18.2.3.220
- **Proposed Sign Designs (if applicable)** AMC 18.2.3.220

Please also provide: **Proof of Final Building Inspection for Owner’s Unit/Studio**

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*
City of Ashland, Department of Community Development
Phone: 541-552-2045 or email: jennifer.chenoweth@ashland.or.us

Date: May 8, 2024