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*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.*

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**ASHLAND PLANNING DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** August 14, 2024

**SITE:** 171 B Street  
**APPLICANT:** Eugene Tabingo  
**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 travelers' accommodation at 171 B Street (Map and Tax Lot: 391E09BA TL # 12800). No site plans were permitted that describe the size of the travelers' accommodation, number of rental units, or the size of the primary residence. No information was included regarding details about the duration of use for the travelers' accommodation. The number of units, size of units, and duration of use will need to be submitted with the Conditional Use Permit application. According to the Jackson County Improvement Summary Assessment there is one two-story 2,024 square foot structure on the property with a 336 square foot garage, a 132 square foot porch, and a shed (size unknown).

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 or business partner will reside on the property in an upstairs unit.

Per the application there are no proposed changes to the house/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.

**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.

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

**Business Owner Occupied:** During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner.

In AMC Chapter 18.6, the definition of primary residence and accepted documents for proof are as follows:

Primary Residence. The property that the taxpayer uses a majority of the time during the year ordinarily will be considered the taxpayer's principal residence. In addition to the taxpayer's use of the property, relevant factors in determining a taxpayer's principle residence may include but are not limited to the following.

1. The taxpayer's place of employment.
2. The principal place of abode of the taxpayer's family members.
3. The address listed on the taxpayer's federal and state tax returns, driver's license, automobile registration, and voter registration card.
4. The taxpayer's mailing address for bills and correspondence.
5. The location of the taxpayer's banks.
6. The location of religious organizations and recreational clubs with which the taxpayer is affiliated.

See below for more details regarding business-owner occupancy.

**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. An irrigation and maintenance plan must also be provided. 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, irrigation, and maintenance requirements and provide a landscaping plan with the Conditional Use Permit application. 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 commercial grade landscaping will be installed or upgraded and maintained as a condition of approval. A final irrigation plan can be submitted after the landscaping plan is approved.

**Unit Size Requirements:** There must be at least 400 square feet of gross interior floor space per unit. No plans were submitted with the pre-application. Staff notes that floor plans shall be submitted with the Conditional Use Permit application to ensure the minimum size requirements are met for each unit.

**Address:** Jackson County records indicate that a two-story single-family residence is on the property. However, it appears that this house may be a duplex, there are two sperate electrical meters to the property. If there are two kitchens and the house is being used as a duplex, then an application for a second address will be required.

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### 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 B Steet, classified as 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.

*The applicant will need to show proof that the primary residence is the business owner's residence.*

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 1887.*

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 4,356/1,800 equals 2 units total allowed. The application does not state the number of units being requested: This information will need to be provided with the CUP application.*

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 does not address the sizes of the units – a floor plan showing the gross interior floor area of each unit is required with submittal materials for the Conditional Use Permit review.*

5. 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.

6. 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.

7. 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 the City of Ashland Fire Department for annual inspections. The City of Ashland Fire Department shall be contacted to inquire about residential sprinklers. And in addition, the applicant must submit proof of primary residence-ownership, a landscaping plan, 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 (0.10 acres) in the R-2 zone is 2 dwellings. The property has one legal dwelling (per Jackson County Records) 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 "Travelers' Accommodations," also known as short term rentals, require a Conditional Permit under chapter 18.5.4, and are subject to Site Design Review under chapter 18.5.2. The proposed use of the site changes the occupancy from a less intense to a more intensive occupancy and the general use is from residential to a commercial-residential use, therefore, site design 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.*

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## **OTHER DEPARTMENT COMMENTS**

**BUILDING:** No comments. Planning advises that the applicant contact Steve Matiaco, Building Official, to determine if fire sprinklers will be required to be installed as a provision of the conditional use permit/change of occupancy. Mr. Matiaco can be reached directly at 541-552-2077. For all other building code-related questions, please contact the Building Division 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](mailto: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](mailto:karl.johnson@ashland.or.us).

