
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** January 13, 2024

SITE: 171 Granite Street
APPLICANT: Richard & Renee Butcher
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 Granite Street (Map and Tax Lot: 391E08AD TL # 7900). The property is in the R-2, Low Density Multi-Family Residential zone and meets the zoning requirement of the proposed use. The subject parcel is accessed from the west side of Granite Street and by an additional driveway taking access from the alley. The lot is approximately 9,147 square feet and generally rectangular in shape except for the portion that is fronting Granite Street. The lot and immediate surrounding properties are zoned R-2 (Residential - Low Density Multiple Family), R-1-7.5 and R-1-10 (Residential - Single-Family). There are sidewalks, curbs, and park row street improvements along the Granite Street frontage of the subject property.

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 and occupy the upstairs bedroom.

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.

Historic District Development: The existing house is located in the Skidmore Academy District and considered to be a Historic Contributing structure according to our historic resources survey. According to the application, there are no circulation changes or exterior modifications to the proposed structure to provide for the Travelers' Accommodation. Staff note that any exterior changes to the structure will be required to go before the Historic Commission.

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.

Trees: All actions which involve any site disturbance (i.e. the installation of required parking spaces) are required to provide a tree inventory and tree protection plan. All trees on the property, and on adjacent properties within 15 feet of the property line, would need to be identified and details of protective measures such as fencing that would protect them during proposed site disturbance shown. Any trees to be removed would need to be clearly identified, and if necessary, Tree Removal Permits requested.

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 dependent 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.

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.

Staff strongly suggest that the applicants consult with Ashland Fire and Rescue early on in the process to identify potential fire department concerns. Smoke detectors, fire extinguishers, and possibly sprinklers are often requirements of the Ashland Fire and Rescue.

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 Granite Steet, classified as Neighborhood Collector.

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.

Staff notes, the business-owner must reside on-site. The formal application would have to demonstrate this in a manner consistent with the ordinance requirements.

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 setbacks and lot coverage standards of the underlying zone.

Staff reviewed the Jackson County account details database and notes that the historic inventory documents suggest that the house and cottage were constructed in 1910.

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 9,147.6. The number of potential units determined by dividing the lot area by 1,800 would allow up to five units (9,147.6/1,800 equals 5.082) on this site. In this case, the applicant is requesting to convert the existing residence to a four-unit travelers' accommodation consisting of the owner's unit and three guest rooms. In addition to the existing residence there is an existing cottage located on the property. With the addition of the three proposed units, the total number of units on this site would increase to five.

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 address the sizes of the three guest rooms, but it does not address the business-owner's unit and the area of the structure it will occupy. The owner's unit is included in the unit count - a floor plan showing the gross interior floor area of each unit is required with submittal materials for the Conditional Use Permit review. The application should make clear the number of units proposed and identify the area and intended use of the cottage.

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.

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 Travelers' Accommodations in AMC 18.2.3.220.B.6

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.

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.

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 must submit proof of primary residence-ownership, a landscaping plan, a revised floor plan of the business-owner's unit, specifications of any voluntarily provided parking, and specifications and designs of any proposed signs.

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 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.

The property is located in the Skidmore Academy Historic District overlay, and is designated the "Yockey, W R, House," an historic contributing resource. The inventory document for the district notes, Yockey, W R, House retains early horizontal board siding.

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 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 common adverse material impacts.

Information Required: The final application will need to include a clear narrative responding directly to the specific criteria for Site Design Review, Conditional Use Permit and Travelers' Accommodation, and include details of the site (*including existing and proposed building location, parking, circulation, landscaping, irrigation, etc.*) and the building (*floorplans delineating area dedicated to each unit including the owners' and making clear any modifications to the existing building proposed here*). The site plan will need to be drawn to a standard scale (architect or engineering scale) and demonstrate that the parking is placed, sized and treated according to standards and provides adequate back-up dimensions, landscape buffers, etc. A landscape/irrigation plan would also need to be provided and could focus primarily on the treatment of the front yard and on any areas disturbed (i.e. parking lot, landscaping, etc.).

OTHER DEPARTMENT COMMENTS

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.

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 [Microsoft Word - Zoning Permit](#)

Application .

- 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 online 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:

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

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

- **Floor Plan of Residence** AMC 18.2.3.220
- **Proposed Sign Designs (if applicable)** AMC 18.2.3.220
- **Landscape Plan** AMC 18.4.4.030
 - The 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.
- **Tree Protection Plan (if applicable)** AMC 18.4.5.030
 - In order to obtain approval of a tree protection plan, an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site.
- **Proof of Primary Residence** AMC 18.6.4.030

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:

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

Date: January 13, 2025