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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** October 2, 2024

**SITE:** 761 E. Main Street  
**APPLICANT:** Karol Dallagiacomo  
**REQUEST:** Conditional Use Permit for a  
Travelers' Accommodations

### **ADDENDUM**

During the pre-application conference there was a discussion regarding a tree on the property at 767/761 E Main Street that is causing damage to sidewalks and plumbing. The property owner is expecting the need to apply for a tree removal permit the near future. Staff recommends including the tree removal request in the application findings. In addition, a site plan showing the location, species, size (measured diameter at breast height) height, an arborist report with recommendations, photos, and any mitigation for the loss of the tree including mitigation locations, tree species, size, and maintenance plan should be included in the findings for this application. Refer to AMC Chapter 18.5.7 Tree Removal Permits and include written findings addressing Section 18.5.1.040.B in the final application.

In addition, bicycle parking was discussed. The submitted plans indicated that covered bicycle parking was likely installed in the northwest corner of the property under building permit BD-R-2021-00694. However, the applicant made staff aware that the covered bicycle parking was not installed. Covered bicycle parking is required to be addressed in the findings and would need to be installed as part of the Conditional Permit Approval.

Per AMC 18.4.3.070, Bicycle parking requirements, pursuant to this section, can be met in any of the following ways:

- a. Providing bicycle racks or lockers outside the main building, underneath an awning or marquee, or in an accessory parking structure.
- b. Providing a bicycle storage room, bicycle lockers, or racks inside the building.
- c. Providing bicycle racks on the public right-of-way, subject to review and approval by the Staff Advisor.

### **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 a Conditional Use Permit and Site Design Review to operate a travelers' accommodation in the backyard cottage/Accessory Residential Unit (ARU/ADU). The residence is 1,250 square feet and the ARU/ADU is 504 square feet.

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

Typically, a narrative is provided describing the proposed use and/or information addressing the standards and approval criteria that need to be met for a Conditional Use Permit and Site Design Review to operate a Travelers' Accommodation. The only information provided with the pre-application submittal was that the use will occur in the existing ARU/ADU in the backyard and approved buildings plans for the construction of the ARU/ADU. Comments may be limited in scope due to limited information provided.

Is this proposed to be a one-unit operation?

Will the business owner occupy the primary residence during operation of the business?

What is the proposed duration of use, year-round? seasonal?

Any landscaping proposed?

Any proposed parking provided? If so, a site plan clearly showing the location needs to be submitted. The dimensions of all parking spaces should also be included. Is there an accessible parking space near the operation?

The site plan submitted shows covered bicycle parking and there is a planner note that the covered bicycle parking does not meet setbacks? In the final application, please provide updated plans that show the covered bicycle area meets setback requirements.

Recycling bins are shown on the submitted site plan. Are they screened from the public right of way?

The proposed structure is in the Railroad Historic District. The original residence is listed as a primary contributing historic structure. The ARU/ADU structure was permitted in 2021 and built thereafter. If there are any exterior changes to either structure as part of this proposal, then those changes would be reviewed by the Historic Preservation Advisory Committee Review Board.

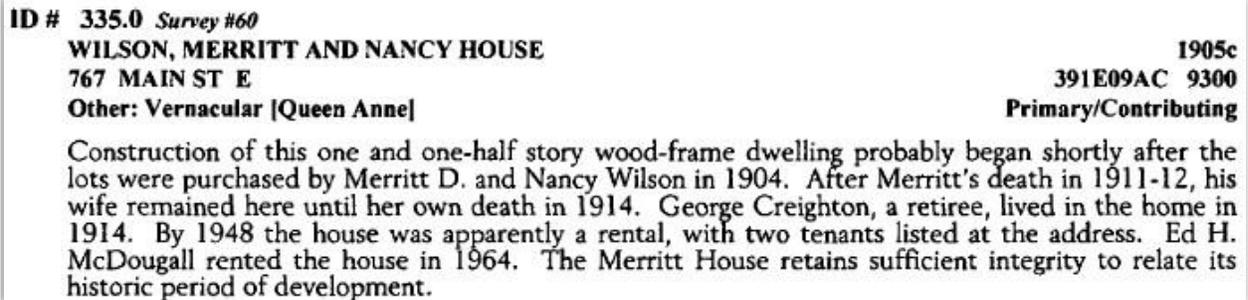


Figure 1: Original primary structure on the lot is 767 E. Main Street. Listing under the United States Department of the Interior, National Park Service, National Register of Historic Places. Number 335.0, The Merritt House. Historic Primary/Contributing Structure.

**Procedure:** This proposal is subject to a Type I decision. 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.

**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.

**Zoning:** R-2, Low Density Multi-Family Residential

**Landscaping Requirements:** 35 percent of site is required to be landscaped. Proposed landscaping must meet the Landscaping section of the Site Design and Use Standards, Chapter 18.4.4.030.

*A landscape and irrigation plan is required to be submitted with the formal application. The plan should include street trees, 1 per 30 feet of street frontage. All trees greater than 6 inches diameter measured at breast height (DBH) that are currently existing on the property are also to be shown on the landscaping and irrigation plan.*

*Staff notes the intent is to take care of any deferred landscape maintenance with a focus of implementing and maintaining the yard landscape for a commercial use in residential zone. If parking is provided, then the landscaping plan should include any parking area landscaping and screening as applicable.*

**Other Screening:** Recycle and refuse containers are shown to be screened on the preliminary plan and should be shown on the formal application site plan.

