
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**
July 17, 2024

SITE: 156 Fifth Street
APPLICANT/OWNER: James Yang
REQUEST: Traveler's 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 located within 200 feet of B 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 1881.
- 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 14,200 square feet, allowing for 7.89 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.
 - The City of Ashland no longer requires a minimum number of parking spaces. Any voluntarily provided parking must still conform to the parking standards of Chapter 18.
- 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 of 18.4.4.030.

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 3.5 dwelling units. [Density in the R-2 zone is 13.5 du/ac; the property is 0.33 acres x 13.5 = 4.5 dwellings x 80% target use = 3.5 du]

Your application materials that address this criterion simply need to state that the proposed use (renting one of the units 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 Fire Marshal Mark Shay at the Fire Department for any additional information at (541) 552-2217 or via e-mail to mark.shay@ashland.or.us

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

CONSERVATION DEPARTMENT: For 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.

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.

WATER AND SEWER SERVICE: Please Contact the Water Department at 541-488-5353 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 <https://ashlandoregon.gov/DocumentCenter/View/262/Zoning-Permit-Application-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 a digital set 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 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 \$1,315.50

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

July 17, 2024

Date



AF&R Pre-Application Report

PreApp/Land Development Review Inspection Result

Inspected by
Mark Shay

Completed at
07/02/2024 10:30:00

Address	Suite	City	State	Zip
156 5TH ST	#2	ASHLAND	OR	97520
Business Name				
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This project is approved with the conditions noted below. This plan review is based on information provided only. Fire department comments are based upon the 2022 Oregon Fire Code as adopted by the Ashland Municipal Code, and Ashland Land Use Laws. This plan review shall not prevent the correction of errors or violations that are found to exist during construction.

Information:

ITEM: LD File #:

RESULT: PREAPP-2024-00427

ITEM: Applicant:

RESULT: James Yant

ITEM: Site Name:

RESULT: 156 5th #2

ITEM: LD Description:

RESULT: Short term rental

Address Identification:

✘ Correction Required

ITEM: Address Numbers Provided?

REMARK:

Please ensure the address and unit number are marked per OFC requirements.

CODE: OFC - 505.1 - Address identification. - New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Additional Fire Code Considerations:

✘ Correction Required

ITEM: Short-Term Vacation Rentals Requirements Accounted For?

REMARK:

As a short-term vacation rental, the following requirements apply:

- A smoke alarm is required in each sleeping room, in the hall leading to the sleeping room(s), and one on each level.
- Consult with the Building Department to see if a fire sprinkler system is required. If a fire sprinkler system is present, it is required to be maintained in service.
- A carbon monoxide (CO) alarm is required to be within five feet of each bedroom.
- Each sleeping room is required to have an available emergency escape through a window, so the window is required to be openable and remain open while someone would crawl out. If there is a door that leads to the outside, that can be considered the emergency escape in lieu of the window. The emergency escape window shall have a minimum net clear opening of 5.0 sq. ft. for grade floor windows, or a minimum net clear opening of 5.7 sq. ft. for windows above grade plane. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening.
- A minimum 1AIOBC fire extinguisher is required on each level. It is required to be mounted in a visible location and serviced annually. If you have just purchased new ones, either use the tag from the box to write the installation date on or use a permanent marker and write the month and date of installation on the fire extinguisher.

- An emergency plan is required. It should include text with the address of the home, call 9-1-1 for emergencies and the safety features in the home and a diagram for evacuation. This should be made available in the home where guests would see it. An example of an emergency plan can be found at: www.ashland.or.us/vacationrentals.
- Call for an inspection from the fire department after gaining planning approval. 541.482.2770.

CODE: AF&R - AF&R 22 - Vacation Rentals & Traveler's Accommodations - The following are the requirements for short-term vacation rentals (Traveler's Accommodations):

- A smoke alarm in each sleeping room, a smoke alarm in the hall leading to the sleeping room and one on each level.
- Consult with the Building Department to see if a fire sprinkler system is required. If a fire sprinkler system is present, it is required to be maintained in service.
- A CO alarm is required to be within five feet of each bedroom.
- Each sleeping room is required to have an available emergency escape through a window, so the window is required to be openable and remain open while someone would crawl out. If there is a door that leads to the outside, that can be considered the emergency escape in lieu of the window. The emergency escape window shall have a minimum net clear opening of 5.0 sq. ft. for grade floor windows, or a minimum net clear opening of 5.7 sq. ft. for windows above grade plane. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening.
- A fire extinguisher should be located on each level- minimum 1AIOBC size. It is required to be mounted in a visible location and serviced annually. If you have just purchased new ones, either use the tag from the box to write the installation date on or use a permanent marker and write the month and date of installation on the fire extinguisher.
- Make an emergency plan. It should include text with the address of the home, call 9-1-1 for emergencies and the safety features in the home and a diagram for evacuation. This should be made available in the home where guests would see it. Here is an example of an emergency plan www.ashland.or.us/vacationrentals.
- Call for an inspection from the fire department after gaining planning approval. 541.482.2770.

This project/development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site. Specific fire protection systems may be required in accordance with the Oregon Fire Code. Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards. Final determination of fire hydrant distance, fire flow, and fire apparatus access requirements will be based upon plans submitted for Building Permit review. Changes from plans submitted with this application can result in further requirements. Any future construction must meet fire code requirements in effect at that time. The fire department contact for this project is Fire Marshal Mark Shay. He may be contacted at (541) 552-2217 or mark.shay@ashland.or.us.

Ashland Fire & Rescue, 455 Siskiyou Blvd, Ashland OR 97520

541-482-2770 www.ashland.or.us