**FIRE:** Please see attached comments from Ashland Fire & Rescue Department. 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](mailto: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](mailto: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](mailto: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](mailto:micah.horowitz@odot.oregon.gov) for any questions or more information.

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## **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 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 an electronic, reproducible copy of your 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 (Landscaping section specifically)
- **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 electronic copies that are reproducible and 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**
  - Landscape plan must be of commercial grade plan that includes plant diversity such as trees, shrubs and groundcovers and must include specifications such as size and species-specific details on the planting plan. The narrative should also include at a minimum the proposed irrigation and maintenance details.
- **Proof of Primary Residence AMC 18.6.4.030**
- **Floor Plan of Residence AMC 18.2.3.220**
- **Proposed Sign Designs (if applicable) AMC 18.2.3.220**

**FEES: Site Design Review and Conditional Use Permit                      \$1,315.50**

**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](mailto:jennifer.chenoweth@ashland.or.us)

Date: August 14, 2024



# AF&R Pre-Application Report

## PreApp/Land Development Review Inspection Result

**Inspected by**  
Mark Shay

**Completed at**  
08/05/2024 16:30:00

Address	Suite	City	State	Zip
171 B ST	--	ASHLAND	OR	97520
<b>Business Name</b>				
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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-2024-00431

**ITEM:** Applicant:

**RESULT:** Eugene Tabingo

**ITEM:** Site Name:

**RESULT:** 171 B Street

**ITEM:** LD Description:

**RESULT:** Traveler's Accommodation Permit

### Additional Fire Code Considerations:

**✘ Correction Required**

## **ITEM:** Short-Term Vacation Rentals Requirements Accounted For?

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**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](http://www.ashland.or.us/vacationrentals).
- Call for an inspection from the fire department after gaining planning approval. 541.482.2770.

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This project/development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in effect 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](mailto:mark.shay@ashland.or.us).

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

541-482-2770 [www.ashland.or.us](http://www.ashland.or.us)



**City of Ashland Planning Division**  
 51 Winburn Way • Ashland, OR 97520  
 Phone (541) 488-5305 • Fax (541) 488-6066  
 Email: [Planning@ashland.or.us](mailto:Planning@ashland.or.us)

**Application Fee**  
**\$47.50 per address**

## New Address/Change of Address Application Form

**\*Include a Site Map or Diagram, including Building Outline/Proposed Access\***

**Site Information:**

Map & Tax Lot #:	Date Requested:
Existing Address or Parent Property Address:	
Street the Structure or Unit Front Will Front On:	

**Owner/Applicant Information:**

Property Owner Name:		
Property Owner Email:	Property Owner Phone:	
Property Owner Mailing Address:		
City:	State:	Zip:
Applicant Name:		
Applicant Email:	Applicant Phone:	
Applicant Mailing Address:		
City:	State:	Zip:

**Reason for Request:**

<b>New Subdivision</b> Name of Subdivision: Date of Preliminary Plat Approval: _____ Date of Final Plat Approval: _____
<b>Land Partition</b> Date of Planning Commission Approval: _____ Date of Final Plat Approval: _____
<b>New Commercial/Mixed Use</b> Date of Planning Commission Approval: # of Commercial Spaces: 1 <sup>st</sup> floor      2 <sup>nd</sup> floor      3 <sup>rd</sup> floor # of Residential Units: 1 <sup>st</sup> floor      2 <sup>nd</sup> floor      3 <sup>rd</sup> floor
<b>New Multi-Family Residential</b> Date of Planning Commission Approval: # of Residential Units: 1 <sup>st</sup> floor      2 <sup>nd</sup> floor      3 <sup>rd</sup> floor
<b>New Single Family Residential on an Existing Single Lot</b>
<b>Second Dwelling Unit (ARU)</b>
<b>Public Works – Utilities Placement</b> Describe Type & Location:
<b>Other</b> Describe:

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Date