**Bicycle Parking:** Required bicycle parking is shown on the preliminary plan, but it was not approved in the location shown. *Bike parking/storage should be shown on the formal application.*

**Lot Coverage:** not applicable

**Setbacks:** not applicable

*Staff notes that the ADU was permitted in 2021 and the approved plan show that the ADU meets the reduced side yard and standard side yard setbacks for an accessory structure.*

## WRITTEN FINDINGS TO ADDRESS IN THE APPLICATION

### **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 fronts E. Main Street; this street is classified as an Avenue and therefore, meets this requirement.*

2. **During operation of a travelers' accommodation, the property on which the travelers' accommodation is sited must be the primary residence of the business-owner.** "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations associated with the accommodation and has actual ownership of the business.

3. The **primary residence on the site must be at least 20 years old.** The primary

residence may be altered and adapted for travelers' accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.

*Staff reviewed the Jackson County account details database and notes that the County records show that the original house was constructed in 1895; however, the National Historic Register states that the home was constructed around 1904. Either way, the primary residence meets this requirement.*

4. The number of travelers' accommodation units allowed shall be determined by the following criteria.

a. The total number of units, including the business-owner's unit, shall be determined by dividing the **total square footage of the lot by 1,800 square feet**. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved traveler's accommodation with primary lot frontage on boulevard streets. For travelers' accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.

*Staff notes that the total square footage of the lot is 5,227 sq ft /1,800 sq ft equals 2.9 units total allowed. The application is requesting a CUP for a travelers' accommodation unit. It is unclear at this time how many units are being requested. The final application should address how many units are being requested.*

b. Excluding the business-owner's unit and the area of the structure it will occupy, there **must be at least 400 square feet** of gross interior floor space remaining per unit.

*Staff notes that the application shows a 504 square foot accessory residential unit is proposed to be uses as the Travelers' Accommodation.*

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.

#### **18.5.4 Conditional Use Permit for Operation of a Travelers' Accommodation**

The formal application must address the following approval criteria from AMC 18.5.4.050.A for

a Conditional Use Permit.

#### **18.5.4.050 Conditional Use Permit Approval Criteria**

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
  - a. Similarity in scale, bulk, and coverage.
  - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
  - e. Generation of noise, light, and glare.
  - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
  - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
  - c. R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.

*The target use for a property of this size, in the R-2 zone is 1 dwelling (0.12 acres/13.5 base density zone = 1.62). However, due to recent State mandates such as House Bill (HB)2007 and HB 2001, two dwellings are allowed on each lot in all residential zones, and no off-street parking spaces are required. Because the use is changing from a residential use to a commercial use, there will likely be greater impacts from parking, pedestrian circulation, and overall use to the neighborhood than if it were used as a single family residential accessory dwelling unit.*

#### **18.5.2 Site Design Review**

Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial uses. Item number 8 below is applicable to this proposal. The

formal application must address the applicable approval criteria in Chapter 18.5.2.050 and Chapter 18.4 for Site Design Review.

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.

**18.5.7.040 Tree Removal Permit** (as applicable)

1. Hazard Tree. A Hazard Tree Removal 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.

a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.

b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard 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.

a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.

b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.

c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone.

d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.

e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

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## Other City of Ashland Department Comments

**BUILDING:** Building Department replied on September 9, 2024, that there are no comments for this application. Please contact the Building Division for any building code related questions at 541-488-5305 or via email to [building@ashlandoregon.gov](mailto:building@ashlandoregon.gov).

**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@ashlandoregon.gov](mailto:dan.cunningham@ashlandoregon.gov).

**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@ashlandoregon.gov](mailto:karl.johnson@ashlandoregon.gov).

**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@ashlandoregon.gov](mailto:mark.shay@ashlandoregon.gov).

**WATER AND SEWER SERVICE:** No comments. For any questions regarding water and/or sewer utilities, please contact Mike Morrison at 541-552-2325 or email [michael.morrison@ashlandoregon.gov](mailto:michael.morrison@ashlandoregon.gov).

**ELECTRIC SERVICE:** “*Electric Approves.*” 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@ashlandoregon.gov](mailto:rick.barton@ashlandoregon.gov).

## Other Agency and Committee Comments

**OREGON DEPARTMENT OF TRANSPORTATION (ODOT):** ODOT replied to the City of Ashland’s request for comments in an email dated September 9, 2024, stating that there are no comments on this proposal.

**CITY OF ASHLAND HISTORIC PRESERVATION REVIEW BOARD:** If there are any exterior changes to structures on the property, then the final plans will be reviewed by the Historic Preservation Advisory Committee during their regular monthly meeting.

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## 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 online in its entirety at: <https://ashland.municipal.codes/LandUse>

### **Written Statements**

Please provide 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:

- **Special Use Standards for Travelers' Accommodations** AMC 18.2.3.220
- **Conditional Use Permit** AMC 18.5.4.040
- **Site Design Review (as applicable)** AMC 18.5.2
  - Landscaping and Irrigation Plan
  - Covered Bicycle Parking
  - Trash and Recycle Screening from the Public Right-of-Way
- **Tree Removal Permit** AMC 18.5.7.040

### **Plans & Exhibits Required**

Please provide legible electronic 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. Provide electronic plan sets that can be printed to 11 inches by 17 inches are reproducible and drawn to a standard architect's or engineer's scale.

- **Plans Submittal** AMC 18.5.4.040
- **Landscaping and Irrigation Plan** AMC 18.5.2.040.B.7
- **Parking, Access, and Circulation Plan** AMC 18.4.3

### **Planning Application Fees**

**Conditional Use Permit & Site Design Review for Travelers' Accommodation \$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.

**For further information, please contact:**

Jennifer Chenoweth, *Associate Planner*

October 2, 2024

City of Ashland, Department of Community Development

Phone: 541-552-2045 or email: [jennifer.chenoweth@ashlandoregon.gov](mailto:jennifer.chenoweth@ashlandoregon.gov)